

**CITY OF WARRENVILLE**  
**ORDINANCE NO. 807**  
**SUBDIVISION CONTROL**

*Adopted November 4, 1985*

*(Last revised February 2, 2015)*

SUBDIVISION CONTROL ORDINANCE

**TABLE OF CONTENTS**

	<b><u>PAGE</u></b>
ENACTING CLAUSE.....	1
ARTICLE 1.00 SHORT TITLE.....	1
ARTICLE 2.00 PURPOSE.....	1
ARTICLE 3.00 JURISDICTION.....	2
ARTICLE 4.00 RULES AND DEFINITIONS.....	2
4.01 RULES.....	2
4.02 DEFINITIONS.....	3
ARTICLE 5.00 GENERAL PROVISIONS.....	10
5.01 INTERPRETATION.....	10
5.02 SEPARABILITY.....	10
5.03 UNSUITABLE LAND.....	10
5.04 PLAN COMMISSION GUIDELINES.....	11
5.05 DEDICATION OF LAND FOR PUBLIC USE.....	12
5.06 VACATION OF A PLAT OF SUBDIVISION.....	12
5.07 LAND DIVISIONS OTHER THAN SUBDIVISIONS.....	12
5.08 RESUBDIVISION.....	14
ARTICLE 6.00 PROCEDURES FOR SUBDIVISION APPROVAL.....	14
6.01 PRELIMINARY CONSULTATION.....	14
6.02 PROCEDURES OF APPROVAL FOR PRELIMINARY PLAT.....	15
6.03 PRELIMINARY PLAT REQUIREMENTS.....	18
6.04 PLANS AND SPECIFICATIONS FOR REQUIRED LAND IMPROVEMENTS.....	23
6.05 PROCEDURES FOR APPROVAL OF FINAL PLAT.....	26
6.06 FINAL PLAT REQUIREMENTS.....	27
6.07 CONSTRUCTION OF REQUIRED LAND IMPROVEMENTS.....	36
6.08 AGREEMENTS AND GUARANTEE OF IMPROVEMENTS.....	36
6.09 ACCEPTANCE OF REQUIRED PUBLIC IMPROVEMENTS.....	38
ARTICLE 7.00 SUBDIVISION DESIGN STANDARD.....	39
7.01 STREETS.....	39
7.02 EASEMENTS.....	42
7.03 BLOCKS.....	43
7.04 LOTS.....	44
7.05 PARKS, SCHOOL SITES, AND PUBLIC AREAS.....	45
7.06 OTHER IMPROVEMENTS.....	45
7.07 STORM WATER MANAGEMENT.....	48

*City of Warrenville*

ARTICLE 8.0 ADMINISTRATION AND ENFORCEMENT.....	48
8.01 ORGANIZATION.....	48
8.02 ENFORCEMENT.....	50
8.03 VARIATIONS AND EXCEPTIONS.....	50
8.04 RECORD OF PLATS.....	51
8.05 VALIDITY.....	51
8.06 APPEALS.....	51
8.07 REPEAL.....	51
8.08 AMENDMENTS.....	51
8.09 VIOLATIONS AND PENALTIES.....	51
8.10 FEES.....	52
8.11 PUBLIC UTILITIES PERMITS.....	52
8.12 ADOPTION.....	52
8.13 PUBLICATION.....	53
APPENDIX I SCHEDULE OF FEES FOR PUBLIC HEARINGS, PLAT REVIEW AND RELATED ITEMS.....	54
APPENDIX II CHECK LIST REVIEW OF PRELIMINARY PLAT OF SUBDIVISION.....	55
APPENDIX III CHECK LIST REVIEW OF FINAL PLAT OF SUBDIVISION.....	59
APPENDIX IV PERFORMANCE BOND .....	63
APPENDIX V PAYMENT BOND .....	66

**CITY OF WARRENVILLE  
DUPAGE COUNTY, ILLINOIS**

**SUBDIVISION REGULATIONS  
ORDINANCE NO. 807**

AN ORDINANCE, IMPLEMENTING THE COMPREHENSIVE PLAN OF THE CITY OF WARRENVILLE, ILLINOIS, AND ENACTING UNDER CHAPTER 109 AND CHAPTER 24, SECTION 11-12-5 OF THE ILLINOIS REVISED STATUTES, AS AMENDED, ESTABLISHING REGULATIONS GOVERNING THE SUBDIVISION OF LAND: PROVIDING STANDARDS, PROCEDURES AND RULES FOR THE PREPARATION OF SUCH PLATS BY THE CITY OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS; AND IMPOSING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

**THE CITY OF WARRENVILLE ORDAINS:**

**ARTICLE 1.00 SHORT TITLE**

This ordinance shall be known and may be designated as the "Subdivision Regulations for the City of Warrenville, Illinois."

**ARTICLE 2.00 PURPOSE**

While it is obvious that the regulations are needed to assure orderly extension of the city streets, the other purposes of these regulations are:

- A. To insure sound, harmonious subdivision development and community growth, and to safeguard the interest of the homeowner, the subdivider, the investor and the City.
- B. To provide permanent assets to the locality and to the City.
- C. To prevent scattered development beyond existing public utilities and prevent excessive development costs.
- D. To assure the development of land for optimum use with necessary protection against deterioration and obsolescence.
- E. To limit and control the pollution of the environment that can be caused by inadequate or incomplete urban development.
- F. To provide common grounds of understanding and sound working relationship between the City and the subdivider.
- G. To lessen congestion in the streets and highways.
- H. To provide for adequate light and air.

- I. To facilitate adequate provision for transportation, water, storm water management, sewerage and schools, and other public necessities.
- J. To ensure proper legal description and proper monumenting of subdivided land.

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

**ARTICLE 3.00 JURISDICTION**

The Subdivision Ordinance of the City of Warrenville, Illinois, shall apply to all subdivisions of land, as defined herein, located within the City of Warrenville and entirely or in part within the unincorporated area within one and one-half (1-1/2) miles of the corporate limits of the City, in accordance with Chapter 24 of the Illinois Revised Statutes. Preliminary and final subdivision plats, proposed improvements to be installed, and all procedures relating thereto, shall in all respects be in full compliance with the regulations herein.

Until preliminary plats and plans for the subdivision are approved:

- A. No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land.
- B. No lot, tract or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale, or option be made or given.
- C. No improvements—such as sidewalks, water supply, storm water drainage, sanitary sewerage facilities, gas service, electric service, lighting, grading, paving, or surfacing of streets—shall hereafter be made by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent.

**ARTICLE 4.00 RULES AND DEFINITIONS**

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

**4.01 RULES**

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

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

- F. The phrase “used for” shall include the phrases “maintained for” and “occupied for.”
- G. The masculine gender includes the feminine and neuter.
- H. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition thereof. Synonyms of certain words or terms in common usages are shown parenthetically.
- I. All measured distances shall be the nearest integral foot. If a fraction is one-half (1/2) foot or more, the integral foot next above shall be taken.

**4.02 DEFINITIONS**

**ADT** - Average Daily Traffic.

**ALLEY** - A dedicated, minor public right-of-way, not less than twenty (20) feet in width, which affords a secondary means of access to abutting property along a side or rear property line and is not intended for general traffic circulation.

**AREA** - The measure of a horizontal plane bounded by the front, side, and rear lot lines of a lot or parcel of land.

**AREA, GROSS** - The total area (in acres) in fee ownership, which excludes right-of-way already dedicated but includes non-residential land uses and private streets.

**AREA, NET** - The area (in acres) of the actual tract of land upon which the dwelling units or other buildings or structures are located or are proposed to be located. This area shall include the site for all principal and accessory buildings, associated parking areas, and common open space or recreational facilities, but does not include the vehicular circulation system, either private or public, or other non-residential uses.

**BASE FLOOD ELEVATION** -The elevation determined from the elevation of the flood crest profile of the one hundred (100) year flood (certified HUD Flood Insurance Studies [FIS]) where information is available or the highest flood of record as determined by the Warrenville City Engineer from the best available sources of information.

**BLOCK** - A tract of land bounded by street rights-of-way, or by a combination of one or more street rights-of-way and public parks, cemeteries, railroad and utility rights-of way, bulkhead lines, shore lines or waterways, or corporate boundary lines.

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

**BUILDING** - Any structure, with a permanent roof, separated on all sides from adjacent open space, or from other buildings or other structures, by exterior or party walls, built for the support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind, and which is permanently affixed to the ground.

**BUILDING LINE** - The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line. (See SETBACK LINE.)

## **SUBDIVISION CONTROL ORDINANCE**

*City of Warrenville*

**BUILDING PERMIT** - A permit issued by the City of Warrenville for the construction, erection, or alteration of a structure or building.

**CITY** - Refers to the City of Warrenville, Illinois.

**CITY CLERK** - The City Clerk of the City of Warrenville, Illinois.

**CITY COUNCIL** - The legislative body of the City of Warrenville, Illinois.

**CITY ENGINEER** - The City Engineer of the City of Warrenville, Illinois or the duly authorized representative.

**COMPREHENSIVE PLAN** - The composite of the functional and geographic elements of the official Comprehensive Plan of the City of Warrenville or a segment thereof, in the form of plans, maps, charts, text or reports, implementing ordinances, and the Official Map as adopted by the Warrenville City Council.

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

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

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

**DETENTION BASIN** - A covered or uncovered reservoir designed to hold an excessive accumulation of stormwater so as to reduce peak flow in a stormwater drainage system.

**DEVELOPMENT** - Any man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the City of Warrenville or its area of planning jurisdiction.

Development shall not include:

- A. Maintenance of existing buildings and facilities such as re-roofing or resurfacing roads;
- B. Repairs made to a damaged building that do not change the building's exterior dimensions and that are valued at less than fifty (50) percent of the value of the building before the damage occurred. Existing buildings not compatible with present or requested zoning, or with the site plan or concept plan, should be removed;
- C. Gardening, plowing or similar agricultural practices that do not involve filling, grading or construction of levees; or
- D. Agricultural development activities on farms including farm residences as exempted by law.

**DRAINAGE SWALE** - A turf drainage ditch of shallow depth.

**EASEMENT** - An authorization or grant by a property owner for the use by another and for a specific purpose, of any designated part of his property.

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

**EXCAVATING-FILLING** - Except as hereinafter provided, "excavating and/or filling" shall mean any changing of the grade or sub-grade of a tract of land by cutting, scraping, grading, trenching, digging, filling in, or otherwise reshaping the natural contour of the ground.

The following shall not be construed as excavating-filling:

- A. Any cutting grading, trenching, digging, or back filling of any foundation of a building approved for construction.
- B. Top dressing in an area of existing homes, provided that the top dressing does not change the drainage patterns.

**FLOOD PLAIN** - The land area adjacent to the surface water bodies or waterways that is subject to periodic inundation when greater than normal water flows are experienced. The flood plain may be identified according to the frequency of the flood flow that inundates it. For example, the portion of flood plain inundated by the flow which is equaled or exceeded once in ten (10) years is the ten (10) year flood plain. The flood plain inundated by a hundred year storm is the one hundred (100) year flood plain.

**FLOODWAY** - The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood waters without cumulatively increasing the water surface elevation more than one-tenth of one (.01) foot.

**GRADE** - The degree of rise or descent of a sloping surface.

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

**GRADE, FINISHED** - The final elevation of the ground surface after development.

**GRADE, NATURAL** - The elevation of the ground surface in its natural state, before man-made alterations.

**GRADING** - (See EXCAVATING-FILLING.)

**LOT** - A parcel of land, which is either a LOT OF RECORD or ZONING LOT.

**LOT, CORNER** - A lot situated at an intersection of two (2) or more streets, where the interior angle of such intersection coterminous with the right-of-way lines of such street does not exceed one hundred thirty-five (135) degrees.

**LOT, INTERIOR** - Any lot other than a corner lot.

**LOT, NON-CONFORMING** - A lot of record, legally created prior to the date of this Ordinance or amendments hereto, which does not comply with all of the requirements set forth in this Ordinance for the district and uses into which it is classified.

**LOT OF RECORD** - A single lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of DuPage County, Illinois; or a single parcel of land, the deed of which has been recorded in the office of said Recorder of Deeds, prior to October 1, 1973, pursuant to Chapter 109 (Plats Act), paragraph 1. (b).

**LOT, THROUGH** - Any lot which fronts upon two (2) substantially parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot. On a through lot, both street lines shall be designated front lot lines, and front yards shall be provided on both street frontages as required.

**LOT, ZONING** - A single tract of land, which is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Prior to the issuance of a building permit or any occupancy use permit, the zoning lot shall be converted into a lot of record by resubdividing according to the requirements of Article 6.00 of this Ordinance. Zoning lot lines shall not cross zoning



district boundary lines unless otherwise permitted in this Ordinance. A single-family home site shall not be required to be resubdivided but shall follow the requirements of Section 5.06. (Ord. 927, 11-18-87)

**OFFICIAL MAP** - The map showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments or additions thereto resulting from the City Council action or the approval of subdivision plats.

**OWNER** - Any individual, firm, association, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this resolution.

**PARCEL** - A continuous area or acreage of land, which can be described as provided for the Plats Act (Illinois Revised Statutes).

**PARKWAY** - That portion of right-of-way which is from back of curb or edge of shoulder to right-of-way line to be developed in a park-like manner.

**PEDESTRIAN WAY** - A right-of-way or easement however designed, across or within a block for use by pedestrian traffic; and shall include but not be limited to sidewalks and crosswalks.

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

**PLAN COMMISSION** - The Plan Commission of the City of Warrenville, Illinois.

**PLANNED UNIT DEVELOPMENT** - A parcel of land or contiguous parcels of land of a size sufficient to create its own character 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 character of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located; the developer or developers may be granted relief from specific land use regulations and design standards, and may be granted a variation in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole and which would not otherwise be required by the Subdivision Ordinance.

- A. Specify termination date for P.U.D.
- B. Any deviation from approved plans shall require council action.

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

**PLAT, FINAL** - The drawings and documents presented for final approval as described in Section 6.06.

**PLAT, PRELIMINARY** - The drawings and documents presented for approval as described in Section 6.03.

**PLATS ACT** - Chapter 109 of the Illinois Revised Statutes as amended.

**REQUIRED PUBLIC IMPROVEMENTS** – Items/improvements, which are required by the Subdivision Control Ordinance and/or the Storm Water Management Ordinance, including, but not limited to, the following:

- A. PAVEMENT (OR EASEMENTS) WITHIN PUBLIC R.O.W. – All roadway pavement or other paved areas, including base course, binder course, surface course, curb and/or curb and gutter.

- B. PAVEMENT (OR EASEMENTS) OUTSIDE PUBLIC R.O.W. - All roadway pavement or other paved areas, but only when the pavement is used for storm water detention (e.g., a parking lot used for storm water detention).
- C. EARTH EXCAVATION – The excavation which is necessary to construct storm water detention facilities and/or grading which conveys storm water runoff (swales or ditches) and the excavation of public roadways.
- D. STORM SEWER – All storm sewers and appurtenances thereto, including all culverts, manholes, catch basins, and inlets, but only when it is used to convey storm water runoff to a detention facility or is within a public R.O.W.
- E. SANITARY SEWER – All sanitary sewers and appurtenances thereto, including all manholes, mainline sewers (both on-site and off-site), but excluding building service lines.
- F. WATER MAIN – All water mains and appurtenances thereto, including all manholes and water transmission lines, but excluding building service lines.
- G. STREETLIGHTS – All streetlights within the public R.W.W. or easements, but excluding parking lot or building lights.
- H. TOP SOIL AND SEEDING OR SODDING – Those areas within public R.O.W. or easements, within a detention facility shoreline, or within swales or ditches used to convey storm water runoff shall be sodded or hydroseeded.
- I. LANDSCAPING – All landscaping required in parkways or other public areas, including wetland mitigation and landscaping or trees which are required on private property pursuant to City-approved development plans.
- J. SIDEWALKS AND PEDESTRIAN WAYS – Sidewalks or pedestrian ways, which are required in the public R.O.W. or easements.
- K. SIGNAGE – Street name signage and traffic control signals and signals.
- L. SEDIMENT AND EROSION CONTROL MEASURES – Such measures shall be required when a sediment and erosion control plan is required by DuPage County Storm Water ordinance and includes soil stabilization and sediment trapping facilities.

(Ord. 1369, 3-9-95)

**RESUBDIVISION** - The relocation of property boundaries, or the reallocation of property in a plat of record. The dissolution of property lines not accompanied by the relocation of new property lines shall require subdivision except as permitted elsewhere in this Ordinance for a single family home site. (Ord. 927, 11-18-87)

**RIGHT-OF-WAY** - A strip of land dedicated to the public and occupied or intended to be occupied by a street, sidewalk, 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 in the City of Warrenville shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, sidewalks, 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.

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

**SETBACK LINE** - That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal building, structure or use must be erected or placed.

**SIDEWALK** - That portion of the street or crosswalk way, paved or otherwise surfaced, intended for pedestrian use only.

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

**SITE DEVELOPMENT** - Altering terrain and/or vegetation and constructing driveways, utilities, roadways, etc.

**SOIL TESTING** - Determination and analysis of the subsoil conditions of a specific land area by use of soil borings and/or compaction, density tests, etc.

**SPOT SURVEY** - A plat of survey by a certified surveyor showing foundation location before a structure is built.

**STREET** - A right-of-way which affords a primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but excepting driveways to buildings.

**STREET, COLLECTOR** - Streets penetrating neighborhoods which collect traffic from minor streets in the neighborhood and channel it into the arterial systems. A minor amount of through traffic may be carried on collector streets, but the system primarily provides land access service and carries local traffic movements within residential neighborhoods and commercial and industrial areas.

**STREET, CUL-DE-SAC** - A minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn-around.

**STREET, LOOP** - A minor street of short length with openings to traffic beginning from the same street, and projecting parallel to each other and connecting at their termination by a loop.

**STREET, MARGINAL ACCESS** - A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection to local traffic from faster moving through traffic on the arterial street.

**STREET, MINOR** - Streets not classified in a higher system, providing direct access to abutting land and access to the higher systems. They offer the lowest level of mobility and have limited continuity to discourage through traffic.

**STREET, MINOR ARTERIAL** - Streets interconnecting with and augmenting the principal arterial system which provides service to trips of moderate length at a lower level of travel mobility. The system places more emphasis on land access and distributes travel to geographic areas smaller than those streets identified with the principal arterial system. It includes all arterials not classified as principal.

**STREET, PRINCIPAL ARTERIAL** - Streets and highways serving major metropolitan activity centers, the highest traffic volume corridors, the longest trip desires, and a high proportion of total urban area travel on a minimum of street mileage. Service to abutting land is subordinate to the provisions of travel service to major traffic movements. This system carries the major portion of trips entering and leaving the Warrenville urban area as well as the majority of through movements desiring to bypass the City.

**STREET, PUBLIC** - Any arterial, collector, or minor street which is shown on the subdivision plat and is or is to be dedicated to public use.

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

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

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

- A. The division of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access;
- B. The sale or exchange of parcels of land between owners of adjoining and contiguous land; and further provided that the parcels resulting from said conveyance shall conform with all appropriate codes and ordinances of the City;
- C. The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
- D. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
- E. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use; and
- F. Conveyances made to correct descriptions in prior conveyances. (Ord. 2128, 4-7-04)

**THOROUGHFARE** - A street with a high degree of continuity and serving as an arterial traffic-way between the various districts of Warrenville and its environs.

**VISION CLEARANCE TRIANGLE** – The triangular area located at the at-grade intersection of streets, railroads, driveways, or any combination thereof, formed by the centerlines of driving lanes on the streets and driveways or the center of the railroad tracks with the length of these two legs defined by the table and illustration provided in Section 10.B.7 of the Zoning Ordinance of the City, and by a straight line between the ends of these two legs. (Ord. 2144, 6-23-04)

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

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

**WATER SUPPLY** - A water supply in the City of Warrenville shall be defined as follows: City of Warrenville public supply or as regulated by DuPage County.

**WETLANDS** - (See Ordinance #1189, Chapter 8-5 Municipal Code for Wetland Definition.)

**ZONING ORDINANCE** - The Zoning Ordinance, as amended, of the City of Warrenville, Illinois.

**ARTICLE 5.00 GENERAL PROVISIONS**

**5.01 INTERPRETATION**

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

**5.02 SEPARABILITY**

It is hereby declared to be the intention of the City Council of the City of Warrenville that the several provisions of this Ordinance be separable in accordance with the following:

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

**5.03 UNSUITABLE LAND**

- A. **SUBDIVISION OF UNSUITABLE LAND** - No land shall be subdivided for any use which is determined by the City Council after investigation by the City Engineer, to be unsuitable for such a use by reason of the presence of flood plain, poor drainage or wetland areas, adverse earth and rock formation or topography, or any other features likely to be harmful to the health, safety or welfare of the future residents in the proposed subdivision or of the community, except under the following conditions:
  - 1. Unsuitable land located within areas of special flood hazard may be subdivided only if the subdivider has complied with Ordinance No. 1189, Chapter 8-5 Municipal Code, FLOOD PLAIN AND STORM WATER MANAGEMENT.

- 2. Variances for land within areas of special flood hazard shall be subject to the provisions of Ordinance No. 1189; Chapter 8-5 Municipal Code.
  - 3. Unsuitable land located outside areas of special flood hazard may be subdivided only if the subdivider agrees to make improvements which will make the area safe for occupancy and provide adequate lot and street drainage and storm water detention facilities.
  - 4. Where the developer or subdivider of land outside areas of special flood hazard can show in writing and with appropriate documentation that the strict adherence to the design standards set forth causes an unnecessary hardship, the City Council may approve a variance. Such variance may be granted after recommendation by the Plan Commission, and where topography and conditions peculiar to the site or surrounding area substantiate a variance without destroying the intent of the provisions of this Ordinance.
- B. PROHIBITION FROM SUBDIVIDING - The City Council may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit subdivision of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. (Refer to Ordinance No. 1189, Chapter 8-5 Municipal Code.)

**5.04 PLAN COMMISSION GUIDELINES**

- A. PARTICULAR ATTENTION OF THE PLAN COMMISSION - The Plan Commission, in the examination of subdivision plans for approval, and in the application of this Ordinance, shall take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to width and location of streets, suitable sanitary utilities, storm water drainage, lot sizes and arrangements, as well as local requirements such as parks and playgrounds, schools and recreation sites, and other public uses.
- B. CONFORMITY WITH COMPREHENSIVE PLAN - The Plan Commission shall especially require that all subdivisions conform to the provisions and conditions of the Comprehensive Plan. Plat approval may be withheld if a subdivision does not conform to the provisions of the Comprehensive Plan.
- C. AREA PLAN REQUIRED - Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the City as a whole, the Plan Commission may, before recommending approval, request that the subdivider submit a plan for the entire area or neighborhood to be used by the Plan Commission as an aid in judging the proposed plat.
- D. STORM WATER PROVISIONS REQUIRED - The Plan Commission shall not recommend for approval by the City Council any plat of subdivision which does not make adequate provisions for storm or flood water runoff channel or basins.
- E. PRESERVATION OF NATURAL FEATURES - In all subdivisions due regard shall be given to the preservation of natural features such as large trees, watercourses, historical sites or structures, and similar features.
- F. ENGINEERING STANDARDS AND SPECIFICATIONS - The Plan Commission shall require that all subdivisions conform to the Engineering Standards and Specifications of the City of Warrenville.

**5.05 DEDICATION OF LAND FOR PUBLIC USE**

- A. ACCEPTANCE OF DESIGNATED LAND - When a final plat of a subdivision has been approved by the City Council 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, excepting, street dedications which shall be accepted only after inspection and recommendation by the City Engineer.
- B. REFUSAL OF DESIGNATED LAND - Whenever a preliminary plat includes a proposed dedication of land to public use and the Plan Commission finds that such land is not required or not suitable for public use, the Plan Commission may either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision to include such land.
- C. MINIMUM DEDICATION - For minimum dedication of land for public use exclusive of public dedicated roads refer to City of Warrentville Code, Section 8-4-1, DEDICATION OF LAND OR CASH CONTRIBUTION.

TO THE CITY OF WARRENVILLE AND SCHOOL DISTRICTS. (Hereafter referred to as Ordinance No. 392.)

- D. CONTRIBUTION OF SITES OR FUNDS REQUIRED - No final plat shall be approved until such time as the subdivider shall have fully complied with the provisions of City of Warrentville City Code, Section 8-4-1.

**5.06 VACATION OF A PLAT OF SUBDIVISION**

- A. Any plat or any part of a plat may be vacated by the owner of the premises, at any time before the sale of any lot therein or before any improvements have been made to any lot, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated. Except in the case of a single-family home site, the written instrument of vacation shall also include a plat of resubdivision in accordance with Article 6.00 of this Ordinance.
- B. The written instrument of vacation shall be considered by the City Council in like manner as plats of subdivision. The City Council may reject any such instrument which abridges or destroys any public rights in any of its streets or public utility easements. Such instrument shall be reviewed and approved by the Plan Commission; executed, acknowledged or approved, and recorded, or filed in the like manner as plats of subdivisions; and, being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets and public grounds, and all dedications laid out or described in such plat or part of plat.
- C. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such written instrument of vacation.

**5.07 LAND DIVISIONS OTHER THAN SUBDIVISIONS**

- A. INTERPRETATION AND SCOPE - Any division, land, sale or exchange of parcels of land, and/or conveyance of land that is exempt from the subdivision requirements of this Ordinance by virtue of the definition of a "Subdivision" (as identified in Section 4.02) shall be subject to the provisions of this section. (Ord. 1605, 8-19-97)

- B. PRELIMINARY CONSULTATION REQUIRED - Prior to the submission of the certified Plat of Survey required herein, the divider shall meet the Plan Commission for the purpose of minimizing the risk of objections to, or rejection of, the prepared Plat of Survey, and for the purpose of ascertaining the problems and requirements affecting his property.
- C. PROCEDURE FOR APPROVAL - The owner or divider shall file with the City Clerk the original and ten (10) contact prints of a certified Plat of Survey showing the proposed division of such lots, blocks, parcels, or tracts of land. The original and ten (10) prints of the Plat of Survey shall be forwarded to the Plan Commission at least ten (10) days before the next meeting of the Plan Commission.

Not more than fifteen (15) days after the meeting at which the Plat of Survey is referred to the Plan Commission, the Plan Commission shall approve, approve conditionally, or reject the proposal. The City Council shall be notified in writing of any conditions of approval or the reasons for rejection.

The Chairman of the Plan Commission shall notify the owner or divider whether a new street or easement of access is required. In the event that a new street; or easement of access is required, the notice shall stipulate that an application for final plat approval containing such maps, certifications and supporting documents as required by the Plan Commission shall be filed with the City Clerk for processing as herein set forth in this Ordinance.

D. REQUIREMENTS FOR APPROVAL

- 1. COMPLIANCE WITH THIS ORDINANCE - To the extent reasonably practicable, the division of land shall comply with the provisions of this Ordinance governing general requirements, design standards, and required improvements.
- 2. SURVEY - The survey shall be performed and the map prepared by a Registered Illinois Land Surveyor.
- 3. MONUMENTS - All corners shall be monumented as follows:
  - a. All corners shall be monumented in the field by iron pipes at least twenty-four (24) inches long and one (1) inch in diameter, or by round or square iron bars at least twenty-four (24) inches long.
  - b. The lines of lots that extend to rivers or streams shall be monumented in the field by iron pipes at least thirty (30) inches long and one (1) inch in diameter or by round or square iron bars at least thirty (30) inches long. These monuments shall be placed at the point of intersection of the river or stream lot line with a meander line established not less than twenty (20) feet back from the bank of the river or stream.

E. CERTIFICATES AND AFFIDAVITS

- 1. AFFIDAVITS REQUIRED - The survey map shall include the affidavit of the surveyor who surveyed and mapped the parcel, typed, lettered, or reproduced legibly with non-fading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. Public Land Survey or some corner providing reference to a corner marked and established in the U.S. Public Land Survey. Such affidavit shall include the statement of the surveyor to the effect that he has fully complied with the requirement of this section.



2. CERTIFICATES REQUIRED - The certificate of approval of the Plan Commission shall be typed, lettered, or reproduced legibly with non-fading black ink on the face of the original survey map.
- F. FILING OF THE SURVEY MAP - The City Clerk shall retain a copy of the approved survey map and any supporting documents as required by the Plan Commission for the City records. The City Clerk shall also record the original of the approved survey map with the Recorder of Deeds of DuPage County.

**5.08 RESUBDIVISION (Ord. 927, 11-18-87)**

No building, structure or use shall be permitted on a zoning lot which consists of more than one lot or parts of more than one lot of record until the zoning lot shall have been resubdivided into one lot of record. This requirement shall not apply to a single-family home site on which interior parcel lines may be removed by a plat of vacation.

**ARTICLE 6.00 PROCEDURES FOR SUBDIVISION APPROVAL****6.01 PRELIMINARY CONSULTATION**

Prior to the submission of the preliminary plat of any proposed subdivision within the jurisdiction of this Ordinance, the subdivider shall make known his intentions to the Engineer, Mayor, City Clerk and Plan Commission. During this preliminary or pre-application stage, the following actions shall be taken:

- A. FEE FOR CONSULTATIVE SERVICES - For consultative services of the permanent City Staff and outside consultants, including but not limited to City Administrator, Engineer, Public Works Superintendent, City Clerk, Community Development Director, Planner, Building and Zoning Officer, Attorney and Landscape Consultant, a fee of five hundred dollars (\$500) shall be paid for all sites containing three (3) acres or less. The maximum initial fee shall be \$5,000. An additional fee of five hundred dollars (\$500) per acre shall be charged for each additional acre. Payments shall be made from the application fee for City services for review and consultation based on time spent by Staff multiplied by the employee's actual hourly rate or consultant's hourly rate. Consultants may add a charge for overhead and professional fee. An additional charge of 25% shall be added to the Staff or consultant charge for City administrative and executive services. In the event the amount of the application fee is exhausted by such charges, the City, at its discretion, may require the payment of additional monies for such services. (Ord. 2206, 4-6-05)
- B. ACTION BY THE SUBDIVIDER - The subdivider shall meet with the Plan Commission for the purpose of presenting a general outline of his proposal, including but not necessarily limited to the following:
  1. WRITTEN NOTIFICATION, Written notification in the form of a letter of intent from the subdivider to the Plan Commission establishing the subdivider's intent to develop the land.
  2. GENERAL SUBDIVISION INFORMATION - General subdivision information that shall describe or outline the existing conditions of his site and the proposed development. This information shall include data on existing covenants; land characteristics, and available community facilities and utilities. Information describing the subdivision proposal shall include number of residential lots and units broken down by type; typical lot width and depth; business areas; school, playground and park areas; other public areas; and proposed utilities and street improvements.

- C. ACTION BY THE PLAN COMMISSION - The Plan Commission shall discuss the proposed subdivision with the subdivider and so advise him of any City plans or projects which might affect the proposed subdivision, the procedural steps, design and improvement standards, and the general planning requirements.
  
- D. ACTION BY THE SUBDIVIDER - If required by the Plan Commission, the subdivider shall supply to the Plan Commission ten (10) copies of the general subdivision information described in B-2 above. The subdivider shall also prepare ten (10) copies of the following information for presentation to the Plan Commission.
  - 1. TENTATIVE ENGINEERING PROPOSALS - Tentative engineering proposals regarding water supply, sewerage disposal, storm water drainage, and street improvements.
  
- E. ACTION BY THE PLAN COMMISSION - The Plan Commission in conjunction with the City Staff and consultants shall review the general subdivision information and tentative engineering proposals and proceed with the following investigations:
  - 1. ZONING CHECK - Check the existing zoning of the tract and advise the subdivider if a zoning change is necessary or desirable.
  - 2. PUBLIC FACILITY IMPACT - Check the adequacy of existing or proposed schools, parks, and other public spaces in the vicinity of the proposed subdivision.
  - 3. SITE INSPECTION - Inspect the site or otherwise determine its relationship to major streets, utility systems, and adjacent land uses, and determine any unusual problems in regard to topography, utilities, flooding, etc.
  - 4. SCHOOL SITES - Advise the developer of the potential acreage allotment, or funds in lieu thereof, to be donated and utilized for public school sites based upon the developer's estimates of the number and type of dwelling units to be constructed, the potential needs of each affected school district, and the Comprehensive Plan or Official Map of the City of Warrenville. Refer to City of Warrenville City Code, Section 8-4-1.
  - 5. COMPREHENSIVE PLAN CONFORMITY - Advise the developer of the Comprehensive Plan which delineates the areas to be served by either public and/or private water and/or sanitary sewer service. This will determine the feasibility of the proposed subdivision, the sizes of the utilities, and the lots therein.
  - 6. LOCATION OF FLOOD PLAINS AND WETLANDS - Advise the developer of the need for a Special Use Hearing if the proposed subdivision is located on a flood plain or wetland area as identified in Ordinance No. 1189; Chapter 8-5 Municipal Code.
  
- F. PLAT REQUIREMENTS DETERMINED - During the Preliminary Consultation phase the Plan Commission shall determine the submission requirements for subsequent phases of the subdivision process, including, but not limited to, the number of copies to be submitted and the need for a school demographic study. The Plan Commission shall notify the City Clerk of the subdivision requirements for each subdivision proposal.

**6.02 PROCEDURES FOR APPROVAL OF PRELIMINARY PLAT**

- A. ACTION BY THE SUBDIVIDER, The subdivider shall submit a preliminary plat, which said plat shall include all of the property owned or controlled by the applicant which properties are adjacent to or considered to be contiguous to the proposed subdivision together with improvement plans

and other supplementary material as specified, to the City Clerk, with written application for approval. In preparing this plat, due regard shall be given to the preservation of natural features such as large trees, water courses, historical and similar community assets. Accompanying this preliminary plat, if required by the Plan Commission, shall be a School Demographic Study, prepared in accordance with City of Warrenville City Code, Section B-4-1. The required number of copies of the preliminary plat, all required documentation and the required filing fee shall accompany the application which shall be filed with the City Clerk no later than twenty-one (21) days before a regular meeting of the Plan Commission.

- B. ACTION BY THE CITY CLERK - The City Clerk shall refer the preliminary plat to the Plan Commission at least ten (10) days prior to a regular meeting of the Plan Commission.

The City Clerk shall also distribute copies of the preliminary plat as determined by the Plan Commission with a request for a review and comments to be received no less than three (3) days prior to the next regularly scheduled meeting of the Plan Commission.

A distribution list shall include:

- Mayor
- City Clerk
- Appropriate School District(s)
- Appropriate Park District(s)
- Appropriate Fire Protection District(s)
- Warrenville Zoning Board of Appeals
- City Engineer
- Public Works Director
- Warrenville Plan Commission (5 copies)
- DuPage County Superintendent of Highways
- DuPage County Health Department

- C. ACTION BY THE PLAN COMMISSION - The City Engineer shall be requested to cooperate with the Plan Commission in assembling standards for the design and construction of streets and other such public improvements as are required by this Ordinance or any other ordinance. The Plan Commission and the City Staff and consultants shall review the preliminary plat for compliance with these regulations and other ordinances of the City of Warrenville and the above revisions and comments. The Plan Commission shall, within one (1) month from the first regularly scheduled meeting following referral:

1. MAKE RECOMMENDATION - Approve or disapprove the proposed preliminary subdivision plat and submit a written report of its actions, which shall include the recommendations of the City Engineer and the Public Works Director, to the City Council.
2. CHANGES, ADDITIONS, OR CORRECTIONS TO PRELIMINARY PLAT - If the Plan Commission finds that changes, additions or corrections are required on the preliminary plat, the Plan Commission shall so advise the subdivider in writing. The subdivider may resubmit the preliminary plat to the Plan Commission, without paying an additional fee, for its consideration in the next regular meeting of said Commission. The Plan Commission shall at said meeting approve or disapprove the preliminary plat and submit a written report of its actions, which shall include the recommendations of the Engineer, to the City Council and the subdivider.

- 3. NOTIFICATION TO SUBDIVIDER - The Plan Commission shall notify the owner or subdivider in writing as to the time and place of the Plan Commission meeting at which he will be afforded an opportunity of being heard.
- 4. QUALIFICATIONS OF APPROVAL - The following qualifications shall govern approval of the preliminary plat:
  - a. Approval of a preliminary plat by the Warrenville Plan Commission is tentative only, involving merely the general acceptability of the layout as submitted.
  - b. The Warrenville Plan Commission may require such changes or revisions as are deemed necessary in the interest of the needs of the community.
  - c. Approval of the preliminary plat shall be effective for a maximum period of three (3) months.
- 5. NOTICE OF APPROVAL REQUIRED - Upon approval of the preliminary plat by the Plan Commission the following Notice of Approval shall be stamped upon five (5) prints thereof, and required signatures affixed:

NOTICE OF APPROVAL OF PRELIMINARY PLAT

Notice is hereby given that the preliminary plat of a subdivision shown hereon has received approval by the Plan Commission of the City of Warrenville, Illinois, and upon compliance by the subdivider with requirements of qualifications governing the approval of preliminary plats and with other revisions and stipulations that may be required, the Plan Commission will receive the final plat for consideration when submitted by the subdivider in such form and within such time as required by the Subdivision Ordinance of Warrenville.

The Plan Commission of the City of Warrenville, Illinois.

Date \_\_\_\_\_, by \_\_\_\_\_  
Chairman, Plan Commission

- D. DISTRIBUTION OF APPROVED PLAT - The Plan Commission shall retain one (1) print of the approved preliminary plat and shall send a cover letter and four (4) copies of said plat to the City Clerk for distribution.

The City Clerk shall make copies of said cover letter and shall distribute the prints of the approved preliminary plat and the cover letter as follows:

- 1. One (1) cover letter to the Plan Commission;
- 2. One (1) print and one (1) cover letter shall be sent to the City Engineer;
- 3. Two (2) prints and two (2) cover letters shall be retained by the City Clerk for filing and departmental use; and,
- 4. One (1) print and one (1) cover letter shall be returned to the subdivider.

Copies of the cover letter which are sent to the subdivider along with his approved preliminary plat shall also be sent to:

- Appropriate School District(s)
- Appropriate Park District(s)
- Appropriate Fire Protection District(s)

As determined by the Plan Commission.

**6.03 PRELIMINARY PLAT REQUIREMENTS**

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

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

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

1. NAME FOR FILE IDENTIFICATION
  - a. Name of subdivision if property is within an existing subdivision.
  - b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in DuPage County.
  - c. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)
  - d. No permanent subdivision identification signage shall be erected. All subdivision identification signage shall be removed by developer when public utilities or roads are accepted by the City.
2. LOCATION AND DESCRIPTION OF PROPERTY - Location of property by government lot, section, township, range, and county (Permanent Parcel Number).
3. BASIC FACTS AND PROPOSALS PERTAINING TO THE PROPERTY
  - a. Size of tract in acres or of existing lots, if any, in square feet.
  - b. Existing zoning classification of property and any rezoning proposed to be requested.
  - c. Number of lots proposed in subdivision.
  - d. Area of lots proposed; minimum, average, and maximum.
  - e. Proposed linkage with water and sewer facilities.
  - f. Any other proposals, such as parcels of land intended to be dedicated, conveyed, or reserved for public use and the conditions proposed for such disposal and use.
4. INFORMATION AS TO OWNERSHIP, PREPARATION OF PLAT, AND SUBMISSION

- a. Name and address, including telephone number, of legal owner or agent of property and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date and land records reference.
  - b. Citation of any existing legal rights-of-way or easements affecting the property.
  - c. Existing covenants on the property, if any.
  - d. Name and address, including telephone number, of the professional responsible for the subdivision design shall be shown on the preliminary plat as submitted. Registered Professional Engineer of Illinois, responsible for the design of public improvements, and Registered Illinois Land Surveyor, responsible for surveys.
- B. SCHOOL DEMOGRAPHIC STUDY AND DETERMINATION OF ACREAGE ALLOTMENT - If a school demographic study is required, it shall comply with City of Warrenville City Code, Section 8-4-1.
- C. ACCOMPANYING DOCUMENTATION REQUIRED - If required, the preliminary plat of subdivision shall be accompanied by:
- 1. ANNEXATION STATEMENT - A statement that the proposed subdivision (where contiguous) is or is not to be annexed to the City.
  - 2. PRELIMINARY PLAN FOR SEWER AND WATER - Either a preliminary engineering plan for sewer, water, and storm sewers or a written statement setting forth general plans for such improvements and indicating the method to be employed to overcome particular problems that may be encountered with the development of the proposed subdivision.
  - 3. SOILS ANALYSIS - A soils analysis for each proposed subdivision shall be completed by an engineer registered in the State of Illinois and shall be of sufficient scope to point out potential ground absorption, runoff, flooding deficiencies, the presence of unstable soils or of soils of such low bearing capacity as to constitute problems for conventional construction, or the presence of subsurface rock that would affect the installation of underground improvements or the provision of above ground improvements.
    - a. Copies of the soils analysis report shall be filed with the City Engineer and Plan Commission.
    - b. Neither the City Engineer nor the City shall have any liability for costs connected with the test, borings, or interpretations of results of such work.
  - 4. PROTECTIVE COVENANTS - Draft of protective covenants, whereby the subdivider proposes to regulate land use in the subdivisions and otherwise protect the proposed development.
  - 5. OTHER GOVERNMENTAL AGENCIES – Pursuant to Section 2 of the Plat Act (765 ILC5 205/2) the applicant for preliminary plat approval may be required to file a copy of the application with:
    - a. The Illinois Department of Transportation, if access to a State highway is involved; and
    - b. The local highway authority, if other than the City with respect to all other roadway access; and

- c. The DuPage County Health Department, if any part of the platted land will not be served by a public sewer system. (Ord. 2825, 2-3-14)
- D. DRAWINGS AND DATA REQUIRED - The preliminary plat and accompanying maps as required by the Plan Commission shall be drawn on reproducible medium in a manner that is clear and so that legible prints can be made therefrom, and shall be at a scale of not less than one (1) inch equals one hundred (100) feet (1"-100'). It shall show all existing conditions required below and shall show all proposals including the following:
1. IDENTIFICATION AND DESCRIPTION - Identification and description shall be as follows:
    - a. Name of the Subdivision - Not a duplication of a name of any plat heretofore recorded in the City or in DuPage County, Illinois.
    - b. Location of the Subdivision - Location by section, township, and range, Permanent Parcel Number or by other approved legal description, including present tract designation according to official County Records.
    - c. Survey of the Subdivision - Boundary line survey on accompanying map which is prepared and certified by a land surveyor registered in the State of Illinois.
    - d. Designer of the Subdivision - Name and address of the site planner and/or engineer.
    - e. Owner of the Subdivision - Name and address of the owner and/or subdivider.
    - f. Drawing Identification - Drawing number and date of preparation with provision for revisions of drawing.
    - g. North Arrow - A north arrow shall be shown on all preliminary plats and accompanying maps.
  2. EXISTING CONDITIONS - Data required as a basis for the preliminary plat shall include existing conditions as follows, except when otherwise specified by the Plan Commission.
    - a. Boundary Lines - In accordance with 1.c. above.
    - b. Total Acreage - Within the boundary lines.
    - c. Existing Zoning Districts - Both in proposed subdivision and adjacent tract.
    - d. Existing Improvements - Location, widths, and name of all existing or previously platted streets or other rights-of-way showing type of improvements (if any), railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures and their street address numbers, easements, and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract.
    - e. Utilities on and Adjacent to the Tract - Location and size of existing sewer lines, water mains, culverts, or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract--also indicating such data as locations and surface and invert grade elevations of catch basins, manholes, and fire hydrants. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and the size of, nearest usable facilities.

- f. Location Map - Drawn at a scale of not less than one (1) inch equals one thousand (1,000) feet or larger, showing boundary lines of adjoining un subdivided or subdivided land within an area bounded by nearest arterial streets or other natural boundaries, but not less than one half (1/2) mile beyond the subdivision boundaries in subdivision located beyond the City limits, identifying type of use and ownership of surrounding land and showing alignments of existing streets.
- g. Topographic Data - Data including existing contours at vertical intervals of not more than two (2) feet; in unusual topographical conditions, such vertical intervals may be required to be altered as determined by the City Engineer, (topographic data shall refer to United States Geodetic Survey or adjusted City of Warrenville Datum).
- h. Storm Water Drainage Systems - Where drainage tiles exist, their size and location shall be indicated on the topographical map heretofore mentioned. The engineer's opinion regarding the adequacy of such drainage facilities should be stated, as well as the basis for any such conclusions. If additional tile, drainage ditches, lakes or impounding of waters, or other structure intended to facilitate drainage are to be constructed, their size, location, material, grade and other pertinent data shall be given, location of which shall be shown on the topographical map.

Drainage design shall conform to the "Engineering standards for the City of Warrenville, Illinois."

- i. Other Conditions on the Tract - Water courses, marshes, rock outcrop, wooded areas, isolated preservable trees six (6) inches or more in caliper at one (1) foot above ground level, houses, barns, shacks, and other significant features.
- j. Reference to Monuments - Locations of or reference to location of existing monuments or survey markers used in preparation of survey and grade elevation of each monument and marker.
- k. Proposed Public Improvements - Highway or other major improvements planned by public authorities for future construction on or near the tract.
- l. Easements - Location, width, and purpose.
- m. Other Conditions on Adjacent Land – With a distance of one hundred (100) feet from the land being platted, the approximate direction and gradient of ground slope, including any embankments or retaining walls, character and location of buildings, railroads, power lines, towers, and other nearby non-residential land uses or adverse influences; and owner of adjacent unplatted land (for adjacent platted land refer to subdivision plat by name, recording date, and number and show approximate percent built-up, typical lot size and dwelling type).

3. SUBDIVISION DESIGN FEATURES - Subdivision design features as required by the Plan Commission are as follows:

- a. Accord with Comprehensive Plan - The preliminary plat shall be in substantial accord with the Comprehensive Plan as amended from time to time.
- b. Proposed Zoning Changes - The City of Warrenville zoning districts proposed for the subdivision shall be shown.



- c. Required Public Improvements - The subdivider of any proposed subdivision within the corporate limits of the City of Warrenville, and within one and one-half (1-1/2) miles of the corporate limits of the City of Warrenville and within the jurisdiction of the Plan Commission, shall provide, at the subdivider's expense, Required Public Improvements as defined in Section 4.02 of this ordinance and in accordance with the City of Warrenville specifications, obtainable from the office of the City Engineer. (Ord. 1369, 3-9-95)
  
- d. Layout of Streets - Showing right-of-way widths and street names (not duplicating the name of any street heretofore used in the City or its environs unless such street is an extension of or in line with an already named street in which event that name shall be used) and showing proposed through streets extended to the boundaries of the subdivision and approximate grades and gradients. The street numbering system as adopted by the City shall be adhered to.  
  
The subdivider, at his own expense, shall improve all existing and proposed streets with roadway surfacing of such materials, width and thickness, and in conformity with such design and specification as shall be required by the City of Warrenville.
  
- e. Other Rights-of-Way - Location and width of pedestrian ways, and utility easements.
  
- f. Location of Utilities - If not shown on other exhibits.
  
- g. Lotting - Layout, total number of lots, dimensions on the lot containing the minimum width and depth and on the lot containing the maximum width and depth, lot numbers and block numbers.
  
- h. Sites to be Reserved or Dedicated - Sites, if any, to be reserved or dedicated for schools, parks, playgrounds, libraries or other public uses. Such sites shall be designated by letter or number.
  
- i. Setback Lines - Minimum front and side street building lines—indicating dimensions.
  
- j. Preliminary Engineering - Proposed location of sewer lines and storm water drains and proposed methods of sewage and waste disposal including sufficient information to show the intent of surface drainage and detention and/or detention facilities conforming to minimum standards of the City of Warrenville.  
  
Such layout shall show the storm and sanitary sewers, stubs, valves, line hydrants, water mains, and water services including size, capacity, and location. Included with this shall be specifications for the storm and sanitary sewers and water mains, and a written statement by the subdivider or his engineer describing the adequacy of these proposed facilities as well as the effect they will have on existing or future facilities.
  
- k. Sanitary Sewage Requirements - The subdivider of any proposed subdivision which is located within the corporate limits of a Sanitary District or within a DuPage County Wastewater Facility Planning Area shall submit to the Plan Commission a letter from such Sanitary District or Wastewater Facility Planning Area lead agency certifying either that:

(1) Wastewater treatment plant capacity and/or sanitary sewers are available for said proposed subdivision, and the specifications and

requirements of said lead agency for the construction of sanitary sewers within said proposed subdivision have been adequately met; or

- (2) Wastewater treatment plant capacity does not exist to serve the proposed subdivision and/or sanitary sewers cannot then be installed to serve the proposed subdivision.

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

Development of any flood plain or wetlands area shall be in accordance with Ordinance No. 1189, Chapter 8 - 5 Municipal Code.

- m. Land Use Intent - Sites, if any, or multi-family dwellings, shopping centers, churches, industry, or other non-public uses exclusive of single family dwellings.
- n. Bike Paths and Nature Trails - The subdivider shall show on the plat any bike paths and nature trails which may be included in the Comprehensive Plan by Ordinance No. 767 as amended.

**6.04 PLANS AND SPECIFICATIONS FOR REQUIRED LAND IMPROVEMENTS**

- A. ENGINEERING PLANS REQUIRED - After the approval of the preliminary plat and prior to filing an application for approval of the final plat, the subdivider shall submit to the City Clerk four (4) complete sets of engineering plans and specifications for the land improvements required by this Ordinance along with a single estimate of the cost of the proposed improvements. Said plans and specifications shall bear the seal of the design engineer and shall include the following documents:

- 1. TOPOGRAPHIC MAP - A topographic map of the proposed subdivision at a minimum scale of one (1) inch equals two hundred (200) feet (1" = 200'), the limits of which shall extend at least one hundred (100) feet beyond the limits of the proposed development or a grading plan of proposed structures, the direction of flow of surface runoff, the finished grade of all corners of a lot, etc.
- 2. CONSTRUCTION DRAWINGS - Construction drawings with a horizontal scale of one (1) inch equals one hundred (100) feet (1" = 100') and a vertical scale of one (1) inch equals ten (10) feet (1" = 10'). Existing and proposed construction are to be shown on these drawings.
- 3. DETAIL SHEETS
- 4. SPECIFICATIONS - Complete set of specifications covering the work to be done.
- 5. ENGINEERING DOCUMENTS REQUIRED - Prior to the submittal of a Final Plat, final engineering documents shall be submitted for review and approval as follows:
  - a. Storm Water Management Facilities - The engineering drawings showing proposed storm water facilities as required by SECTION 7.07 shall be submitted to and must gain approval by the City Engineer, and Public Works Director.

- b. Profile Study - A reproducible Mylar containing the following information must gain approval by the City Engineer as required by the Plats Act.
  - (1) All elevation shall be referred to the United States Geological Survey datum.
  - (2) Existing contours at one (1) foot intervals, indicating the locations and elevations of bench marks used to determine said contours.
  - (3) Finished grade contours at one (1) foot intervals of the proposed site.
  - (4) Top of foundation elevations for existing and proposed structures.
  - (5) Rim and invert elevations of all existing and proposed drainage structures within the development.
  - (6) Size, slope, and location of all storm sewers.
  - (7) Size, shape, invert, and location of the downstream receiving drainage structures.
  - (8) Signature Blocks Required on Profile Study –
    - (a) Owners Surface Water Drainage Certificate, Section 6.06 B.2.
    - (b) Engineer's Surface Water Drainage Certificate, Section 6.06 B.3.
- c. Sewage Disposal Facilities -
  - (1) Public Sewer - The engineering drawings showing the proposed sanitary sewer system shall be submitted to and must gain approval by the City Engineer and Public Works Director.
  - (2) Private Septic System - The subdivider shall submit to the DuPage County Health Department plans for the location of private septic systems within the proposed subdivision for approval. The subdivider shall also be required to obtain approval by the Health Officer of witnessed seepage tests for all lots within the proposed subdivision.
- d. Water Supply
  - (1) Public Water - All engineering drawings showing proposed public water supply systems must gain approval by the City Engineer.
  - (2) Private Water Supply System - All engineering drawings showing the locations of proposed private water supply systems must gain approval by the DuPage County Health Department.
- e. Street Engineering Plans - The engineering drawings showing proposed street improvements shall be submitted to and must gain approval by the governing Highway Authority.
- f. Other Engineering Plans - Other engineering plans shall be provided as needed to meet the requirements of this Ordinance.

- g. As-Built Drawings - As-built drawings of all improvements shall be submitted and must gain approval by the City Engineer prior to the acceptance of said improvements.

B. ENGINEERING PLANS APPROVAL - The City Clerk shall forward two (2) complete sets of such copies of preliminary plans and specifications for land improvements and grading plans to the Plan Commission, one (1) such set of plans and specifications to the City Engineer, and one (1) such set of plans and specifications to the Public Works Director.

- 1. REVIEW BY CITY ENGINEER - The City Engineer and City Staff having jurisdiction shall approve such engineering and specifications or set forth the revisions necessary for approval. Based upon the conditions of approval of the plans and specifications the subdivider shall have prepared, by a registered engineer, final plans and specifications covering such required land improvements. Such plans and specifications shall be approved by the City Engineer and other public officials having jurisdiction, and such approval shall be certified on the final plat. The Plan Commission shall not approve a final plat and engineering plans and specifications for required land improvements until such plans and specifications have gained approval by the City Engineer.

Work on the required land improvements shall not commence until approval of the final plat by the City Council unless the City Council specifically authorizes the issuance of a “Quick Start” Grading or Infrastructure Installation Permit. The City Council may, within its reasonable discretion, authorize construction of infrastructure or earth moving at the Developer’s risk prior to the City Council’s approval of the necessary Ordinances required for final approval of a specific project or development. However, in each such case, the infrastructure which may be installed under a “Quick Start” Installation Permit shall be limited to those particular infrastructure components which have received final engineering review and approval. (Ord. 1722, 11-4-98)

- 2. REVIEW FEES - The City will charge the subdivider for review of plans for required surface and underground improvements: Prior to or concurrently with the submission of these documents to the City Clerk, the subdivider shall pay or shall cause to be paid to the City of Warrenville said fee computed in accordance with the following table:

<u>Estimated Cost of Required Public Improvements</u>	<u>Review and Inspection Fee</u> (Ord. 1369, 3-9-95)
Less than \$2,500	7% of estimated cost; but not less than \$150.00
\$2,500 to \$10,000	6% of estimated cost, but not less than \$400.00
\$10,000 to \$25,000	5.5% of estimated cost, but not less than \$1,000.00
\$25,000 to \$50,000	5% of estimated cost, but not less than \$1,500.00
\$50,000 to \$100,000	4.75% of estimated cost, but not less than \$3,000.00
\$100,000 to \$200,000	4.5% of estimated cost, but not less than \$5,000.00
\$200,000 or more	4.25% of estimated cost, but not less than \$10,000.00

The subdivider shall pay this fee before any action, whether approval or disapproval, shall be taken by the City on his engineering plans. The fee for a “Quick Start” Grading or Infrastructure Installation Permit shall be assessed as a 15% surcharge to the normal Final Engineering Review and Inspection Fee associated with the improvements approved for installation under the “Quick Start” Permit and as

computed in accordance with the table outlined hereinabove. The minimum fee for any "Quick Start" Permit shall be \$500.00. (Ord. No. 1722, 11-4-98)

**6.05 PROCEDURES FOR APPROVAL OF FINAL PLAT****A. ACTION BY THE SUBDIVIDER**

1. APPLICATION OF CITY CLERK - Application for approval of the final plat, including all engineering drawings, shall be submitted in writing to the City Clerk and shall be accompanied by the fee for engineering review as required in these regulations. The application shall include the original and four (4) copies of the final plat and all other required documents.
2. CONFORMANCE WITH PRELIMINARY PLAT - The final plat shall conform to the preliminary plat as approved. If desired by the subdivider, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations. Any extension of time for approval of the remaining portion of the preliminary plat is subject to the discretion of the Plan Commission.
3. ILLINOIS DEPARTMENT OF TRANSPORTATION APPROVAL - In the event that there is access from the subdivision to a State highway, the subdivider shall demonstrate compliance with the requirements for Illinois Department of Transportation approval as required by 765 ILC5 205/2. (Ord. 2825, 2-3-14)

**B. ACTION BY THE CITY CLERK** - The City Clerk shall submit the final plat and other required documents to the Plan Commission for its review and recommendations for approval or disapproval at least ten (10) days prior to a regularly scheduled meeting.

**C. ACTION BY THE PLAN COMMISSION** - Within two (2) months after its regularly scheduled meeting, at which the application for approval of final plat is reviewed, the Plan Commission shall recommend approval or disapproval. If the Plan Commission recommends approval, it shall affix upon the plat the certifying signature of its Chairman. If it disapproves, it shall set forth its reasons in its own records and provide the applicant and the City Council with a copy. Within three (3) business days after the plat is submitted for approval to the City Council, notice shall be provided by certified mail, return receipt requested, or by personal delivery, to the president of the school board of each school district in which any of the subdivided land is located that a hearing on approval or disapproval of the plat is scheduled. The notice shall also give the date, time, and place of the hearing before the City Council. (Ord. 2825, 2-3-14)

**D. ACTION BY THE CITY COUNCIL**

1. PLAT SUBMITTED TO THE CITY COUNCIL - After a recommendation of approval of the final plat by the Plan Commission and the fulfillment of the requirements of these regulations, one (1) tracing of the final plat of the subdivision, drawn in ink on tracing cloth or Mylar drafting film not to exceed thirty-six (36) inches by forty-eight (48) inches in size, shall be submitted to the City Council for approval.
2. ACTION BY CITY COUNCIL - Action must be taken by the City Council within two (2) months after the meeting at which the final plat, engineering specifications for required land improvements, and all other drawings, maps and other required documents have been submitted for its approval. The applicant and the City Council may mutually agree to extend the two (2) month period. If the City Council disapproves the final plat, it shall provide to the subdivider its reasons for disapproval of the final plat in writing. A copy shall be sent to the Plan Commission.

- 3. APPROVED PLAT COPIES - Upon approval by the City Council the City Clerk shall receive from the subdivider one (1) cloth or Mylar reproducible print and eight (8) contact prints of the approved final plat, and eight (8) copies of the approved supporting documents. The cost of such prints and copies of such documents shall be paid by the subdivider.
  - a. One (1) contact print of the final plat, when applicable, one (1) copy of the accompanying protective covenants, and one (1) copy of the supporting documents shall be delivered to the Plan Commission;
  - b. One (1) contact print and all specifications, drawings and estimates shall be delivered to the City Engineer; and
  - c. One (1) transparency print and one (1) contact print and all other supporting documents shall be retained by the City Clerk.

E. FILING OF FINAL PLAT

- 1. FILING WITH COUNTY - Upon approval by the City Council the Registered Land Surveyor who prepared the original plat, or a person designated by the Land Surveyor shall record the plat with the DuPage County Recorder within three (3) months.
- 2. FILING FOR LOCAL RECORD - The final plat in exact form as approved by the City Council, and as filed with the DuPage County Recorder, shall be filed for local record by the City Clerk. Such local file copy shall bear the appropriate documentation number such as assigned by the DuPage County Recorder.

- F. DRAWINGS AND DATA FOR FINAL APPROVAL - The final plat shall be accurately drawn in ink on tracing cloth or Mylar drafting film, in a manner that is clear and legible so that transparent or contract prints or photostatic copies can be made. The final plat shall be at a scale of one (1) inch equals one hundred (100) feet (1" = 100') on sheets not to exceed thirty-six (36) by forty-eight (48) inches. Where necessary, the plat may be drawn on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Plan Commission. Any changes to the unrecorded plat must be made by the Registered Land Surveyor who prepared the original plat.

6.06 FINAL PLAT REQUIREMENTS

The final plat shall show the following:

A. GENERAL INFORMATION

General information shall be as follows:

- 1. BOUNDARY LINES - In accordance with Sub-paragraph D.2.a. of Section 6.03.
- 2. LAYOUT OF STREETS - Showing right-of-way widths and street names (not duplicating the name of any street heretofore used in the City or its environs unless such street is an extension of, or in line with an already named street in which event that name shall be used) and showing proposed through streets extended to the boundaries of the subdivision.
- 3. OTHER RIGHTS-OF-WAY - Location and width of alleys, pedestrian ways, utility easements and community antenna television systems. (Ord. 2825, 2-3-14)

4. SITES TO BE RESERVED OR DEDICATED - Sites to be reserved or dedicated for schools, parks, playgrounds, or other public grounds, or for the exclusive use of property owners within the subdivision. Such areas shall be designated by letter or number and by legal description. (Ord. 2825, 2-3-14)
5. ACCURATE DIMENSIONS - Accurate angular and lineal dimensions for all lines, angles, radii, and arcs used to describe all boundaries including perimeter survey of tract, streets, easements, areas to be reserved or dedicated for public use, and other important features. Error of closure of boundary line surveys shall not exceed one (1) in ten thousand (10,000) (one [1] foot for each ten thousand [10,000] feet of perimeter survey). Angular error shall not exceed plus or minus twenty (20) seconds. Lot lines shall show dimensions in feet and hundredths, and when an angle occurs in any lot line between lot corners, the measurement of the angle shall be shown in degrees, minutes, and seconds. The final plat shall show accurately the location of all permanent lot markers as actually installed.
6. CONTROL POINTS - True angles and distances to the nearest established street lines and official monuments (not less than three [3]), which shall be accurately described in the plat by location, size, and elevation, to which all dimensions angles, bearings, and similar data on the plat shall be referred.
7. IDENTIFICATION SYSTEM - An identification system for all blocks and lots using consecutive numbers of lots within a block and, where applicable, a street address number in accord with current City policies.
8. CORRELATION WITH EXISTING BOUNDARIES - Municipal, township, or section lines accurately correlated to the lines of subdivision by distances and angles.
9. LOCATION OF MONUMENTS - Accurate location of all monuments which shall be placed at all block corners, angle points, and at intermediate points as shall be required by the City Engineer, and installed in such a manner that they may be located by a licensed surveyor and not be moved by frost. All U.S.G.S., State, County, City, or other official bench marks, monuments, or triangulation stations in or adjacent to the property shall be reserved in precise position. (Ord. 2825, 2-3-14)  
  
Designation of the points where monuments marking the external boundaries of the subdivision may be found. These monuments shall be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along a meander line, the points to be not less than twenty (20) feet back from the normal water elevation of a lake or from the bank of a stream, except that when such corners or points fall within a street or proposed future street, monuments shall be placed on the right-of-way line of the street.
10. COVENANTS - Protective covenants, if any, are to be placed on the final plat or as an accompanying document in form for recording.
11. SETBACK LINES - Proposed building setback lines on all lots and other sites.
12. NAME OF SUBDIVISION
13. LOCATION - By section, township, and range.
14. PERMANENT PARCEL INDEX NUMBER
15. ADDRESS OF PROPERTY OR VACANT

- 16. TITLE, SCALE, NORTH ARROW
- 17. CERTIFICATION - Certification by a registered land surveyor certifying to the accuracy of the survey and plat.
- 18. DRAWING NUMBER AND DATE
- 19. OTHER DATA - Such other certificates, affidavits, endorsements, or dedications as may be required by the Plan Commission in the enforcement of these regulations.
- 20. CERTIFICATION REQUIRED - The application for approval of the final plat shall not be deemed completed until the following certificates, where applicable, other than City Clerk Certificate, have been duly executed:

**1. OWNER'S CERTIFICATE**

(For use in case of individual ownership \*)

STATE OF ILLINOIS    )  
COUNTY OF DUPAGE ) ss

This is to certify that the undersigned is/are the legal owner(s) of the land described as ..... in DuPage County, Illinois, shown hereon as (Lot \_\_\_\_ Block \_\_\_\_ ) and that no other person has any right, title, or interest in said land, and that said owners has/have caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposes therein set forth, and to hereby acknowledge and adopt the same under the title indicated.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Name(s)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

\* Corporate owner's certificate should be accompanied by a corporate form of acknowledgment.



2. OWNER'S SURFACE WATER DRAINAGE CERTIFICATE \*

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) ss

This is to certify that owner(s) of the land herein described or duly authorized attorney certify that to the best of my knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or that, if such surface water drainage will be changed, adequate provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will not be deposited on the property of adjoining land owners in such concentrations as may cause damage to the adjoining property because of the construction of the subdivision.

\_\_\_\_\_  
Name & Title (if any)

\_\_\_\_\_  
Address

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\* Corporate owner's certificate should be accompanied by a corporate form of acknowledgment.

3. ENGINEER'S SURFACE WATER DRAINAGE CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) ss

This is to certify that I, a Registered Professional Engineer, certify that to the best of my knowledge and belief that drainage of surface waters will not be changed by construction of such subdivision or any part thereof, or that if such surface water drainage will be changed, adequate provisions have been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has the right to use, and that such surface waters will not be deposited on the property of adjoining land owners in such concentrations as may cause damage to the adjoining property because of the construction of the subdivision.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Registration Number

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

4. NOTARY CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) ss

I, \_\_\_\_\_, a Notary Public in and for the residing in the County and State aforesaid, DO HEREBY CERTIFY THAT \_\_\_\_\_, personally known to me to be as such owner(s), appeared before me this day in person and acknowledged that he/they signed and delivered the plat as his/their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

5. SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) ss

I, \_\_\_\_\_, A Registered Illinois Land Surveyor, DO HEREBY CERTIFY that I have surveyed and subdivided the lands shown on the plat and described in the above caption, and that the said plat, drawn to a scale of 100 feet per 1 inch, is a true and correct representation of the said survey and subdivision. I do further certify that I have placed iron stakes at all corners and at all curve control points as permanent monuments from which future surveys may be made. All measurements are shown in feet and in decimal parts of a foot.

I further certify that the above-described property is entirely within the corporate limits of the City of Warrenville, Illinois, which has adopted a City plan and is exercising the special powers authorized by Division 12 of Article 11 of the Illinois Municipal Code as amended.

This is to certify that the parcels included in this record of deed (are/are not) located in the Special Flood Hazard Area identified for the City of Warrenville, Illinois, by the Federal Emergency Management Agency on the Flood Insurance Rate Map, Panel No. 170218 0001C and 0002C dated October 3, 1983.

Dated at \_\_\_\_\_, Illinois, this

\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

\_\_\_\_\_  
Registered Illinois Land Surveyor

\_\_\_\_\_  
Registration No.

(Ord. 1172, 8-20-91)

**SUBDIVISION CONTROL ORDINANCE**

**City of Warrenville**

6. PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) ss

This is to certify that the members of the Plan Commission of the City of Warrenville, Illinois have reviewed and approved this plat.

Dated at Warrenville, DuPage County, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

7. CITY ENGINEER'S CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) ss

I, \_\_\_\_\_, City Engineer of the City of Warrenville, Illinois, hereby certify that the land improvements described in the plat, and the plans and specifications therefore, meet the minimum requirements of said City and have been approved by all public authorities having jurisdiction thereof.

Dated at Warrenville, DuPage County, Illinois this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Engineer

\_\_\_\_\_  
Registration Number

8. CITY COLLECTOR CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) ss

I, \_\_\_\_\_, Collector for the City of Warrenville, Illinois, do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments thereof that have not been apportioned against the tract, included in the plat.

Dated at Warrenville, DuPage County, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Collector

9. CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) ss

This is to certify that the City Council of the City of Warrenville, DuPage County, Illinois, has reviewed and approved this plat.

Dated at Warrenville, DuPage County, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

10. COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) ss

I, \_\_\_\_\_, County Clerk of DuPage County, Illinois, DO HEREBY CERTIFY that there are no delinquent general taxes, no unpaid current general taxes, no unpaid forfeited taxes, and no redeemable tax sales against any of the land included in the plat.

I further certify that I have received all statutory fees in connection with the plat.

Given under my hand and seal of the County Clerk at Wheaton, DuPage County, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
County Clerk

11. COUNTY RECORDER CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) ss

This plat was filed for record in the Recorder's Office of DuPage County, Illinois, on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_, at \_\_\_\_\_ o'clock \_\_m. as document number \_\_\_\_\_.

\_\_\_\_\_  
County Recorder

12. COUNTY HEALTH DEPARTMENT CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) ss

I, \_\_\_\_\_, DuPage County, Illinois, do hereby certify that the subdivision shown on this plat complies with all water and sanitary sewage requirements of the DuPage County Health Department.

Dated at Wheaton, DuPage County, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name & Title

13. COUNTY ENGINEER CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) ss

I, \_\_\_\_\_, County Engineer of said County, do hereby certify that the plat has been examined by me and found to comply with the highway requirements as set forth in a regulation governing plats of subdivision lands adopted by the County Board of DuPage County, Illinois.

Dated at Wheaton, DuPage County, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
County Engineer

14. CITY CLERK CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) ss

I, \_\_\_\_\_, City Clerk of the City of Warrenville, Illinois hereby certify that the plat was presented to and by resolution duly approved by the City Council of said City at its meeting held on \_\_\_\_\_, 20\_\_, and that the required bond or other guarantee has been posted for the completion of the improvements required by the regulations of said City.

In witness whereof, I have hereto set my hand and seal of the City of Warrenville, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Clerk

15. SUBDIVISIONS OUTSIDE CORPORATE LIMITS

Except as otherwise required by statute, certification of final plats of subdivision located in the unincorporated areas within one and one-half miles beyond the City limits shall be those required by the DuPage County Subdivision Regulations, except, when the City of Warrenville Subdivision Regulations are more restrictive, the applicable certifications contained herein shall also be required.

If certification of the final plat is required in accordance with the DuPage County Subdivision Regulations the following certification shall be included on the final plat.

PLAT CERTIFICATION

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) ss

Approved by the Board of \_\_\_\_\_, DuPage County, Illinois this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Plat Officer

16. SCHOOL DISTRICT BOUNDARY STATEMENT

The undersigned, being duly sworn, upon his/her oath deposes and states as follows:

That he/she is the owner of the property legally described on a proposed Plat of subdivision submitted to the City for approval, which legal description is attached hereto and incorporated by reference herein; and

To the best of the owner's knowledge, the school district(s) in which each tract, parcel, lot or block of the proposed subdivision lies is/are:

\_\_\_\_\_ (school district name)

\_\_\_\_\_ (address)

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Owner(s)

- B. UTILITY EASEMENT PROVISIONS – Easements are reserved for and granted to the City of Warrenville and to those public utility companies operating under franchise from the City, including but not limited to, Commonwealth Edison Company, NICOR Gas Company, AT&T, Comcast, and their successors and assigns, over all the areas marked “Easement for public utilities” on the plat for the perpetual right, privilege and authority to construct, reconstruct, repair, inspect, maintain, and operate various transmission and distribution systems, and including 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 City, over, upon, along, under and through said indicated easement, together with right of access across the property for necessary workers and equipment to do any of the above work. The right is also granted to cut down, trim or remove any trees, shrubs or other plants on the easement. Easements are hereby reserved and granted to the City 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. (Ord. 2825, 2-3-14)

**6.07 CONSTRUCTION OF REQUIRED LAND IMPROVEMENTS**

- A. INSTALLATION REQUIRED - The owner of subdivider shall, before the recording of this final plat, enter into a contract with the City of Warrentville agreeing to install street and utility improvements and other improvements indicated on the approved preliminary plat and as approved in the final engineering documents in accordance with specification hereinafter provided. Such contract shall be in such form as required by Section 6.08 A.1 of this Ordinance.
- B. DEEDING OF IMPROVEMENTS - All public improvements including those underground up to the property line shall be deeded over to the City of Warrentville and become the property of the City after approval by the City Engineer and when accepted by resolution of the City of Warrentville. All labor and material for installing public improvements shall be furnished by the owner or subdivider. All testing required for acceptance shall be done by the owner or subdivider under the supervision of the City Engineer.

**6.08 AGREEMENTS AND GUARANTEE OF IMPROVEMENTS**

The requirements of this section shall be complied with prior to the approval and recording of a Final Plat of Subdivision.

- A. ACTION BY THE OWNER OR SUBDIVIDER – Prior to the filing of an application for a final plat; the owner or subdivider shall submit the following to the City Clerk:
  - 1. STATEMENT OF AGREEMENT. A statement of agreement that:
    - a. The land improvements, required by this Ordinance, shall be completed by the owner or subdivider in accordance with the plans and specifications approved by the City Engineer.
    - b. Four (4) sets plus one (1) reproducible set on Mylar of as-built plans, as required by Section 6.09 shall be submitted by the owner or subdivider.
    - c. If payment in-lieu-of funds are to be made on an installment basis, the owner or subdivider shall inform the Building Department in writing within five (5) days of any such initial occupancy of a family unit and also submit any such payment concurrent therewith to the City Collector for ultimate payment to the appropriate school district.
    - d. All improvements shall be completed by the owner or subdivider within two (2) years following approval of the final plat by the Mayor and City Council.
    - e. No home in any block shall be occupied for longer than six (6) months without all sidewalks, curb and gutter, and roadway base and surfacing being completed for the entire block by the owner or subdivider, or, whenever at least seventy-five (75) percent of a designated block has completed homes on it, then the owner or subdivider shall have completed constructing all of the sidewalks, curb, gutter and street pavements in that block.
    - f. For a period of two years following final acceptance and approval by the City Council of the City of Warrentville the owner or subdivider shall be responsible for

and shall correct any deficiency or defect in any public improvement, or which occurs within any dedicated public right-of-way, ordinary wear and tear excluded. The owner's/subdivider's obligation shall not extend to items of routine maintenance, such as lawn mowing, snow plowing, tree trimming, but shall include but not be limited to replacement of any indigenous or planted tree within the maintenance period determined to be diseased or dying; or any other condition found not to be in accordance with the final plans and specifications approved for the subdivision or project, ordinary wear and tear excluded.

- g. Subdivider/owner warranties and guarantees to the City of Warrenville that all public improvements and all improvements and vegetation within the public right-of-way are and shall remain free from any and all defects of any kind, shall be in accordance with the approved plans and specifications, and shall function as intended and designed, as of the date of acceptance and for a period of two years thereafter. Only ordinary wear and tear is excluded from the scope of this warranty and guarantee. (Ord. 1780, 8-16-99)

2. SECURITY GUARANTEEING COMPLETION OF PUBLIC IMPROVEMENTS. The following forms of security shall be accepted as completion guarantees for public improvements:

- a. (i) Cash Escrow. Cash deposit or certified check in the total amount required shall be deposited with the City Administrator.
- (ii) Letter of Credit. An irrevocable, commercial letter of credit with any financial institution in a form acceptable to the City Administrator and City Attorney.
- (iii) A performance surety bond, together with a payment surety bond issued by a surety with an A.M. Best's financial rating of AA+, A+, A, A-, or FPR9 and in the form set forth in Appendices IV and V of the Ordinance.
- (iv) A letter of commitment issued by an insurance company or financial institution with an A.M. Best's financial rating of AA+, A+, A, A-, or FPR9. Such letter of commitment shall contain terms and conditions which are substantively identical to the terms and conditions of the performance surety bond (Appendix IV) and labor and material surety bond (Appendix V).
- b. Said security shall be in an amount equal to one hundred ten percent (110%) of the approved estimated cost of all required improvements as defined in this Ordinance and shall be in effect until the required public improvements have been completed, inspected, and approved.
- c. Surety Reduction Requests. Reductions to the outstanding security can be approved by the City of Warrenville for up to ninety percent (90%) of the value of complete required public improvements if (i) a written request with supporting documentation for such a reduction has been submitted by the developer or subdivider who posted the required surety; and (ii) said request has been reviewed and approved by both the City Engineer and the Warrenville City Council. One surety reduction will be processed every eight (8) months (beginning on the date the original surety was posted) by the City of Warrenville with no additional fees due from the developer or subdivider. A \$400.00 processing fee will be charged by the City for each additional surety reduction request(s) during any such eight (8) month period. (Ord. 1780, 8-16-99) (Ord. 2813, 11-18-13)



- B. ACTION BY THE CITY CLERK - The City Clerk shall not certify the approval of the Mayor and City Council on the final plat until all of the requirements of this section have been completed.
- C. SUBDIVISIONS OUTSIDE CORPORATE LIMITS - Such agreements, as set forth above, shall not be required for subdivisions located in the unincorporated areas within one and one-half (1-1/2) miles beyond the City limits when there is evidence that agreements are entered into between the owner or subdivider and DuPage County, except when the City standards for public improvements are of higher quality than DuPage County standards, such agreements may be required by the City.

**6.09 ACCEPTANCE OF REQUIRED PUBLIC IMPROVEMENTS**

- A. ACCEPTANCE OF IMPROVEMENTS BY RESOLUTION - Upon the completion of construction of any public improvements required by this Ordinance, in conformance with approved engineering plans and specifications, the owner or subdivider shall prepare and submit to the City Department of Public Works four (4) sets, plus one (1) reproducible set on Mylar of as-built plans and certification by the City Engineer that such public improvements have been satisfactorily completed in accordance with the approved engineering plans and specifications. The City Council will enact a resolution accepting said improvements.
- B. FINAL PLAT APPROVAL NOT ACCEPTANCE OF IMPROVEMENTS - If any final plat of subdivision contains public streets or thoroughfares which are therein dedicated as such, whether located within the corporate limits of the City, or all or in part outside thereof, or contains existing streets located outside of said corporate limits, the approval of the final plat by the City Council or the subsequent annexation of the property to the City shall not constitute an acceptance thereon or therein, irrespective of any act or acts by an officer, agent, or employee of the City with respect to such streets or improvements. The acceptance of such streets or thoroughfares shall be made only by the adoption of a resolution by the City Council, after there has been filed with the City Clerk a certificate by the City Engineer certifying that all improvements required to be constructed or installed in or upon such streets or thoroughfares, in connection with the approval of the plat of subdivision by the City Council, have been fully completed and the construction or installation thereof has been approved by him.
- C. GUARANTEE OF COMPLETED IMPROVEMENTS - Upon completion of the improvements covered by the security for public improvements, the owner or subdivider shall notify the Mayor of the City of Warrenville in writing and request inspection of the completed improvements. The owner or subdivider shall submit, with the request for inspection, an as-built plan covering the improvements to be accepted. Said as-built plan shall meet the requirements of Section 6.09.A above. After the improvements have been inspected by the City and found to be complete, but before acceptance by the City Council, the owner or subdivider shall furnish a security that shall be in effect for a period of two (2) years after acceptance. Said security shall be in an amount equal to at least ten percent (10%) of the total cost of the improvements to be accepted. The security shall be in a form as provided in Section 6.08.A.2 and shall guarantee the obligations of the developer as set forth in Section 6.08.A.1 and shall secure the guarantee and warranty of the developer that all public improvements and all improvements and vegetation within the public right-of-way shall remain free from any and all defects of any kind, shall be in accordance with the approved plans and specifications, and shall function as intended and designed, as of the date of acceptance and for a period of two years thereafter. Only ordinary wear and rear is excluded from the scope of this warranty and guarantee.

If security for public improvements is already on file guaranteeing completion of the same improvements, the owner or subdivider need not furnish new security before acceptance by the City Council. However, said acceptance by the Mayor and City Council shall release an amount equal to not more than ninety percent (90%) of the original security amount to enable the owner or subdivider to furnish a new security for public improvements equal to ten percent (10%) of the

cost of the improvements for two (2) years after acceptance. (Ord. 1046, 8-9-89), (Ord. 1117, 8-21-90) (Ord. 1780, 8-16-99) (Ord. 2813, 11-18-13)

**ARTICLE 7.00 SUBDIVISION DESIGN STANDARD**

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

**7.01 STREETS**

A. STREET ARRANGEMENT - Where such is not shown on the Comprehensive Plan, and/or Official Map, the arrangement of streets within a subdivision shall either:

- 1. CONTINUITY - Provide for the continuation or projection of existing principal streets in adjacent areas; or
- 2. CONFORMITY WITH PLAN - Conform to a plan for the area or neighborhood approved or adopted by the Plan Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

B. STREET DESIGN - All required street rights-of-way, pavement widths, curves, gradients and sight distances shall be as shown in the Engineering Standards and in accordance with the following:

- 1. STREET JOGS - Street jogs between residential streets, minor arterials and collector streets with centerline offsets of less than two hundred and fifty (250) feet shall not be allowed.
- 2. INTERSECTIONS - It must be evidenced that all street intersections and confluences encourage safe and efficient traffic flow and, in general, be at or near right angles; and in no case shall a street intersect any other street at less than sixty (60) degrees. An intersection of more than two (2) streets shall not be permitted.
- 3. VISION CLEARANCE TRIANGLE EASEMENTS - At all street intersections a vision clearance triangle easement shall be established within the vision clearance triangle formed at the intersection of any street right-of-way as defined by the table and illustration provided in Section 10.B.7 of the Zoning Ordinance of the City. (Ord. 2144, 6-23-04)
- 4. CUL-DE-SAC STREET - Each cul-de-sac street shall be not more than five hundred (500) feet in length measured along its centerline from the street of origin to the end of its right-of-way, unless there are not more than fifteen (15) lots abutting the cul-de-sac. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum diameter of one hundred twenty (120) feet, unless otherwise specified in this Ordinance.
- 5. MEDIAN STRIPS - Median strips other than a raised center curb separating lanes of traffic within a single right-of-way shall not be allowed. However, where a parkway exists on a new street which is an extension of the existing street, a median strip may be constructed not more than five hundred (500) feet in length to provide the transition to no

median strip. All such median strips as described above shall have barrier curbs and gutters.

6. ACCESS FROM ARTERIAL STREETS - Provisions shall be made for vehicular and pedestrian access to residential property abutting an arterial street either by providing: (a) a marginal access street, or (b) by backing lots to the thoroughfare and providing access by a collector, minor, or cul-de-sac street one (1) lot depth removed and with a no-access strip at least twelve (12) feet wide along the rear lot line. These standards are established for the purpose of providing protection for the residential properties and to provide for traffic safety and the efficient use of the major street for its intended function of accommodating through traffic.
7. MARGINAL ACCESS STREET - Where a subdivision borders on or contains a railroad or major street, the Plan Commission may require a street approximately parallel to and on each side of such railroad or major street, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
8. RESERVE STRIPS - Reserve lots (flag lots), enabling access to interior areas of a parcel from a dedicated street only, may be permitted in accordance with the following:
  - (a) All lots shall be a minimum of one (1) acre, exclusive of the portion of the lot used as the reserve strip;
  - (b) That, each reserve strip providing access to a lot shall be not less than twenty (20) feet in width;
  - (c) That, not more than three (3) lots consisting of two (2) reserve lots with reserve strips, each twenty (20) feet in width, and one (1) key lot with a frontage of not less than one hundred twenty-five (125) feet wide along the dedicated street shall be permitted.
  - (d) That, all reserve lots shall be subdivided in accordance with the Subdivision Regulations; and
  - (e) That, where more than one (1) reserve lot is created, the reserve strips, i.e., forty (40) foot access to interior lots, shall be dedicated and marked as private easement or access to interior lots, with only one (1) permitted entrance to the dedicated street for both reserve lots.
9. DRAINAGE DITCHES - Drainage ditches on both sides of pavements shall be designed in accordance with IDOT standards, subject to the approval of the appropriate highway authority and shall be required in subdivisions containing lots of eighteen thousand (18,000) square feet or more in area when curb and gutter is not used.
10. UNPAVED AREAS - All unpaved areas within the dedicated street areas shall be graded and hydro-seeded or sodded in accordance with IDOT's standards subject to the appropriate highway authority standard design and specifications.
11. STREET RIGHT-OF-WAY WIDTHS - All street right-of-way widths shall be not less than the following dimensions:

<u>STREET TYPE</u>	<u>RIGHT-OF-WAY WIDTHS</u>	<u>EASEMENT WIDTHS</u>	<u>TOTAL WIDTHS</u>
a. Arterials (in conformance with Thoroughfare Plan)	100'-200'	-	100'-200'
b. Collector Streets	80'	-	80'
c. Industrial Service Streets	80'	-	80'
d. Multiple-Family Residential Streets	66'	10' (each)	86'
e. Minor (Single Family Residential) Streets	66'	10' (each)	86'
f. Minor Streets, Planned Developments (Residential)	60'	10' (each)	80'
g. Marginal Access Streets	60'	10'	70'
h. Alley (if acceptable by City Council)	20'	-	20'
i. Cul-de-Sac Streets	66'	10 (each)	86'
Turn Arounds			
(1) Industrial	75' radius		
(2) Residential*	60' radius		
j. Pedestrian Ways	12'		12'

\*For residential planned unit developments, a dedicated right-of-way radius of fifty (50) feet, with a ten (10) foot utility easement may be permitted, subject to the review and approval of the City Council.

12. PAVEMENT WIDTHS - All pavement and shoulder widths shall be not less than the following dimensions. Pavement widths on streets with concrete curb and gutter shall be measured between the faces of the two opposing curbs. Unless otherwise noted, the required pavement widths accommodate parallel parking on both sides of the street.

<u>Street Type</u>	<u>Pavement Width<sup>1</sup></u>	<u>Each Shoulder (with rural)</u>
a. Arterials <sup>2</sup>	48'	10'
b. Collector Streets <sup>3</sup>	36'	8'
c. Industrial Service Streets	36'	-
d. Multiple-Family, attached family, zero lot line, cluster single family residential, and residential cul-de-sacs over 300' long or serving more than 15 residential units. <sup>4</sup>		
(1) Parallel parking limited to one side only	26'	-

# SUBDIVISION CONTROL ORDINANCE

City of Warrenville

(2) Parallel parking both sides	30'	-
e. Minor single family residential and residential cul-de-sacs less than 300' long and serving less than 15 residential units <sup>5</sup>		
(1) Parallel parking limited to one side only	24'	-
(2) Parallel parking both sides	30'	-
f. Marginal Access Street		
(1) Parallel parking limited to one side only	26'	-
g. Alley (no parking)		
	18'	-
h. Cul-de-sacs and turn-arounds <sup>4, 5, 6</sup>		
(1) Industrial/commercial	65' radius	-
(2) Residential less than 300' long	45' radius	2'
(3) Residential more than 300' long	50' radius	2'
i. Pedestrian ways <sup>5</sup>		
	5'	-

<sup>1</sup> With curb and gutter.

<sup>2</sup> In conformance with the Illinois Department of Transportation Standards where applicable. Parking prohibited along arterial streets with curb and gutter.

<sup>3</sup> An additional ten and one-half feet (10-1/2') of pavement may be required, subject to the approval of the appropriate highway authority, for bicycle lanes where required and shall be striped, physically separated, or otherwise marked so as to define said areas.

<sup>4</sup> The length of a cul-de-sac street shall be determined by measuring the distance between the curb face on the intersecting through street and the center point of the cul-de-sac bulb.

<sup>5</sup> The minimum pavement width in a cul-de-sac that contains a center island shall be 26' with no parking allowed around the outside perimeter of the cul-de-sac pavement.

<sup>6</sup> Other turnarounds (i.e., hammerheads) may be allowed in unique situations with the approval of the Plan Commission and Warrenville Fire Protection District.

<sup>7</sup> Pedestrian ways require no curb and gutter.

(Ord. 1965, 3-6-02), (Ord. 2037, 1-21-03), (Ord. 2196, 2-23-05)

13. ACCELERATION-DECELERATION, PASSING AND TURNING LANES - Arterials or major collector streets shall be provided with paved acceleration and deceleration lanes and passing or turning lanes where required by the appropriate highway authority.

14. STREET LEVELS - To assure positive drainage from residential buildings to the street, the top foundation of homes shall be at least six (6) inches above the level of the curb. Driveway gradients shall be no less than one-half (1/2) percent and no greater than eight (8) percent.

15. STREET GRADING CONSTRUCTION PLANS - Street grading construction plans shall conform to "Engineering Standards for the City of Warrenville, Illinois."

## 7.02 EASEMENTS

A. EASEMENT DESIGN AND LOCATION - Easements not less than ten (10) feet wide shall be provided for the construction and maintenance of public utilities across the rear of all lots where

no alleys are platted and adjacent to the side lines of lots where necessary for continuity of such utilities from block to block, except that easements shall not be required for water service or sanitary service. When the rear of all lots abut public or unsubdivided lands the easement for the construction and maintenance of public utilities shall be not less than twenty (20) feet wide. All dedications of easements shall specify that no building or other structures may be erected on such easements. The Final Plat for each subdivision or resubdivision containing more than three (3) lots or tracts shall set forth on the face thereof general restrictions or covenants which required that all public utility structures and facilities, whether located on public or private property, shall be constructed wholly underground, except for transformers, transformer pads, light poles, regulators, valve markers and similar structures approved by the City Engineer prior or subsequent to recording of the Final Plat, and except for structures and facilities existing prior to recording of the Final Plat. Where such public utilities are required to be installed underground, the installation and maintenance thereof shall be in compliance with applicable order, rules and regulations of the Illinois Commerce Commission now or hereafter effective, and the owner or subdivider of any property to be served from such underground installations shall be responsible for compliance with the rules and regulations applicable to such underground facilities, now and hereafter effective and filed with said Commission pursuant to the Illinois Public Utilities Act, of any public utility whose services are required to be provided by such underground facilities.

- B. CONTINUITY OF EASEMENTS - Easements shall be designed to provide continuity from block to block.
- C. DRAINAGE EASEMENTS - Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a drainage easement conforming substantially with the lines of such water course and shall include the flood plain where applicable, plus an additional area not less than fifteen (15) feet wide adjoining both edges of said flood plain area for maintenance access purposes as certified by the subdivider or his Registered Professional Engineer, or as approved by the City Engineer.
- D. TEMPORARY VEHICULAR TURN-ROUND EASEMENT - The area shown as a temporary turn-around easement is to be placed on the final plat to be dedicated which is to read as follows: Temporary vehicular turn-around easement may be vacated by a Plat of Vacation after street dedication, extension and acceptance of the improved street by the appropriate highway authority.
- E. VISION CLEARANCE TRIANGLE EASEMENT - An easement to protect clear sight distance three (3) feet above centerline grade shall be established within the vision clearance triangle formed at the intersection of any street right-of-way as defined by the table and illustration provided in Section 10.B.7 of the Zoning ordinance of the City. (Ord. 2144, 6-23-04)
- F. NO-ACCESS STRIP EASEMENTS - A twelve (12) foot, no-access strip easement shall be provided along all through lots along arterial streets.

**7.03 BLOCKS**

- A. CONFIGURATION OF BLOCKS - The shape of blocks shall be determined by topographical features, the basic street system and traffic pattern, lot depths, and areas designated for public and other nonresidential land uses. In addition to these, the lengths, widths, and shapes of blocks shall be determined with due regard to:
  - 1. SITE ADEQUACY - Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - 2. ZONING - Zoning requirements as to lot sizes and dimensions within the corporate limits of the City of Warrenville.

3. CONVENIENCE - Needs for convenient access, circulation, control and safety of street traffic.

**B. LENGTH OF BLOCKS**

1. RESIDENTIAL - In residential subdivisions, the maximum length of blocks shall not exceed one thousand three hundred and twenty (1,320) feet in length except where required by unusual topographic conditions, nor shall they be less than five hundred and twenty (520) feet in length unless approved by the City Council.
2. NON-RESIDENTIAL - In manufacturing and business subdivisions, maximum length of blocks shall be as approved by the City Council.

- C. NON-RESIDENTIAL BLOCKS - Blocks or portions thereof intended for commercial or industrial use shall be designated as such, and the plan shall show adequate off-street areas to provide for parking, loading docks, and other such facilities.

**7.04 LOTS**

- A. CONFIGURATION OF LOTS - The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated and, in general, lots should be as nearly rectangular in shape as practicable.

1. CONFORMANCE WITH ZONING REGULATIONS - Width and area of lots shall conform with lot width and area requirements set forth in the Zoning Ordinance of the City of Warrenville or that of DuPage County in the unincorporated areas beyond the City limits. Corner lots shall be increased in width in accordance with the Zoning Ordinance except that the City Council may require a greater lot width to provide for the proper development of intersection design and traffic safety.
2. NON-RESIDENTIAL LOTS - Width, area, and depth of lots in a manufacturing or business subdivision shall be as approved by the City Council.
3. SIDE LOT LINES - Side lot lines of lots shall be at right angles or radial to the street line, or substantially so.

- B. ACCESS TO LOTS - Each lot within the subdivision must have access to a public street.

- C. SEPARATION FROM MAJOR STREETS - Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from major streets or highways or to overcome specific disadvantages of topography, orientation, and noise.

A no-access strip easement shall be provided, the width of which shall be not less than twelve (12) feet, for the purpose of providing a noise and sight barrier and to prevent the right of access across the rear or side lot line of lots abutting such highway and/or major thoroughfare. Within this easement shall be constructed or installed an earth berm, landscape planting, or a fence which is to be continuous if extending over three (3) or more lots.

- D. DOUBLE FRONTAGE LOTS - Double frontage lots are not permitted, except where lots back upon a major street, upon a body of water in separate or undivided ownership, or in manufacturing and business subdivisions when specifically recommended by the Plan Commission and approved by the City Council.

- E. LOTS ABUTTING A 'WATER COURSE – Lots abutting a water course, drainage way, channel, or stream shall have an additional depth or width as recommended by the Plan Commission and approved by the City Council.
- F. PRESERVATION OF NATURAL FEATURES - In the subdividing of any land, due regard shall be given to the preservation of natural features such as trees, water courses, historical landmarks, and similar community assets, which if preserved, would add to the attractiveness and value of the subdivision, neighborhood, or the community as a whole. The Plan Commission shall include in its report its conclusions as to compliance herewith.
- G. BUILDING, SETBACK LINES - Building setback lines in all new subdivisions shall conform to the front yard and corner side yard provisions of the Warrenville Zoning Ordinance.
- H. All lots will be sodded to back of houses, rear yards to be seeded.

**7.05 PARKS, SCHOOL SITES, AND PUBLIC AREAS**

Whenever required by this Ordinance or any other ordinance of the City of Warrenville, parks, school sites, libraries and/or other public areas shall be shown on all plans and plats and shall be of such configuration as to be acceptable to the Plan Commission, City Council, and the concerned public agency.

**7.06 OTHER IMPROVEMENTS**

- A. TREES - Trees on private property shall be furnished by developer or private owner as a requirement for subdivision approval. One (1) tree shall be planted for every forty (40) feet of frontage along each street. All trees shall have a minimum trunk diameter, measured twelve (12) inches above ground level, of not less than two and one-half (2-1/2) inches. The planting of the following varieties of trees shall be prohibited:

1. PROHIBITED PLAN SPECIES

<u>BOTANIC NAME</u>	<u>COMMON NAME</u>
Acer Negundo	Box Elder
Acer Saccharinum	Silver Maple
Atlanthus Altissima	Tree of Heaven
Betual Spp.	Birch
Juglans Nigra and Hindsii	Black Walnut
Catalpa Speciosa	Catalpa
Elaeagnus Spp.	Russian Olive
Ginkgo Bilaba (female)	Female Ginkgo
Macluna Pomifera	Osage Orange
Malus Spp.	Apple
Morus Spp.	Mulberry
Populus Spp.	Cottonwood, Popular Aspen
Prunus Spp.	Cherry, Plum
Salix Spp.	Willow
Sorbus Spp.	Mountain Ash
Ulmus Spp.	Elm

2. PROHIBITED PLANT FORMS

- a. Multiple Stem Forms - Those forms containing more than one (1) stem.



- b. Espaliers or Topiary - Forms achieved through trimming or pruning which are distorted or contrary to the natural shape of the species.
- c. Flowering Shrubs - Those shrubs which typically grow taller than three (3) feet, yet not tall enough to be under trimmed to a height of six (6) feet.
- d. Topped or Dehorned Trees - Trees with most or all of the crown removed.

Trees may be balled and burlapped. They shall be Northern grown in a nursery and shall be reasonably straight and free from disease and insect problems. All trees shall be tagged and identified as to species (botanic and common name, size and place of origin). Such tags shall not be removed by the developer prior to inspection by the Landscape Advisor. Plantings should not be more than twenty (20) percent of one (1) species.

- B. REQUIREMENTS FOR UNDERGROUND WIRING - The subdivider shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout a subdivided area. Such conduits or cables shall be placed within dedicated public ways or easements and shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Illinois Commerce Commission, and in conformance with the franchise of said utilities. All drainage and underground utility installations which traverse on privately owned property shall be protected by easements granted by the subdivider.
- C. STORM DRAINAGE SYSTEM AND OTHER DRAINAGE IMPROVEMENTS - Provisions of a storm drainage system and other drainage improvements shall be according to plans approved by the appropriate highway authority and City Engineer, and in accordance with the standards and specifications adopted by the City Council under Title 8, Chapter 5 of the City Code.
  - 1. Subsurface Drainage System (Sump Pump) Discharge Improvements:

In addition to the foregoing requirements, every residential lot in a single family residential subdivision in which storm sewer and/or storm water management improvements are required, shall have a direct access to a stormwater management facility or a storm sewer capable of accepting the volume of sump pump discharge generated by each lot in the subdivision. A 4" storm sewer stub designed to accept the subsurface connection of private sump pump discharge pipes shall be provided to the property line of any lot in such a subdivision that does not have direct access to a storm water management facility. The final design and location of the storm sewer system and 4" stubs shall be reviewed and approved by the City Engineer. Any storm sewer improvements and/or storm water management facility used to satisfy the requirements of this section shall be located within an easement that clearly allows individual homes to access and drain their sump pump discharge into the storm sewer system and/or stormwater management facility. (Ord. 2025, 10-23-02)
- D. PUBLIC WATER SUPPLY AND PUBLIC SANITARY SEWAGE SYSTEMS - Public water supply and public sanitary sewage systems shall comply with the requirements of the Illinois Environmental Protection Agency and the City of Warrenville.
- E. PRIVATE WATER SUPPLY AND PRIVATE SANITARY SEWAGE SYSTEMS - Private water supply and private sanitary sewage systems (all systems not under the jurisdiction of the Illinois Environmental Protection Agency) shall comply with the provisions of applicable federal, state, and local codes and regulations.
- F. FIRE PROTECTION CRITERIA - Fire hydrants, water supplies and other fire protection criteria shall comply with the provisions of the City of Warrenville and of the State of Illinois.

G. PUBLIC SIDEWALKS AND PEDESTRIAN WAYS

- 1. Public sidewalks and pedestrian ways shall be included in any proposed subdivision within the corporate limits of the City of Warrenville, and within one and one-half (1-1/2) miles of the corporate limits of the City of Warrenville at the subdivider's expense. Such sidewalks shall be not less than four (4) feet wide. (Ord. 1965, 3-6-02)
- 2. Sidewalks shall be required on both sides of minor streets in residential subdivisions containing lots less than eighteen thousand (18,000) square feet in area. Sidewalks shall be required on one (1) side only in subdivisions containing lots eighteen thousand (18,000) or more square feet in area.
- 3. Sidewalks may be required on both sides of all arterials and major collector streets. For minor collector streets within residential developments, sidewalks shall be required on both sides in subdivisions containing lots less than forty thousand (40,000) square feet in area and on one (1) side only when containing lots greater than forty thousand (40,000) square feet in area. Sidewalks shall be required on both sides of industrial service streets.
- 4. Location of dedicated public walkway or crosswalk easements may be required by the Plan Commission to obtain satisfactory pedestrian access to public or private facilities such as, but not limited to, schools and parks and where blocks exceed nine-hundred (900) feet in length.
- 5. The minimum width for right-of-way or easement for walkways shall be twelve (12) feet.
- 6. Sidewalk ramps and depressed curbs for the handicapped shall be provided at all intersections of public sidewalks and streets in accordance with IDOT criteria subject to approval of the appropriate highway authority.

Information sign(s) shall not be located within any area where there is to be handicapped movement between street pavement and public sidewalk.

H. CURBS OR CURBS AND GUTTERS

- 1. Curbs or curbs and gutters shall be installed in accordance with the City of Warrenville standards and specifications. Curbs or curbs and gutters may not be required in subdivisions where lots are eighteen thousand (18,000) square feet or more in area.
- 2. All curb return radii shall be not less than forty (40) feet for arterials and twenty-five (25) feet for all other commercial and residential type streets, and subject to the approval of the appropriate highway authority.
- 3. All curb return radii shall be not less than fifty (50) feet for industrial service type streets, and subject to the approval of the appropriate highway authority.

I. STREET LIGHTING - Street lighting shall be installed in accordance with the City of Warrenville standards and specifications to illuminate adequately all roadways and sidewalk surfaces. Additional lighting may be required by the Plan Commission, with all the installation being completed within one (1) year after completion of subdivision construction.

J. STREET SIGNS - Street signs shall be erected so as to identify every street within the subdivision and shall be so designed and constructed as to conform with existing street signs. They shall be installed at height of not less than seven (7) feet and shall be placed not less than one (1) foot or more than ten (10) from the edge of the pavement. Signs to be erected before a Certificate of Occupancy is issued.

- K. ADDRESSES - All house numbers and mailboxes to be furnished and installed by developer before a Certificate of Occupancy is issued.

**7.07 STORM WATER MANAGEMENT**

- A. APPLICABILITY - A Storm Water Management Plan shall be required for any new single family detached residential development having a gross aggregate area, including roads, utility rights-of-way and other dedicated lands of one half (1/2) or more acres, and for any new multiple family, office, commercial, industrial, office-research, institutional or utility development. No final subdivision plat shall be approved, and no building permits shall be issued until and unless the Storm Water Management Plan has been reviewed and approved.
- B. STORM WATER MANAGEMENT PLAN - The required Storm Water Management Plan shall be in conformity with the provisions of Title 8, Chapter 5 of the City Code.

**ARTICLE 8.00 ADMINISTRATION AND ENFORCEMENT**

**8.01 ORGANIZATION**

The following offices of the government of the City of Warrenville are concerned with the administration of this Ordinance.

- A. THE CITY COUNCIL - The City Council is vested with the following responsibilities in regard to subdivision control:
  - 1. PLATS - Approval or disapproval of all final plats referred to it by the Plan Commission.
  - 2. VARIATIONS - Approval or disapproval of all variations and exceptions recommended by the Plan Commission.
  - 3. AMENDMENTS - Amendments of the regulations of this Ordinance when found necessary and desirable after review by the Plan Commission.
  - 4. ENFORCEMENT - Initiation of appropriate proceeding to enforce the provisions of this Ordinance.
- B. THE CITY PLAN COMMISSION - The Plan Commission shall administer the provisions of this Ordinance, and in furtherance of said authority shall:
  - 1. MAINTAIN ORDINANCE - Maintain permanent and current records of this Ordinance, including amendments hereto.
  - 2. FILE PLANS AND PLATS - Receive from the City Clerk and file all preliminary plats and final plats (together with applications).
  - 3. LIAISON AND CONCERNED AGENCIES - Forward copies of the preliminary plat to other appropriate offices and agencies for their recommendations and report.
  - 4. PRELIMINARY PLATS - Approve or disapprove of all preliminary plats.

5. LIAISON WITH CITY COUNCIL - Forward decisions made on all preliminary plats to City Council.
  6. FILE ALL CHECKED PLATS, Receive from the City Clerk and file all final plats, and check their compliance with the preliminary plat.
  7. FORWARD PLATS TO CITY COUNCIL - Forward with recommendations to the City Council all final Plats.
  8. OTHER DETERMINATIONS - Make all other determinations required by the regulations herein.
- C. THE CITY ENGINEER -
1. REVIEW OF PLATS - Review all preliminary subdivision plats and make determinations in the areas of design standards and engineering specifications, as stipulated herein.
  2. INSPECTION OF WORK - Inspect all improvements required by this Ordinance both during construction and after completion to insure compliance with this Ordinance and with good construction practice.
  3. CONFLICT OF INTEREST - The City Engineer shall not be retained by a subdivider or other interested party to perform engineering work in any subdivision subject to the application of this Ordinance.
  4. ENGINEERING STANDARDS - All Engineering Standards shall be provided by the City Engineer.
- D. THE CITY CLERK - In addition to other duties which may be required by this Ordinance, the City Clerk shall:
1. PLATS OF SURVEY - Receive and distribute plats of survey for land divisions other than subdivisions to the Plan Commission. Receive copies of approved plat of survey from the Plan Commission, retain a copy of approved plats of survey, and record same with the Recorder of Deeds of DuPage County. Collect recording fees from the owner or divider.
  2. PRELIMINARY PLATS - Receive and distribute preliminary plats and supporting documentation to the appropriate public facility providers and the Plan Commission. Receive from the Plan Commission and distribute copies of the approved preliminary plat. Collect plat review fees from the subdivider.
  3. ENGINEERING PLANS AND SPECIFICATIONS - Receive and distribute final engineering plans and specifications to the City Engineer and the Plan Commission. Collect engineering review fees from the subdivider.
  4. FINAL PLATS - Receive and distribute final plats and supporting documentation to the Plan Commission. Receive from the Plan Commission and forward copies of the approved final plat to the City Council. Receive and distribute copies of the approved final plat from the City Council, retain a copy of the approved final plats, and have Registered Land Surveyor, or designee record same with the Recorder of Deeds of DuPage County. Collect recording fees from the subdivider.
  5. LETTERS OF CREDIT - Receive from the subdivider a Letter of Credit equal to one hundred and ten (110) percent of construction of all public improvements in the subdivision before final action on the plat shall be taken by the City Council. Receive from the subdivider upon completion of the required public improvements a Letter of Credit

equal to ten (10) percent of the total cost of improvements (if a Letter of Credit is not already on file).

**8.02 ENFORCEMENT**

- A. PLAT OFFICER TO ADMINISTER ORDINANCE - The Chairman of the Plan Commission designated as Plat Officer shall administer this Ordinance and bring any violations or lack of compliance herewith to the attention of the City Attorney.
- B. COMPLIANCE REQUIRED BEFORE SALE OF LOTS OR ISSUANCE OF BUILDING PERMIT - No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell such parcel, nor shall any public official issue a building permit for the construction of buildings or structures within a proposed subdivision, before the final plat of said subdivision has been approved by the City Council, in accordance with the provisions of this Ordinance, and filed with the Recorder of Deeds of DuPage County, Illinois.
- C. USE OF METES AND BOUNDS MEASURE PROHIBITED - The subdivision of any lot or any parcel of land by the use of metes and bounds for the purpose of sale; transfer, or lease with the intent of evading this Ordinance will not be permitted. All such described subdivisions shall be subject to all of the requirements and regulations contained in this Ordinance.
- D. COMPLIANCE REQUIRED BEFORE PLAT APPROVAL - No final plat of subdivision shall be approved which does not comply with all the provisions of this Ordinance.

**8.03 VARIATIONS AND EXCEPTIONS**

- A. HARDSHIPS - Where the Plan Commission finds that extraordinary hardships or particular difficulties regarding the physical development of land may result from strict compliance with these regulations, it may recommend variations or exceptions to the regulations so that substantial justice may be done and public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Ordinance; and further, provided the Plan Commission shall not recommend variations or exception to the regulations of this Ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:
  - 1. PUBLIC WELFARE PROTECTED - The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
  - 2. UNIQUE CONDITIONS - The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property; and
  - 3. PARTICULAR PHYSICAL CONDITIONS - 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 the regulations were carried out.
- B. CONDITIONS - In recommending variations and exceptions, the Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this Ordinance.

- C. PROCEDURE - A petition for any such variance shall be submitted in writing by the subdivider at the time the preliminary plat is filed for consideration by the Plan Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.
- D. RECOMMENDATIONS - Such variations and exceptions as may be recommended by the Plan Commission shall be forwarded to the City Council in writing substantiating the recommended variations and/or exceptions. The City Council may approve such variations or exceptions from the requirements of this Ordinance in specific cases as listed on the final plat, which in its opinion do not adversely affect the adopted Comprehensive Plan or the intent and purpose of this Ordinance.

**8.04 RECORD OF PLATS**

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

**8.05 VALIDITY**

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

**8.06 APPEALS**

Any person or corporation may appeal within sixty (60) days to the City Council any final action taken by the Plan Commission. The City Council shall act as a Board of Appeals and shall hear and decide appeals from and review any final order, requirement, decision or determination made by the Plan Commission, under this Subdivision Control Ordinance.

**8.07 REPEAL**

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

**8.08 AMENDMENTS**

For the purpose of promoting the public health, safety, and general welfare, the City Council may from time to time amend the regulations imposed by this Ordinance. The Plan Commission may consider proposed amendments and make recommendations thereon to the City Council.

**8.09 VIOLATIONS AND PENALTIES**

Any person, firm, or corporation who fails to comply with, or violates, any of the provisions of this Ordinance shall be subject to a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00); and each day the violation continues shall be considered a separate, offense.

Whoever shall sell or offer for sale, lease or offer for lease, while this Ordinance is in effect, any lot or lots or block or blocks, within the incorporated limits of the City of Warrenville, or any resubdivision of any lot or block therein, or within contiguous territory and not more than one and one-half (1-1/2) miles beyond

# SUBDIVISION CONTROL ORDINANCE

*City of Warrenville*

the incorporated boundary of the City of Warrenville before a Final Plat of Subdivision has been approved by the Plan Commission and the City Council as required by this Ordinance, shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each lot, block, or part thereof so disposed of, offered for sale, or leased.

## 8.10 FEES

- A. DEPOSIT FOR CONSULTATIVE SERVICES - See 6.01 A.
- B. FEE SCHEDULE FOR PLANNING REVIEW - See Appendix I.
- C. RECORDING FEES - In addition to the fees listed in Appendix I, the subdivider shall also bear the cost of recording the plat.

## 8.11 PUBLIC UTILITIES PERMITS

Public utilities shall obtain permits from the City Council for the installation of communications, electric power, gas, or other utility services before any installation work is started.

## 8.12 ADOPTION

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

ALDERMAN

<u>BY NAME</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Bryan Aschauer	X		
Ralph Esposito			X
Maury Goodman	X		
John Hudetz	X		
Sandy Jones	X		
Elmo Lowderbough	X		
Glenn Ulery	X		
James Wheeler	X		

Adopted by the City Council of the City of Warrenville, this 4<sup>th</sup> day of November, 1985.

Lucy Bernard, City Clerk

Approved by me as Mayor of the City Council of the City of Warrenville, this 4th day of November, 1985.

Vivian M. Lund, Mayor

ATTEST:

Lucy Bernard, City Clerk  
Robert E. Johnson, Treasurer

**8.13 PUBLICATION**

This Ordinance was published in pamphlet form as provided by the Illinois Municipal Code by Authority of the City Council of the City of Warrenville, DuPage County, Illinois, this 5th day of November, 1985.

Lucy Bernard, City Clerk



APPENDIX I

SCHEDULE OF FEES FOR PUBLIC HEARINGS,  
PLAT REVIEW AND RELATED ITEMS

1. PUBLIC HEARING FEES:

- A. Zoning Map amendment or Zoning Ordinance text amendment or zoning variance such as but not limited to side yard setbacks \$480.00
- B. Special Use hearing before Plan Commission, including flood management \$390.00
- C. Other variance hearings before Zoning Board of Appeals, including flood management and signs \$390.00
- D. Transcript charges for all hearings, including all charges associated with the public hearing (recording at the County, newspaper publication, Court Reporter’s fees, etc.) and/or public hearing sign removal \$600.00 (Deposit)

These fees are due two weeks prior to scheduling a public hearing.

- 2. STREET AND ALLEY – VACATION PLAT \$250.00
- 3. COMMERCIAL AND INDUSTRIAL MULTIPLE FAMILY AND PLANNED UNIT DEVELOPMENT - SITE PLAN REVIEW \$ 40.00 per space times the number of parking spaces (required new spaces or the total number of new spaces provided on the plan, whichever number is greater)
- 4. SUBDIVISION OF ONE-FAMILY LOTS OR LAND DIVISIONS \$ 40.00 per space times the number of parking spaces (required new spaces or the total number of new spaces provided on the plan, whichever number is greater)
- 5. Any revised plans or plats instigated by the proprietor, an additional charge at the Initial rate shall be levied.
- 6. Meetings with proprietor, etc., including Zoning and Ordinance Text Amendments will be charged at prevailing hourly charges of consultants directly to the developer (see Section 6.01 A Subdivision Control Ordinance # 807).

(Ord. 822, 2-18-86), (Ord. 1050, 9-7-89), (Ord. 2306, 7-10-06), (Ord. 2906, 1-19-15)

APPENDIX II

CHECK LIST REVIEW OF PRELIMINARY PLAT OF SUBDIVISION

CITY OF WARRENVILLE  
APPLICATION FOR PRELIMINARY PLAT APPROVAL

SUBDIVISION NAME \_\_\_\_\_

INSTRUCTIONS

1. Please print. Application must be complete before filing with the City of Warrenville.
2. Before making application, a copy of the Warrenville Subdivision Control Ordinance should be obtained and reviewed, with particular attention paid to Sections 6.01, 6.02 and 6.03.

Applicants should also familiarize themselves with requirements of the Plats Act, Illinois Compiled Statutes, Chapter 765, 205/1.

3. Filing Fees: Refer to Appendix I of this Ordinance or the latest fee schedule for Plat Reviews.
4. All items listed below in the check list and any others required by law from time to time, must be submitted simultaneously with this application. This application will not be forwarded to the Plan Commission for consideration until all of such items are submitted.
5. Proof of ownership, disclosure of beneficial interest, and authorization to represent owner must be attached to this application.

I. \_\_\_\_\_

Name of Applicant	Address	Phone No.
Name of Owner	Address	Phone No.
Authorized Agent	Address	Phone No.

II. CHECK LIST OF ITEMS TO BE FILED WITH THIS APPLICATION:

- Preliminary plat, six (6) copies.
- Boundary Line Survey prepared and certified by a surveyor registered in the State of Illinois.
- Written authorization of agent, if any, to represent owner, expressly stating the extent of authority of any agent.
- Disclosure of beneficial ownership of land trust, if any.
- Proof of ownership.
- Soil and Water Conservation District application evidencing that application has been made directly to the District.
- Topographical and profile studies, drawn to same scale as overlays to Plat showing source of data, and certification of registered professional engineer and owner of the land or his duly

authorized attorney regarding the drainage of surface waters as required by Section 2 of the Illinois Plats Act (Chapter 109, Section 2, Illinois Compiled Statutes, as amended), six (6) copies.

- School Demographic Study and determination of acreage allotment (City of Warrenville City Code Section 8-4-1).
- Preliminary plan for sewer and water, either an engineering plan or a written statement setting forth general plans for sewers, water supply, and storm sewers, indicating methods to be employed to overcome particular problems that may be encountered, six (6) copies.
- A letter from the DuPage County Waste Water Facility Planning area, lead agency in whose jurisdiction the proposed subdivision is located certifying the availability (or lack thereof) of wastewater treatment plant capacity and presence of sanitary sewers to serve the proposed subdivision.
- Owner's or subdivider's statement that the Preliminary Plat is in substantial accordance with the Comprehensive Plan of the City of Warrenville. If any changes to the Comprehensive Plan are proposed, submit a description of the proposed changes.
- A soils analysis prepared by an engineer registered in the State of Illinois which shall be of sufficient scope to point out potential ground absorption, runoff or flooding deficiencies, the presence of unstable soils or soils of low bearing capacity, or the presence of subsurface rock that would affect the installation of underground improvements or the provision of above ground improvements, six (6) copies.
- Drafts of proposed protective covenants, four (4) copies.
- Payment of required fees.
- Any other items required by law from time to time.

### III. DRAWINGS AND MAPS - REQUIRED IDENTIFICATION AND DESCRIPTION

- Proposed name of the subdivision - not a duplication of a name of any plat heretofore recorded in the City or in DuPage County.
- Location of the subdivision by section, township, and range or by other approved legal description.
- Name and address of the designer of the subdivision.
- Name and address of the owner or subdivider of the subdivision.
- Drawing number and date of preparation with provision for revisions of drawing.
- Graphic scale - shall be at a scale of not less than one inch equals one hundred feet (1" = 100').
- North point (designated as true north).
- Locations or references to locations of existing monuments or survey markers used in preparation of survey and grade elevation of each monument and marker.

### IV. PRELIMINARY PLAT MUST INCLUDE THE FOLLOWING (SEE SECTION 6.03 OF SUBDIVISION CONTROL ORDINANCE):

- Was a preliminary consultation meeting attended with the Plan Commission?  
 Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, date \_\_\_\_\_.

Existing Conditions

- Boundary lines.
- Existing zoning districts in proposed subdivision and adjacent tracts.
- Total acreage therein.
- Location, widths, and name of all existing or previously platted streets or other rights-of-way showing type of improvement (if any), railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements, and section and corporate lines within the tract and to a distance of 100 feet beyond the tract and the distance to the nearest street if beyond 100 feet from tract.
- Utilities on and adjacent to the tract location and size of existing sanitary and storm sewer lines, water mains, culverts, and other underground facilities within the tract and to a distance of 100 feet beyond the tract (also showing location and invert grade elevations of catch-basins, manholes, and fire hydrants). Also the engineer's opinion regarding the adequacy of such utilities.
- Location map drawn at a scale of not less than one inch equals 1,000 feet (1" = 1, 000'), showing boundary lines of adjoining unsubdivided or subdivided land within an area bounded by nearest arterial streets or other natural boundaries, but not less than one-half mile beyond the subdivision boundaries in subdivisions located beyond the City limits, identifying type of use and ownership of surrounding land and showing alignments of existing streets.
- Topographic data including existing contours at vertical intervals of not more than two feet, except, in unusual topographical conditions, such vertical intervals may be required to be altered as determined by the City Engineer; and location of water courses, marshes, and other significant features. Soil boring data and seepage tests may be required at locations and depths as determined by the City Engineer.
- Other conditions on tract or adjacent land (water courses, marshes, rock outcrop, trees six (6) inches or more in caliper at one (1) foot above ground level, buildings, railroads, power lines, etc.)

Proposed Conditions

- Layouts of streets showing right-of-way widths and street names (not duplicating the name of any streets heretofore used in the City or its environs unless such street is an extension of or in line with an already named street in which event that name shall be used) and showing proposed through streets extended to boundaries of subdivisions.
- Locations and widths of proposed alleys, pedestrian ways, utility easements.
- Layout, total number of lots, and scaled dimensions on the lot containing the minimum width and depth and on the lot containing the maximum width and depth.
- Minimum front and side street building setback line - indicating dimensions.
- The City of Warrenville zoning districts proposed for the subdivision.
- Areas, if any, intended to be dedicated or reserved for non-residential purposes – indicating in each the approximate acreage. Such areas shall be designated by letter or number.

- Proposed location of sewer lines and storm water drains and proposed methods of sewage and waste disposal and surface water drainage, including the required topographic and profile studies having on their fact the certification -regarding drainage of surface waters required under Section 2 of the Illinois Plats Act (Chapter 109, Section 2, Illinois Compiled Statutes, as amended.)
- If the land being subdivided or any part thereof is zoned for a planned development, areas which are allocated as open space shall be designated as such with a letter of the alphabet and shall be legally described.
- When recommended by the Engineer and required by the Plan Commission, the subdivider shall submit proposed detailed grading plans of blocks and lots.
- Sites, if any, shall be shown for multi-family dwellings, shopping center, churches, industry, or other non-public uses exclusive of single-family dwellings.

THE ABOVE INFORMATION IS TRUE  
AND ACCURATE TO THE BEST OF  
MY KNOWLEDGE AND BELIEF.

\_\_\_\_\_  
SIGNATURE OF APPLICANT/AGENT

\_\_\_\_\_  
APPLICATION DATE

APPENDIX III

CHECK LIST REVIEW OF FINAL PLAT OF SUBDIVISION

CITY OF WARRENVILLE  
APPLICATION FOR FINAL PLAT APPROVAL

SUBDIVISION NAME \_\_\_\_\_

INSTRUCTIONS

1. Please print. Application must be complete before filing with the City of Warrenville.
2. Before making application, a copy of the Warrenville Subdivision Control Ordinance should be obtained and reviewed, with particular attention paid to Sections 6.05 and 6.06. Applicants should also familiarize themselves with requirements of the Plats Act, Illinois Compiled Statutes, Chapter 109, as amended.
3. All items listed below in the checklist and any others required by law from time to time, must be submitted simultaneously with this application. This application will not be processed until all of such items are submitted.
4. Application for Final Plat approval must be made within three (3) months after approval of the preliminary Plat.
5. Proof of ownership, disclosure of beneficial interest, and authorization to represent owner must be attached to this application.
6. Engineering plan review fees and engineering inspection fees must be paid at the same time this application is submitted.

I. \_\_\_\_\_

Name of Applicant	Address	Phone No.
Name of Owner	Address	Phone No.
Authorized Agent	Address	Phone No.

II. CHECK LIST OF ITEMS TO BE FILED WITH THIS APPLICATION:

- Six (6) copies of the final plat.
- Final engineering plans, six (6) copies, (\_\_\_\_\_ City will mark if not required).
- Statement of agreement, six (6) copies regarding land improvements and plans and specifications.
- Boundary line survey, six (6) copies, on a map prepared and certified by a registered surveyor (\_\_\_\_\_ City will mark if not required).
- A map of topographical survey data, six (6) copies, indicating the source of the survey data (\_\_\_\_\_ City will mark if not required).

- Certification, six (6) copies, disclosing the beneficial owners of any land trust owning land in the subdivision and all contracts, commitments or encumbrances into which the beneficiaries of the land trust have entered concerning the real estate. Such certification and disclosure must be verified by the trustee of the land trust in his capacity as trustee or by a beneficiary of the land trust.
- A study or studies, six (6) copies, which shows topographically and by profile (a) the elevation of the land prior to the commencement of any change in elevations as part of any phase of the subdivision; and (b) proposed changes in the elevations and the flow of surface water from the land in the subdivision if such are to occur by development. Such studies must be to the same scale as the plat, be usable as overlays to the plat and have on their face the certification of a registered professional engineer and the owner of the land or his duly authorized attorney to the effect that, "to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, adequate provision has been made for the collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will not be deposited on the property of adjoining land owners in such concentrations as may cause damage to the adjoining property because of the construction of the subdivision."
- Grading plans, six (6) copies, when recommended by the City Engineer and required by the Plan Commission (\_\_\_\_\_ City will mark if not required).
- Protective covenants, four (4) copies, if not shown on plat.
- Payment of all fees due as a result of re-adjustment of the fee for filing of the preliminary plat.
- Payment of all engineering fees for the review of plans and specifications by the City Engineer and for inspection of the improvements.
- Statement of agreement, six (6) copies, that the City will be reimbursed for fees involved in the recording of the plat.
- Any other items required by law from time to time.

### III. FINAL PLAT (MUST INCLUDE THE FOLLOWING - SEE SECTION 6.06)

- Proposed name of the subdivision - not a duplication of name of any plat heretofore recorded in the City or in DuPage County.
- Location by section, town and range, or by other approved legal description (PIN).
- Name and address of the owner or subdivider of the proposed subdivision and designer of such subdivision.
- Graphic scale - shall not have a greater differentiation than one inch equals 100 feet (1" = 100').
- North point (designated as true north).
- Date of preparation and drawing number.
- Boundary lines of the subdivision.

- Layouts of streets showing right-of-way widths and street names (not duplicating the name of any streets heretofore used in the City or its environs unless such street is an extension of or in line with an already named street in which event that name shall be used) and showing proposed through streets extended to boundaries of subdivision.
- Locations and widths of alleys, pedestrian ways, utility easements.
- Storm water drainage and utility easements.
- Areas (other than for streets, alleys, pedestrian ways, utility easements and private lots) intended to be dedicated or reserved for non-residential purposes with an indication of the approximate acreage and designated by letter or number.
  - Areas for public use.
  - If any part of the subdivision is zoned for a planned unit development, areas which are allocated as open space shall be designated as such, with a letter of the alphabet and shall be legally described.
  - Accurate angular and lineal dimensions for all lines, angles and curvatures with functions used to describe all boundaries including perimeter survey of tract, streets, alleys, easements, areas to be reserved for public use, and other important features.
  - Location of all permanent lot markers as actually installed.
  - Identification of all blocks and lots using consecutive numbers for lots within a block.
  - True angles and distances to the nearest established street lines and official monuments (not less than three), which shall be accurately described in the plat by location, size and elevation.
  - Municipal, township or section lines accurately correlated to the lines of the subdivision by distances and angles.
  - Accurate location of all monuments which shall be placed at all block corners, angle points and at intermediate points as shall be required by the City Engineer.
  - Designation of the points where monuments marking the external boundaries of the subdivision may be found. These monuments must be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along a meander line, the points to but not less than twenty (20) feet back from the normal water elevation of a lake or from the bank of a stream except that when such corners or points fall within a street or proposed future street, monuments must be placed on the right-of-way line of the street,
  - Outlines and legal descriptions of any areas to be dedicated or reserved for public use or for the exclusive use of property owners within the subdivision, Protective covenants, unless filed as an accompanying document.
  - THE APPLICATION FOR APPROVAL OF THE FINAL PLAT SHALL NOT BE DEEMED COMPLETE UNTIL THE FOLLOWING CERTIFICATES are included on the final plat. All certificates must be duly executed prior to plat recordation by the City. Execution of any certificates set forth below in 10, 12, 13 and 15 may be waived by the City upon submission of evidence that the person required to execute the certificate has no authority to do so or lacks jurisdiction over the subdivision. (SEE SUBDIVISION ORDINANCE FOR EXACT FORM OF CERTIFICATE).



**SUBDIVISION CONTROL ORDINANCE**

***City of Warrenville***

- 1. Owner's Certificate
- 2. Owner's Surface Water Drainage Certificate
- 3. Engineer's Surface Water Drainage Certificate
- 4. Notary Certificate
- 5. Surveyor's Certificate
- 6. Plan Commission's Certificate
- 7. City Engineer's Certificate
- 8. City Collector Certificate
- 9. City Council Certificate.
- 10. County Clerk Certificate
- 11. Certificate of County Recorder
- 12. County Health Department Certificate
- 13. County Engineer Certificate
- 14. City Clerk Certificate
- 15. Plat Certificate (for subdivisions outside corporate limits only).

THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

\_\_\_\_\_  
Signature of Applicant/Agent

\_\_\_\_\_  
Application Date

APPENDIX IV

CITY OF WARRENVILLE  
PERFORMANCE BOND

Amount: \_\_\_\_\_

Bond No. \_\_\_\_\_

CONTRACTOR (Name and Address):

SURETY (Name and Address):

OBLIGEE (Name and Address):

SUBDIVISION IMPROVEMENTS:	TO BE COMPLETED AS PER THE DOCUMENTS IDENTIFIED ON EXHIBIT 1-A ATTACHED HERETO AND MADE A PART HEREOF AND IN ACCORDANCE WITH THE SCHEDULE OF SUBDIVISION IMPROVEMENTS CONTAINED THEREIN.
---------------------------	--

DESCRIPTION (Name and Location):

DATE:

CONTRACTOR AS PRINCIPAL

SURETY

Company \_\_\_\_\_

Company \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Name and Title \_\_\_\_\_

Name and Title \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

(SEAL)

(SEAL)

(Any additional signatures appear on page 2.)

(FOR INFORMATION ONLY Name, Address and Telephone):

AGENT OR BROKER:

1. The Contractor and the Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors and assigns to the Obligee for the completion of the Subdivision Improvements in a timely manner.
2. If the Contractor completes the Subdivision Improvements, the Surety and the Contractor shall have no obligation under this Bond, except to participate in conferences as provided in Subparagraph 3.1.
3. The Surety's obligation under this bond shall arise after:
  - 3.1 The Obligee has notified the Contractor and the Surety at its address described in Paragraph 10 below that the Obligee is considering declaring a Contractor Default and has requested and attempted to arrange a conference with the Contractor and the Surety to be held not later than 15 days after receipt of such notice to discuss methods of completing the Subdivision Improvements. If the Obligee, the Contractor and the Surety agree, the Contractor shall be allowed to complete the Subdivision Improvements, but such an agreement shall not waive the Obligee's right, if any, subsequently, to declare a Contractor Default; and

- 3.2 The Obligee has declared a Contractor Default. Such Contractor Default shall not be declared earlier than 20 days after the Contractor and the Surety have received notice as provided in Subparagraph 3.1.
- 3.3 Simultaneously with a declaration of Contractor Default by the Obligee, or within a reasonable period of time thereafter, the Obligee shall notify the Surety of the actions that the Obligee requires in order to remedy the Contractor Default. Pursuant to the Obligee's instructions, the Surety shall either:
  - 3.3.1 Within 30 days, pay to the Obligee the full amount of the Performance Bond. The Obligee shall thereupon utilize the bond proceeds solely to cause completion of the work or to cause correction of defective work associated with the Subdivision Improvements. Any bond proceeds remaining after the completion of the work or the correction of defective work shall be returned to the Surety by the Obligee; or
  - 3.3.2 Undertake to perform and complete the Subdivision Improvements itself, through its agents or through independent contractors; or
  - 3.3.3 Obtain bids or negotiated proposals from qualified contractors acceptable to the Obligee for a contract for performance and completion of the Subdivision Improvements, arrange for a contract to be prepared for execution by the Obligee and the contractor selected with the Obligee's concurrence, to be secured with performance and payment bonds executed by a qualified surety equivalent to the bonds issued on the Subdivision Improvements, and pay to the Obligee the amount of damages as described in Paragraph 5.
- 3.4 The Obligee's determination of which course of action the Surety must pursue under Paragraph 3.3 in order to remedy a Contractor's Default shall be final.
4. If the Surety does not proceed as provided in Paragraph 3 in a timely manner, the Surety shall be deemed to be in default on this Bond.
5. After the Obligee has terminated the Contractor's right to complete the Subdivision Improvements, then the responsibilities of the Surety to the Obligee shall not be greater than those of the Contractor under the Subdivision Improvements. To the limit of the amount of this Bond, the Surety is obligated without duplication for:
  - 5.1 The responsibilities of the Contractor for correction of defective work and completion of the Subdivision Improvements;
  - 5.2 Any and all legal fees, engineering and design professional fees, and all costs related to the delay, including but not limited to increased labor and material costs resulting from the acts or failure to act on behalf of the Surety pursuant to Paragraphs 3 and 4; and
  - 5.3 Actual damages caused by delayed performance or non-performance of the Contractor.
6. The Surety shall not be liable to the Obligee or others for obligations of the Contractor that are unrelated to the Subdivision Improvements. No right of action shall accrue on this Bond to any person or entity other than the Obligee or its heirs, executors, administrators or successors.
7. The Surety hereby waives notice of any change, including changes of time, to the Subdivision Improvements or to related subcontracts, purchase orders and other obligations.
8. Any action, legal or equitable, under this Bond shall be brought only in the Circuit Court of Illinois in the judicial circuit in which the contract is to be performed. Such action must be brought within four years after the Surety refuses or fails to perform as required by the Obligee in Paragraph 3.

9. In the event the Surety fails to perform its obligations hereunder in a timely manner, the Obligee may commence legal proceedings in a court of competent jurisdiction in the location where the Subdivision Improvements are situated, and the Surety shall be responsible for the payment of all the Obligee's attorneys' fees and costs incurred in such proceeding, which attorneys' fees and costs shall be in addition to, and not limited in any manner by, the principal amount of this Bond.

10. Notice to the surety, the Obligee or the Contractor shall be mailed or delivered to the address shown on the signature page.

11. DEFINITIONS

11.1 Subdivision Improvements: Those improvements identified in Exhibit 1-A attached hereto.

11.2 Contractor Default: Failure of the Contractor, which has neither been remedied nor waived.

(Space is provided below for additional signatures of added parties, other than those appearing on the cover page.)

CONTRACTOR AS PRINCIPAL  
Company \_\_\_\_\_  
Signature \_\_\_\_\_  
Name and Title \_\_\_\_\_  
Address \_\_\_\_\_  
(SEAL)

SURETY  
Company \_\_\_\_\_  
Signature \_\_\_\_\_  
Name and Title \_\_\_\_\_  
Address \_\_\_\_\_  
(SEAL)

(Ord. 2813, 11-18-13)

APPENDIX V

CITY OF WARRENVILLE  
PAYMENT BOND

Amount: \_\_\_\_\_

Bond No. \_\_\_\_\_

CONTRACTOR (Name and Address):

SURETY (Name and Address):

OBLIGEE (Name and Address):

SUBDIVISION IMPROVEMENTS: TO BE COMPLETED AS PER THE DOCUMENTS IDENTIFIED ON EXHIBIT 1-B ATTACHED HERETO AND MADE A PART HEREOF.

DESCRIPTION (Name and Location):

DATE:

Company \_\_\_\_\_  
Signature \_\_\_\_\_  
Name and Title \_\_\_\_\_  
Address \_\_\_\_\_  
(SEAL)

Company \_\_\_\_\_  
Signature \_\_\_\_\_  
Name and Title \_\_\_\_\_  
Address \_\_\_\_\_  
(SEAL)

(Any additional signatures appear on page 2.)

(FOR INFORMATION ONLY- Name, Address and Telephone)

AGENT OR BROKER:

1. The Contractor and the Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors and assigns to the Obligee to pay for labor, materials and equipment furnished for use in the completion of the Subdivision Improvements which are incorporated herein by reference.

2. With respect to the Obligee, this obligation shall be null and void if the Contractor:

2.1 Promptly makes payment, directly or indirectly, for all sums due Claimants and

2.2 Defends, indemnifies and holds the Obligee harmless from claims, demands, liens or suits by any person or entity whose claim, demand, lien or suit is for the payment for labor, materials or equipment furnished for use in the completion of the Subdivision Improvements, provided the Obligee has promptly notified the Contractor and the Surety (at the address described in Paragraph 13) of any claims, demands, liens or suits and tendered defense of such claims, demands, liens or suits to the Contractor and the Surety, and provided there is no Obligee Default.

3. With respect to Claimants, this obligation shall be null and void if the Contractor promptly makes payment, directly or indirectly for all the sums due.

4. The Surety shall have no obligation to Claimants under this Bond until:

- 4.1 Claimants who are employed by or have a direct contract with the Contractor have given notice to the Surety (at the address described in Paragraph 13) and sent a copy, or notice thereof, to the Obligee, stating that a claim is being made under this Bond and, with substantial accuracy, the amount of the claim.
- 4.2 Claimants who do not have a direct contract with the Contractor:
  - a. Have furnished written notice to the Contractor and sent a copy, or notice thereof, to the Obligee, within 90 days after having last performed labor or lost furnished materials or equipment included in the claim stating, with substantial accuracy, the amount of the claim and the name of the party to whom the materials were furnished or supplied or for whom the labor was done or performed; and
  - b. Have either received a rejection in whole or in part from the Contractor, or not received within 30 days of furnishing the above notice any communication from the Contractor by which the Contractor has indicated the claim will be paid directly or indirectly; and
  - c. Not having been paid within the above 30 days, have sent a written notice to the Surety (at the address described in Paragraph 13) and sent a copy, or notice thereof, to the Obligee stating that a claim is being made under this Bond and enclosing a copy of the previous written notice furnished to the Contractor.
5. If a notice required by Paragraph 4 is given by Obligee to the Contractor or to the Surety, that is sufficient compliance.
6. When the Claimant has satisfied the conditions of Paragraph 4, the Surety shall promptly and at the Surety's expense take the following actions:
  - 6.1 Send an answer to the Claimant, with a copy to the Obligee, within 30 days after receipt of the claim, stating the amounts that are undisputed and the basis for challenging any amounts that are disputed.
  - 6.2 Pay or arrange for payment of any undisputed amounts within 30 days after receipt of the claim.
7. The Surety's total obligation shall not exceed the amount of this Bond, and the amount of this Bond shall be credited for any payments made in good faith by the Surety.
8. By the Contractor furnishing and the Obligee accepting this Bond, they agree that all funds earned by the Contractor in the completion of the Subdivision Improvements are dedicated to satisfy obligations of the Contractor and the Surety under this Bond, subject to the Obligee's priority to use the funds for the completion of the work.
9. The Surety shall not be liable to Obligee, Claimants or others for obligations of the Contractor that are unrelated to the Subdivision Improvements. The Obligee shall not be liable for payment of any costs or expenses of any Claimant under this Bond, and shall have under this Bond no obligations to make payments to, give notices on behalf of, or otherwise have obligations to Claimants under this Bond.
10. The Surety hereby waives notice of any change, including changes of time, to the Subdivision Improvements or to related subcontracts, purchase orders and other obligations.

11. No suit or action shall be commenced by a Claimant under this Bond other than in a court of competent jurisdiction in the location in which the work or part of the work is located or after the expiration of one year from the date (a) on which the Claimant gave the notice required by Subparagraph 4.1 or Clause 4.2.b, or (b) on which the last labor or service was performed by anyone relating to the Subdivision Improvements, whichever of (a) or (b) first occurs. If the provisions of this Paragraph are void or prohibited by law, the minimum period of limitation available to sureties as a defense in the jurisdiction of the suit shall be applicable.

12. In the event the Surety fails to perform its obligations hereunder in a timely manner, the Obligee may commence legal proceedings in a court of competent jurisdiction in the location where the Subdivision Improvements are situated, and the Surety shall be responsible for the payment of all the Obligee's attorneys' fees and costs incurred in such proceeding, which attorneys' fees and costs shall be in addition to, and not limited in any manner by, the principal amount of this Bond.

13. Notice to the surety, the Obligee or the Contractor shall be mailed or delivered to the address shown on the signature page. Actual receipt of notice by Surety, the Obligee or the Contractor, however accomplished, shall be sufficient compliance as of the date received at the address shown on the signature page.

14. When this Bond has been furnished to comply with a statutory or other legal requirement in the location where the construction was to be performed, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted therefrom, and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. The intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

15. Upon request by any person or entity appearing to be a potential beneficiary of this Bond, the Contractor shall promptly furnish a copy of this Bond or shall permit a copy to be made.

16. DEFINITIONS

16.1 Claimant: An individual or entity having a direct contract with the Contractor or with a subcontractor of the Contractor to furnish labor, materials or equipment for use in the completion of the Subdivision Improvements. The intent of this Bond shall be to include, without limitation in terms of "labor, materials or equipment" that part of water, gas, power, light, heat, oil, gasoline, telephone service or rental equipment used in the completion of the Subdivision Improvements, architectural and engineering services required for the performance of the work of the Contractor and the Contractor's subcontractors and all other items for which a mechanic's lien may be asserted in the jurisdiction where the labor, materials or equipment were furnished.

16.2 Subdivision Improvements: Those improvements identified in Exhibit 1-B attached hereto.

(Space is provided below for additional signatures of added parties, other than those appearing on the cover page.)

CONTRACTOR AS PRINCIPAL

SURETY

Company \_\_\_\_\_  
Signature \_\_\_\_\_  
Name and Title \_\_\_\_\_  
Address \_\_\_\_\_

Company \_\_\_\_\_  
Signature \_\_\_\_\_  
Name and Title \_\_\_\_\_  
Address \_\_\_\_\_

(SEAL)

(SEAL)

(Ord. 2813, 11-18-13)