

**SUBDIVISION REGULATIONS  
OF THE CITY OF JOLIET**

**APPROVED BY  
THE CITY COUNCIL  
OF THE CITY OF JOLIET  
OCTOBER 16, 1979**

**ORDINANCE NO. 7208  
(AS AMENDED)**

**INCLUDES ALL AMENDMENTS UP TO AND INCLUDING  
ORD. #15504 ADOPTED 04/04/06**

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**SECTION I. GENERAL PROVISIONS**

1.1 Title: These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of the City of Joliet, Illinois.

1.2 Policy:

A. It is hereby declared to be the policy of the City of Joliet to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the official master plan of the municipality for the orderly, planned, efficient and economical development of the City.

B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until public facilities and improvements are available or are planned to be made available, and proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities, and transportation facilities.

C. The existing and proposed public improvements shall not be in conflict with and shall be properly related to the proposals shown in the Master Plan, Official Map, and the capital budget and program of the City of Joliet, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, sewer and water construction standards, zoning ordinances, Master Plan, Official Map and Land Use Plan, and capital budget and program of the City of Joliet.

1.3 Purposes: These regulations are adopted for the following purposes:

A. To protect and provide for the public health, safety, and general welfare of the City of Joliet.

B. To guide the future growth and development of the municipality, in accordance with the Master Plan.

C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land, and undue congestion of population.

D. To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of all parts of the City.

E. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public

facilities.

G. To provide the most beneficial relationship between the uses of lands and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings and to provide for the proper location and width of streets and building lines.

H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

I. To insure that public facilities are available or are planned to be made available, and will have a sufficient capacity to serve the proposed subdivision.

J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard ground water resources; and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land.

K. To preserve the natural beauty of and topography of the City and to insure appropriate development with regard to these natural features.

L. To provide for open-spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the zoning ordinance of the City of Joliet.

#### 1.4 Legal Authority:

A. The Subdivision Regulations of the City of Joliet ("Subdivision Regulations" or "Regulations") are adopted pursuant to the home rule powers of the City of Joliet. The Subdivision Regulations also constitute an exercise of the statutory authority conferred on the City of Joliet by Section 11-12-5 of the *Illinois Municipal Code* (65 ILCS 5/11-12-5) and other laws. To the extent necessary to validate any particular act, determination, order, ordinance or resolution of the City of Joliet or any provision, requirement, restriction or prohibition contained in the Subdivision Regulations that is determined to be beyond the home rule powers of the City of Joliet, these Regulations are adopted pursuant to the authority conferred on the City of Joliet by law, including but not limited to, the extra-territorial application and enforcement of the Subdivision Regulations.

B. It is the intention of the Mayor and City Council to exercise plenary authority pertaining to the development and division of land located within the City of Joliet and the unincorporated land located within one and one-half (1½) miles thereof, the regulation of the standards of design for subdivisions, resubdivisions and for other areas of development, the making, review and approval of plats and maps, the provision of lot improvements and public improvements, the provision of

subdivision bonds and instruments of similar purpose and effect, the dedication of lands and the making of cash contributions. To the extent that there are any conflicts between the Subdivision Regulations and any provision of law or of the ordinances or requirements of other units of local government, these Regulations shall prevail, including but not limited to, the Subdivision Control Ordinance of Kendall County, as amended, the Subdivision and Plat Ordinance of Will County, as amended, and Section 11-12-8 of the *Illinois Municipal Code*, as amended, and the same are hereby preempted in their entirety and superceded. Section 11-39-3 of the *Illinois Municipal Code* and Section 3 of the *Public Construction Bond Act* are not preempted.\*

\*Revised: 2/19/03 Ord. #14186

## 1.5 Scope of Application

### A. General

These Subdivision Regulations shall apply to each of the following if located within the corporate limits of the City of Joliet or within one and one-half (1½) mile thereof and not included within another municipality:

- 1) subdivisions and re-subdivisions of land;
- 2) planned unit developments;
- 3) development or redevelopment of a lot, tract or parcel of record one acre or more in size and involving:
  - a) the construction of a new principal building or structure, other than a single-family residence; or
  - b) the expansion of an existing principal building or structure, other than a single-family residence where the gross floor area is increased by fifty per cent (50%) or more; or
  - c) the renovation or alteration of an existing principal building or structure, other than a single family residence, where the value of the work exceeds fifty per cent (50%) or more of the fair cash value of the property as determined for real estate tax purposes; or
  - d) a change in the principal land use from agricultural to non-agricultural; or
  - e) a change in the principal land use to include the outdoor storage of inventory or equipment, other than farm equipment used on-site for farming operations, including, but not limited to, containers, trailers, motor vehicles, motor vehicle parts, tires, railcars, special, hazardous or solid waste, recyclables, landscape waste, aggregate materials, stockpiles.

### B. Exemptions

The following divisions of land shall be exempt from these Regulations:

- 1) conveyances of land to a unit of government for public highway or for other public purposes;
- 2) transfers of less than one acre of adjoining and contiguous land between the owners thereof involving no new streets or easements of access, provided that the land being transferred is adjoining and contiguous to both parcels before and after the transfer;

Except for development or redevelopment by a unit of government that consists primarily of public highway improvements, the development or redevelopment of a lot or parcel of record that is one acre or more in size by a unit of government shall not be exempt from these Regulations solely because a related division of land is exempt.

A division of land, or the development or re-development of thereof, shall not be exempt from these Regulations solely because the making of a map or plat is not required by the *Plat Act* (765 ILCS, 205/1 et seq.), as amended.

Exemptions from these Regulations shall be construed narrowly.

C. *Prerequisites to the Division of Land*

In addition to any other approval or procedure set forth under other ordinances of the City of Joliet, or any other agency having jurisdiction, no land located within the corporate limits of the City of Joliet, or unincorporated land located within one and one-half mile of the corporate limits, shall be divided, and no map or plat of subdivision thereof, or planned unit development, shall be valid or accepted for recording, unless and until:

- 1) the owner submits a preliminary plat of the proposed subdivision to the Department of Community Development, and obtains approval thereof from the Mayor and City Council by ordinance after a public hearing before the Plan Commission;
- 2) the owner submits a final plat of the proposed subdivision to the Department of Community Development, and obtains approval thereof from the Mayor and City Council by ordinance after a public hearing before the Plan Commission;
- 3) the owner submits a record plat of the proposed subdivision to the Department of Community Development, and obtains approval thereof from the Mayor and City Council by ordinance;
- 4) the owner complies with all conditions set forth by the Mayor and City Council in connection with the approval of a plat, including, but not limited to, the payment of inspection fees, the submittal of a subdivision bond or similar security, the submittal of an irrevocable offer of dedication of public improvements and the filing of a recorded copy of the record plat with the City Clerk.

D. *Prerequisites to the Development of Land*

In addition to any other approval, procedure or requirement set forth under this or other ordinances of the City of Joliet, or any other agency having jurisdiction, no land located within the corporate limits of the City of Joliet or unincorporated land located within one and one-half mile of the corporate limits shall be developed or re-developed in the manner described in Section 1.5(A)(3) hereof unless and until:

- 1) the owner provides a Development Plan to the City Manager prior to the commencement of development or re-development that specifies the manner in which the subject property is to be developed and the how the improvements described in Section V of these Regulations will be provided, and other information

the City Manager may reasonably require, and obtains approval thereof from the City Manager by permit;

- 2) the owner provides the Assurances for Completion of Public Improvements set forth in Section IV of the Regulations prior to the commencement of development or the issuance of a Building Permit or Site Development Permit;
- 3) the owner provides the public improvements enumerated in Section V of these Regulations prior to the occupancy of the development or the issuance of a certificate of occupancy whichever occurs first;
- 4) the owner makes the School Site Contribution, the Park Contribution and pays all other fees, taxes and charges in accordance with the ordinances establishing the same.

E. *Prerequisites to the Issuance of Permits*

No building permit, certificate of occupancy, site development permit, business license or other permit or license required to occupy or develop real property shall be issued in respect of any building or structure located upon a parcel of land which was created by subdivision, re-subdivision or which was developed or re-developed, as set forth in Section 1.5A(3), on or after April 26, 1967 and not in conformity with the provisions of these Subdivision Regulations. No excavation of land or construction of any public improvements shall take place or be commenced except in conformity with these Regulations. The City Manager shall be authorized to withhold any benefit or service or refuse to issue, to revoke, to condition or to suspend any permit for any land, activity or structure that does not meet the conditions set forth in these Regulations.

F. *Circumvention Prohibited*

The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these Regulations, shall not be permitted. All such described subdivisions shall be subject to the requirements contained in these Regulations.

G. *Re-Subdivision of Lots Improved with Duplexes*

Any vacant lot of record with the R-3 zoning classification may be divided to allow separate ownership of a two-unit residential structure (duplex) without formal approval of a subdivision or re-subdivision, provided that the following conditions are satisfied:

- 1) A two-unit residential structure (duplex) is constructed on the R-3 lot of record.
- 2) The person desiring to divide the lot has filed with the City Manager or his designee prior to the sale of any portion of the lot of record a survey prepared by an Illinois Professional Land Surveyor showing the boundary line of the original lot of record, the division of the original lot of record into two parcels through the common party wall, and two separate legal descriptions for the two new parcels.

- 3) The ground floor area of any individual duplex unit shall not deviate by more than 30% from the ground floor area of the adjacent unit.
- 4) The lot of record and the structure constructed thereon comply with all other subdivision regulations, provisions of the zoning ordinance (except for the side yard setback requirement for the common boundary line of the two new parcels on which the party wall is located), and all other, applicable laws and ordinances;
- 5) no new streets or alleys are being created;
- 6) each unit shall have separate utility systems and meters.\*

Revised: 2/19/03      Ord. #14186

1.6 Enactment:

In order that land may be subdivided in accordance with these purposes and policy, these subdivision regulations are hereby adopted.

1.7 Interpretation, Conflict, and Separability:

A. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

B. Conflict with Public and Private Provisions:

\*Revised: 9/4/91      Ord. #9705

1) Public Provisions: The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision or these regulations or any other ordinance, rule, or regulation, or provision of law, whichever provisions are more restrictive or impose higher standards shall control.

2) Private Provisions: These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirement of these regulations, or determinations of the Plan Commission or City Council in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

Separability: If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

1.8 Saving Provision:

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

1.9 Reservations and Appeals:

Upon the adoption of these regulations according to law, the Subdivision Regulations of the City of Joliet, adopted April 26, 1967, as amended, are hereby repealed, except as to such sections expressly retained herein.

1.10 Amendments:

For the purpose of providing the public health, safety, and general welfare, the Plan Commission may from time to time recommend amendments and the City Council may amend the provisions imposed by these regulations.

1.11 Conditions:

Regulation of the subdivision and development of land and the attachment of reasonable conditions thereto is an exercise of valid police power delegated by the State to the City of Joliet by the Constitution of the State of Illinois and by law. The applicant, developer, owner and subdivider each have the duty of compliance with the Subdivision Regulations for so as to conform to the physical and economic development of the City and for the safety and general welfare of the lot owners in the subdivision and of the community at large.\*

\*Revised: 2/19/03 Ord. #14186

1.12 Resubdivision of Land:

A. Procedure for Resubdivision: For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or

plan legally reached prior to the adoption of any regulations controlling subdivisions, such resubdivision shall be approved by the Plan Commission and City Council by the same procedure, rules and regulations for a subdivision.

B. Procedure for Subdivisions Where Future Resubdivision is Indicated: Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Plan Commission or City Council may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

#### 1.13 Vacation of Plats:

A. Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.

B. Such an instrument shall be approved by the Plan Commission and City Council in like manner as plats of subdivisions. The City Council may reject any such instrument which abridges or destroys and public rights in any of its public uses, improvements, streets or alleys.

C. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

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

#### 1.14 Variations:

A. General: Where the Plan Commission finds that extraordinary hardship or practical difficulties may result from the strict compliance with these regulations, it may recommend variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall have not have the effect of nullifying the intent and purpose of these regulations; and further provided the Plan Commission shall not recommend variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- 1) the granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
- 2) the conditions upon which the request for a variance is based are unique to property for which the variance is

sought and are not applicable generally to other property;

3) because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

4) the variances will not in any manner vary the provisions of the Zoning Ordinance, Master Plan, Official Map, or any other City Ordinance.

B. Conditions: In recommending variances, the Plan Commission shall require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these regulations.

C. Procedures: A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Plan Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

D. In addition to the foregoing, the Mayor and City Council, upon the recommendation of the Plan Commission, may grant a variation from these Regulations for developments that are otherwise subject to these Regulations but that do not involve a subdivision of land located within the corporate limits of the City, but only if the owner establishes by clear and convincing evidence that the development will not have a material developmental impact on the City taking into account the following factors:

- 1) conformity with the comprehensive plan of the City;
- 2) conformity with the zoning ordinance of the County;
- 3) conformity with infrastructure and public improvement requirements of the City and the County;
- 4) effect on the use, maintenance and improvement of existing and planned City streets and other roads that enter the City;
- 5) effect on the use, maintenance and improvement of existing and planned parks, open space and recreational resources located within the City;
- 6) effect on the use, maintenance and improvement of existing and planned schools and libraries located within the City;
- 7) effect on public health and safety;
- 8) effect on police, fire, emergency medical and other public safety resources of the City;
- 9) effect on the taxable value of land in the City, land covered by an annexation agreement or of unincorporated land located within one and one half miles of the City;
- 10) effect on municipal and public utilities;
- 11) effect on drainage and stormwater detention;
- 12) location and size of the land containing the development;
- 13) other factors that have a demonstrable impact upon City public services and facilities\*

\*Revised: 2/19/03 Ord. #14186

#### 1.15 Enforcement, Violations, Penalties

##### A. *General*

- 1) The City Manager shall be empowered to administer these Regulations and to bring to the attention of the Corporation Counsel any violations or lack of compliance herewith. The Corporation Counsel is authorized to commence actions and proceedings to enforce these Regulations and to seek fines and penalties for non-compliance. In addition, the Corporation Counsel, at the direction of the City Manager, is authorized to enforce and make claims under subdivision bonds, letters of credit and similar instruments submitted in accordance with these Regulations.
- 2) The Department of Public Works and Utilities shall be empowered to inspect and administer the design, construction and maintenance of all public improvements required by these Regulations.

*B. Violations and Penalties*

In addition to any other penalty or remedy provided by ordinance or law, any person, firm or corporation, who fails to comply with, or violates, any of these Regulations, shall be subject to a fine of not more than \$750 pursuant to the provisions of Section 1-8 of the Code Of Ordinances, or such higher amount permitted by law..

*C. Civil Enforcement*

The City of Joliet may commence any appropriate action at law or in equity to enforce the Subdivision Regulations and to protect against any violation thereof. This shall include, but shall not be limited to proceedings to enjoin unlawful construction, actions to recover damages, proceedings to restrain, correct, or abate a violation or to prevent illegal occupancy, of a building, structure or premises. A showing of inadequate remedy at law or irreparable harm shall not be needed to obtain and injunction or restraining order. These remedies shall be in addition to the penalties described above. In the event the City of Joliet prevails in such an action, it shall be entitled to a judgment for court costs and reasonable attorneys fees. Actions may be brought against the applicant, the developer, the owner, the subdivider and their respective successors and assigns.

In the event an owner, developer or subdivider fails to complete the public improvements in accordance with these Regulations, then upon thirty (30) days written notice to the owner, developer and subdivider, the City may complete said improvements and the cost thereof shall be a lien against the subdivision, or any part thereof in which the City elects to assert its claim of lien. In addition, the owner, developer or subdivider shall be personally liable for the City's costs in completing the improvements.

*D. Enforcement of Time Requirements*

Deadlines and other time requirements specified herein that are imposed upon the Community Design Development Board, the Plan Commission or the Mayor and City Council are directory only and not mandatory and the failure to act within the prescribed time period shall not deprive such bodies of authority or jurisdiction or invalidate their official actions. No person, including, but not limited to, an applicant, developer, owner or subdivider, shall have an action for damages or civil penalties against the City of Joliet, or its officers and employees, for the violation of any

deadline established herein. Furthermore, no map or plat shall be valid or entitled to recording or execution by officers of the City of Joliet on account of the failure to take action within the time requirements set forth in these Regulations. Section 11-12-8 of the *Illinois Municipal Code* is hereby preempted in its entirety accordingly. This sub-section shall not later the effective period of plats approved by the Mayor and City Council.\*

Revised: 2/19/03 Ord. #14186

## **SECTION II. DEFINITIONS**

### **2.1 Usage:**

A. For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.

B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations;" the word "regulations" means "these regulations."

C. A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed, to be used or occupied".

### **2.2 Words and Terms Defined:**

**Alley:** A private or public right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street. (5.4A(3)(g), 5.4B(4)(c), 5.7E(9)).

**Applicant:** The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises. (3.2A, 3.2B, 3.2C, 3.2G, 3.3A, 3.3B, 3.3C, 3.3D, 3.4A, 3.5C, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, (all sections)).  
**Application, Date of:** The date upon which all required application materials have been received by the Department of Community Development.

**Block:** A tract of land bounded by streets, or by streets and public parks, cemeteries, railroad right-of-ways, shorelines of waterways, or boundary lines of municipalities. (5.4A(4)).

**Bond:** Any form of security, including cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council. All bonds shall be approved by the City Council whenever a bond is required by these regulations. (3.4A(7), 4.1, 4.3B).

**Building:** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind, and includes any structure for which a building permit is required by the City of Joliet prior to construction. (4.6)  
**Capital Improvements Program:** A proposed schedule of all future

projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the City's annual operating expenses, for the purchase, construction and replacement of the physical assets for the Community are included. (1.2C)

Central Water System: The City of Joliet water utility including water treatments and distribution facilities. (5.6B)

Central Sewerage System: The City of Joliet sewer system including collection and treatment facilities. (5.7)

City: The City of Joliet.

Collector Streets or Roads: A road intended to move traffic from local roads to major and minor arterials. A collector road serves a neighborhood or large subdivision and is normally designed so that no residential properties face onto it. (5.2C(2), 5.4B(5)).

Comprehensive Plan: See Master Plan.

Community Design Review Board: A board established by the City Council to provide technical services to the Plan Commission in the administration of these regulations (3.2C, 3.2D, 3.2F, 3.3C, 3.3D).

Construction Plan: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Plan Commission and the City Council as a condition of the approval of the plat (3.3A(4), 6.3).

Cul-De-Sac: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement (5.4A(3)(e), 5.4A(5)(b), 5.4A(10)(b), Table I).

Developer: The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Development: "Development" shall mean the construction, Alteration or expansion of a building or structure, the making of improvements to land or an expansion or change in an existing principal land use. Development shall also include "redevelopment".\*

\*Revised: 2/19/03 Ord. #14186

Easement: A right or privilege in the real estate of another (5.4A(4)(c), 5.5D, 5.9B, 5.10B(3)).

Escrow: A deposit of cash by the developer in a separate account in a bank or savings institution which can only be withdrawn by the written approval of the Director of Public Works or Building Inspector as the case may be. Such funds on account shall be in lieu of an amount required on a performance or maintenance bond as required in these regulations (3.4A(7), 4.1B, 4.2B(2), 4.3, 4.4B, 4.5B).

Final Plat: The drawing or drawings, described in these

regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Plan Commission and City Council for approval (3.3, 6.2).

Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot (5.2C, 5.4A(1)).

Frontage Street: Any street to be constructed by the developer or any existing street in which the development shall take place on both sides.

Grade: The slope of a road, street, utility conduit, or other public way, specified in percentage (%) terms (3.3(G), 5.4A(2), 5.2D(1), 5.4A(3)(a), 5.4B(3)(c)).

High Density: Those residential developments in which density is equal to or greater than one dwelling unit per 7,500 square feet. (5.7A)

Highway, Limited Access: A freeway, or expressway, providing a traffic-way for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic-way. (5.4B(3))

Improvements: See Lot Improvements or Public Improvements.

Individual Sewage Disposal System: A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device meeting with acceptable engineering and health standards. (5.7B(2)(b), 5.7B(3), 5.7D)

Local Minor Streets or Roads: A road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water and storm drainage pipes. (5.4A(3)(d))

Lot: A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development. (5.2)

Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees. (5.2B)

Lot Improvement: Any building, structure, planting materials, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations. (5.2)

Low Density: Those residential developments in which the density is equal to or less than one dwelling unit per 40,000 square feet. (5.7B)

Major Arterial: A road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, major industrial areas, and similar traffic generators within the

City; and/or as a route for traffic between communities or large areas. (5.4A(5), 5.4B(5))

Major Subdivision: All subdivisions not classified as minor subdivision, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new street or extension of City facilities, or the creation of any public improvements. (3.1A, 3.2C)

Master Plan: A Comprehensive Plan for development of the City, prepared by the Plan Commission and adopted by the City Council, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. (1.2A, 1.2C, 1.3B)

Medium Density: Those residential developments in which density is between 7,500 and 40,000 square feet per dwelling unit (5.7B).

Minor Arterial: A road intended to collect and distribute traffic in a manner similar to major arterials, except that these roads service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major residential areas, churches, and office, and/or designed to carry traffic from collector streets to the system of major arterials (5.4A(5), 5.4B(5)).

Minor Subdivision: Any subdivision containing not more than five (5) lots fronting on an existing street nor involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements (and not adversely affecting the remainder of the parcel or adjoining property) and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Ordinance, or these regulations (3.1A, 3.2C).

Model Home: A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision (3.3H).

Non-Residential Subdivision: A subdivision intended for other than residential use such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations (5.4A(3)g, 5.4A(4)c, 5.4B(3)b, 5.12).

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

Official Map: The map established by the City pursuant to law showing the streets, highways, parks, and drainage systems and set-back lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the City Council and any additions thereto resulting from the approval of subdivision plats by the Plan Commission and City Council and the subsequent filing of such approved plats (1.2C, 5.4A(1), 5.4A(3)b, and 5.4B(1)).

Official Master Plan: See Master Plan.

Ordinance: Any legislative action, however denominated, by a local government which has the force of law including any amendment or repeal of any ordinance.

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

Perimeter Street or Road: Any existing street to which the parcel of land is to be subdivided abuts on only one (1) side. (5.4C(1)).

Plan Commission: The Plan Commission of the City of Joliet.

Preliminary Plat: The preliminary drawings preparatory to the preparation of the final plat (or the recording plat in the case of minor subdivisions) (3.2, 6.1).

Public Improvement: Any drainage ditch, storm sewer, sanitary sewer main, water main, roadway, parkway, sidewalk, paving, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established (3.3B, 3.4F, 4.1, 4.2, 4.4, 4.5, 5.3).

Recording Plat: The map, plan or record of a subdivision and all accompanying material, as described in these regulations (3.4, 6.4).

Registered Engineer: An engineer properly licensed and registered by the State of Illinois.

Registered Land Surveyor: A land surveyor properly licensed and registered by the State of Illinois. (6.4B).

Re-Subdivision: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulation controlling subdivisions (3.1C(4)).

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for other special uses. The usage of the term "right-of-way" for land platting purposes 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. (5.3, 5.4A(10a), 5.4B(3), Table I).

Roads, Classification: For the purpose of providing development of the streets, highways, roads, and right-of-ways in the City, and for their future improvements, reconstruction, realignment, and necessary widening, including provision for curbs, and sidewalks, each existing street, highway, road, and

right-of-way, and those located on approved and filed plats, has been designated on the Official Street Classification Map and/or on the Official Map of the City of Joliet and classified therein. The classification of each street, highway, road and right-of-way is based upon its location in the respective zoning districts of the City and its present and estimated future traffic volume and its relative importance and function as specified in the Master Plan of the City. The required improvements shall be measured as set forth for each street classification on the Street Classification Map or Official Map (5.4).

Streets and Roads, Dead-End: A road or portion of street with only one (1) vehicular traffic outlet. (5.4A(10)).

Streets and Roads, Right-of-Way Width: The distance between property lines measured at right-angles to the center line of the street.

Same Ownership: Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association (3.2B(2)).

Set-Back: The distance between a building and the street line nearest thereto.

Screening: Either (a) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, or a type that will form a year-round dense screen at least six (6) feet high; or, (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. (5.4B(3)a).

Subdivider: Any person who 1) having an interest in land, causes it, directly or indirectly to be divided into a subdivision or who 2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development any interest, lot, parcel, site, unit, or plat in a subdivision, or who 3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision.

Subdivision: "Subdivision" shall mean the division of land into two or more parcels or lots by plat, deed, metes and bounds description, trust agreement, devise, intestacy transfer, gift, lease or other method. In addition, the term "subdivision" also includes any development or re-development of land, by planned unit development or otherwise meeting the requirements of Section 1.5(A)(3) hereof. For the purposes of determining whether the Subdivision Regulations apply, a subdivision is any activity that is within the scope of regulatory powers conferred upon the City of Joliet by Section 11-12-5 of the Illinois Municipal Code (65 ILCS 5/11-12-5).\*

Subdivision Agent: Any person who represents or acts for, or on behalf of, a subdivider or developer, in selling, leasing or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Subdivision, Major: See Major Subdivision.

Subdivision, Minor: See Minor Subdivision.

Temporary Improvement: Improvements built and maintained by a subdivider during construction of the subdivision and removed prior to release of the bond insuring their proper construction, maintenance, and removal (4.1.C, 5.4.A(10)a.).

**SECTION III. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS**

3.1 General Procedure

A. Classification of Subdivisions: Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivision owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure, which includes basically two (2) steps for a minor subdivision and three (3) steps for a major subdivision.

1) Minor Subdivision:

- a) Preliminary Plat
- b) Recording Plat

2) Major Subdivision:

- a) Preliminary Plat
- b) Final Plat
- c) Recording Plat

B. Official Submission Dates: For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meeting of City Council at which the preliminary plat is approved shall constitute the official submittal date of the plat from which the statutory period required for formal recording plat approval or disapproval shall commence to run.

C. Coordination of Planned Unit Development Application with Subdivision Approval:

1) It is the intent of these regulations that subdivision review be carried out simultaneously with the review of planned unit development applications under the Zoning Ordinance. The plans required for planned unit development applications shall be submitted in a form to satisfy the requirements of the subdivision regulations.

2) General Requirement: Whenever the Zoning Ordinance authorizes a planned unit development application, which application requests uses of land and density of building and structures different from those which are allowed as of right within the zoning district in which the land is situated, and the application entails the division of land, vacant or improved, into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any or all other plans, terms or conditions, including resubdivision, whether residential or nonresidential, subdivision approval of the planned unit development application shall be required by the Plan Commission in addition to all other procedures and approvals required in the Zoning Ordinance, whether or not such zoning procedures also require Plan Commission approval, review or recommendation.

3) Procedure to be followed:

a) Preliminary Plat and Final Plat Approval Required: Whenever a planned unit development application is submitted which involves a subdivision of land as set forth in Section 3.1(C)(1) of these regulations, such application shall be submitted to the office of the Director of Community Development. The application shall be made on the forms required for a preliminary plat as set forth in Section 3.2 of these regulations and shall include all information required of a Preliminary plat application as set forth herein. The Director of Community Development shall refer the application to the Plan Commission. The Plan Commission shall also make such reviews of use, density, and bulk standards as are required under the planned unit development regulations.

b) Consideration for Zoning Approval: The Plan Commission, after making its decision of approval, conditional approval, or disapproval of the Preliminary plat and Final plat, shall accept the remaining requirements of the planned unit development application and the submission of the application for recording plat approval. No building permits or certificates of occupancy shall be issued for the project until the planned unit development zoning application has been finally approved and recording plat approval has been given and the subdivision plat is recorded with the County Recorder of Deeds.

4) Resubdivision of Planned Unit Developments:

a) A planned unit development may be subdivided or resubdivided for purposes of sale or lease after the plan has been finally approved and development completed or partially completed.

b) If the subdivision or resubdivision of a planned unit development will create a new plot line, the applicant shall make application to the Plan Commission for the approval of the subdivision or re-subdivision. The Plan Commission and City Council shall approve the subdivision

only if they simultaneously approve the application to amend the zoning for the planned unit development for all provisions governing use, density, and bulk standards.

### 3.2 Preliminary Plat

A. Discussion of Requirements: Before preparing the preliminary plat for a subdivision, the applicant should discuss with the Director of Community Development, or his representative, the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. The Director of Community Development, or his representative, shall advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve these aspects of the subdivision plat coming within their jurisdiction.

B. Application Procedure and Requirements: Prior to subdividing land, an owner of the land, or his representative, shall file an application for approval of a preliminary plat. The application shall:

1) Be made on forms available at the office of the Director of Community Development.

2) Include all contiguous holdings of land in the "same ownership," as defined herein, accompanied by an affidavit of ownership, which shall include the dates that the respective holdings of land were acquired, together with the land records, reference number, and the recorder's number of each conveyance to the present owner as recorded in the County Recorder of Deed's Office. The affidavit shall advise as to the legal owner of the property, the beneficiaries of any land trusts, the contract owner of the property, the date contract of sale was executed, and, if any corporations are involved, a complete list of all directors, officers, and stockholders owning more than five per cent (5%) of any class of stock in each corporation.

3) Be accompanied by a minimum of eighteen (18) paper copies of the Preliminary plat complying with these regulations and one (1) digitized copy thereof on a medium and in a format specified by the Director of Community Development.\*

\*Revised: 2/19/03 Ord. #14186

4) Be presented to the Director of Community Development, or his representative, in duplicate.

5) Be accompanied by a fee of One Hundred Twenty Dollars (\$120.00), plus Twelve Dollars (\$12.00) per lot, to a maximum of Twelve Hundred dollars (\$1,200.00). \*\*

\*\*Ordinance #13403 12/04/01

6) The application shall include an address and phone number of a local agent, if one is required, who shall be

authorized to receive all notices required by these regulations.

7) If legal or equitable title to the property to be subdivided is held by a land trust, the application must identify each trustee and beneficiary of the trust and the percentage of interest held by each beneficiary.

If legal or equitable title to the property to be subdivided is held by a partnership or joint venture, the application must identify each partner or joint venturer.

If legal or equitable title to the property to be subdivided is held by a corporation, the application must identify all persons holding directly or indirectly more than 3% of the issued stock of the corporation and the percentage of shares held by each such shareholder.

If legal or equitable title to the property to be subdivided is held by a limited liability company, the application must identify all members of the company and the percentage of interest held by each member.

If legal or equitable title to the property to be subdivided is held by some other entity authorized by law to hold legal or equitable title to real property, the application must identify all officers or similar persons having a legal or equitable ownership interest in the entity or the right to direct the affairs of the entity.\*\*\*

\*\*\*Ordinance #15250 8/16/05

C. Classification: Tentative classification of the preliminary layout as a major or minor subdivision as defined in these regulations, shall be made at this time by the Director of Community Development. Subsequent to classification of the subdivision, the Director of Community Development shall place the matter before the Community Design Review Board, which shall be established by order of City Council concurrent with the adoption of these regulations. After review of the preliminary plat by the Community Design Review Board and the preparation of its report, as required by Section 3.2D, below, the matter shall be placed on the regular meeting agenda of the Plan Commission for formal action. Subsequent to approval by the City Council, if the subdivision is classified by the City Council as a minor subdivision, the applicant may proceed directly to the filing of an application for approval of a recording plat as provided in these regulations. If the subdivision is classified as a major subdivision, the applicant must first file an application for approval of a final plat, as provided in these regulations, before filing for recording plat approval.

D. Study of Preliminary Plat: The Community Design Review Board shall transmit the preliminary plat for review to officials or agencies of the local government, adjoining municipalities, school and special districts, and other official bodies as it deems necessary. The Community Design Review Board shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Community Design Review Board within ten (10) working days after receipt of the request. The Community Design Review Board will consider

all the reports submitted by the officials and agencies concerning the preliminary plat and shall submit a report for proposed action to the Plan Commission for the next available regular meeting. The Community Design Review Board report to the Plan Commission shall be presented at a regular meeting of the Plan Commission within thirty (30) working days following the date of application for preliminary plat approval.

E. Public Hearing: The Plan Commission shall hold a public hearing on the preliminary plat within 30 working days following receipt of application.

1) The Director of Community Development shall advertise the public hearing by causing a notice to be submitted for one (1) publication in one (1) newspaper of general circulation to be published at least fifteen (15) days prior to the public hearing and mail notices to all property owners within one hundred feet (100') of the area to be platted, or in the case where an existing or proposed street intervenes, to owners of property within one hundred feet (100') of the street frontage. The Director of Community Development will maintain file copies of the preliminary plat for public review prior to the hearing.

2) Informational Signs: In addition to the publication of newspaper notice for a public hearing on any request for subdivision approval, notice of a public hearing on such application shall be given by posting one or more informational signs on the subject property in accordance with the following provisions:

(a) For parcels comprising 1 acre or more:

(i) The applicant or the applicant's agent shall erect a sign or signs with minimum dimensions of three (3) feet by four (4) feet. The number and location of the sign(s) shall be determined by the City Manager or his designee.

(ii) The sign(s) shall conform to the format provided by the City Manager or his designee and shall contain the time and place of public hearing and the nature of the application.

(iii) The sign(s) shall be posted at least 15 days but not more than 30 days before the public hearing date.

(iv) It shall be the responsibility of the applicant to prepare and create such signs and to erect whatever framework that may be necessary to display the signage.

(v) Upon completion of the public hearing, the sign(s) shall be removed within 10 days. If the applicant fails to remove the sign, the City of Joliet may remove the sign, and the cost of such removal shall be billed to the applicant and shall constitute a debt payable to the City.

(b) For parcels of less than 1 acre:

(i) The applicant or the applicant's agent shall erect at

least one sign for every 500 feet of street frontage, with a minimum of one sign on each street abutting the property.

(ii) The sign(s) shall be posted at least 15 days but not more than 30 days before the public hearing date.

(iii) The sign(s) shall contain the time and place of the public hearing and the nature of the application.

(iv) The sign(s) required to be erected under this Section shall be provided by the City of Joliet upon the applicant's payment of a \$50.00 deposit for each sign with the City of Joliet. It shall be the applicant's responsibility to post the sign(s). The applicant's deposit shall be refunded upon return of the sign(s).

(v) Upon completion of the public hearing, the sign(s) shall be removed and returned to the City of Joliet within ten days. If the applicant fails to remove the sign within ten days, the City of Joliet may remove the sign, and the cost of removal shall be deducted from the applicant's sign deposit.

(vi) The sign(s) shall be placed in a conspicuous location on the property so the sign(s) may be observed and read from the street, and the applicant shall provide a written certification of the posting of the sign(s), which certification shall include the date and location of the posting of the sign(s).

(vii) The applicant's failure to post the sign(s) as required by this section may result in the deferral of action on or the denial of the applicant's petition. If any required sign is properly posted in a timely manner before the public hearing but is subsequently removed or displaced by an act of vandalism or by inclement weather, the applicant shall be responsible for the replacement of the sign in the proper location. The absence of the sign for a temporary period shall not be a jurisdictional defect that will invalidate the application or any final or advisory action taken thereon.

(viii) The City Manager or his designee shall be authorized to vary the provisions of this section when any of the provisions are inappropriate to provide the intended notice under the particular circumstances. The City Manager or his designee shall be authorized to require the applicant to provide an alternate method of providing notice when necessary to provide adequate public notice. The applicant shall be required to pay any required fee for the provision of alternate notice.  
\*, \*\*

\* Ord. No. 9880; Adopted 4/21/92  
\*\* Rev. 10/17/00, Ord. No. 12936

F. Plan Commission Review of Community Design Review Board Report on Preliminary Plat: The Plan Commission shall study the preliminary plat and the report of the Community Design Review

Board, taking into consideration the requirements of the Subdivision Regulations and the best use of the land being subdivided. Particular attention will be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewerage disposal, drainage, lot sizes and arrangements, and the requirements of the Official Map and Master Plan as adopted by the City Council.

G. Plan Commission Recommendation on Preliminary Plat: After reviewing and discussing the preliminary plat, the report of the Community Design Review Board and other reports submitted by invited agencies and officials, and testimony and exhibits submitted at the Public Hearing, the Plan Commission will advise the applicant of the specific changes or additions, if any, it will require in the layout, and character and extent of required improvements and reservations which it will require as a prerequisite to the recommendation of approval of the preliminary plat to the City Council. The Plan Commission and City Council may require additional changes as a result of further study of the subdivision in final form. Such recommendation for approval, conditional approval, or disapproval shall be made by the Plan Commission within twenty-one (21) calendar days after receiving the report of the Community Design Review Board.

H. Approval of Preliminary Plat: The Plan Commission shall submit a recommendation to approve, conditionally approve, or disapprove the preliminary plat to the City Council within fifteen (15) working days after the date of the regular meeting of the Plan Commission at which the decision on the recommendation was reached. The City Council may then act to approve, conditionally approve, or disapprove the preliminary plat or to request additional changes to the plat as the Council may deem necessary. If the City Council acts to approve the plat, said approval shall constitute authorization for the subdivider to prepare and submit a final plat in the case of a major subdivision or a recording plat in the case of a minor subdivision.

I. Effective Period of Preliminary Plat: The approval of a preliminary plat shall be effective for a period of two (2) years, at the end of which time approval of a recording plat of all or a section of the subdivision must have been obtained from the City Council. Any plat not receiving recording plat approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new preliminary plat for approval subject to all new zoning restrictions and subdivision regulations. In the case of a large subdivision which is being sectionalized, as provided in Section 3.3(B) below, each recording plat approval shall extend the effective period of the preliminary plat for a period of two (2) years from the date of such recording plat approval.

### 3.3 Final Plat

A. Applicant Procedure and Requirements: Based upon the approval by the City Council of the Preliminary Plat, the applicant shall file an application for approval of a final plat. The application shall:

1) Be made on forms available at the office of the Director of Community Development and shall be accompanied by a fee of One Hundred Twenty Dollars (\$120.00) plus Twelve Dollars (\$12.00) per lot, to a maximum fee of Twelve-Hundred Dollars (\$1,200.00). \*

\*Ordinance #13403 12/04/01

2) Include all land within the final plat and all land immediately adjacent thereto extending one hundred feet (100') therefrom, or of that directly opposite thereto, extending one hundred feet (100') from the street frontage of such opposite land, with the names of the owners as shown in the files of the County Assessor.

3) Be accompanied by a minimum of eighteen (18) paper copies of the final plat complying with these regulations and one (1) digitized copy thereof on a medium and in a format specified by the Director of Community Development.

4) Be accompanied by a minimum of three (3) paper copies of the construction plans as described in these regulations and one (1) digitized copy thereof on a medium and in a format specified by the Director of Public Works and Utilities.

5) Substantially comply with the preliminary plat as approved.

6) Be presented to the Director of Community Development, or his representative, in duplicate.

7) Whenever the subject property is in a land trust, the applicant must disclose the identity of each beneficiary of such trust, including the name, address, and percentage of interest of each beneficiary under oath and shall be filed at the time of filing the application.

Whenever the applicant is a partnership or association of two or more persons holding a joint or common interest, the names and addresses of each partner or associate shall be filed at the time of filing the application.

Whenever the applicant is an agent or agents or nominee, the principals for whom such agent, agents or nominee holding such interest shall be disclosed. Such disclosure shall be a statement under oath and shall be filed at the time of filing the application.

Whenever the applicant is a corporation, the names and addresses of all shareholders owning shares equal to or in excess of 3% of the proportionate interest, the names, addresses, and percentage of each therein shall be disclosed. Such disclosure shall be a statement under oath and shall be filed at the time of application.

In addition to the above, the applicant, all beneficial owners of a trust, all agents, nominees, partners or shareholders shall file a sworn affidavit with the City Manager or his designee that he holds the interest for no other person, association or shareholder, and in the event

that he does hold such interest for other person or persons, the name of each person or persons shall be disclosed. \*

\*Ordinance #9182 5/15/90

B. Sectionalizing Large Subdivision Plats: The City Council may permit a large subdivision to be divided into two or more sections and may impose such conditions upon final plat approval as it may deem necessary to assure the orderly development of the plat. The City Council may allow the performance bond or escrow account required in Section 3.4A(7) to be established in such amount as is commensurate with the section or sections for which final plat approval is being requested. The developer may also file the irrevocable offers to dedicate streets and public improvements in the section offered for final plat approval and defer filing offers of dedication for the remaining sections until recording plat approval is requested for those sections.

\*\*

\*\*Revised 3/1/88 Ord. #8600

C. Study of Final Plat: The Director of Community Development shall refer the proposed final plat to the Community Design Review Board for its review, recommendations, and report. Such report of the Community Design Review Board shall be presented at a regular meeting of the Plan Commission within thirty (30) working days following the date of application for final plat approval.

D. Plan Commission Recommendation of Final Plat: After the Plan Commission has reviewed the final plat and construction plans and the report of the Community Design Review Board, the applicant shall be advised of any required changes and/or additions. The Commission shall vote a recommendation to approve, conditionally approve, or disapprove the final plat to the City Council within twenty-one (21) calendar days after receiving the report of the Community Design Review Board. Before the Plan Commission approves a final plat showing park reservation or land for other local government use proposed to be dedicated to the local government, the Commission shall obtain approval of the park or land reservation from the affected Park District or other unit of local government.

E. Approval of Final Plat: The Plan Commission shall submit a recommendation to approve, conditionally approve, or disapprove a final plat to the City Council within fifteen (15) working days after the date of the regular meeting of the Plan Commission at which the decision on the recommendation was reached. The City Council may then act to approve, conditionally approve, or disapprove the final plat or to request additional changes as the City Council may deem necessary. If the Council acts to approve the plat, such approval shall constitute authorization for the subdivider to prepare and submit a recording plat.

F. Zoning Regulations: Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed recording plat approval, except that any plat which has received final plat approval shall be exempt from subsequent zoning amendments to the Zoning Ordinance

rendering the plat non-conforming as to setbacks or lot size, provided that recording plat approval is obtained within one year of final plat approval.

G. Grading of Site Prior to Recording Approval: Subsequent to final plat approval, upon concurrence of the Director of Public Works, and upon receipt by him of a detailed construction schedule, the developer may commence construction to the grades and elevations required by the approved final plat. Submission of the construction schedule shall be accompanied by five (5) copies of the approved construction plans.

H. Model Homes: For the purpose of allowing the early construction of model homes in a subdivision, the Plan Commission shall permit a portion of a major subdivision involving no more than five (5) lots to be created in accordance with the procedures for minor subdivision, provided said portion derives access from an existing city, township, county, or state highway, and provided no future road or other improvement is anticipated where said lots are proposed. The recording plat for the "minor" portion shall be submitted to the Plan Commission simultaneously with the final plat for the remainder of the subdivision or section of which it is a part. Subsequent to recording plat approval of the "minor" portion, the model homes may be constructed, subject to such additional requirements as the City Council may require.

I. Effective Period of Final Plat: The approval of a Final Plat shall be effective for a period of time equal to the remaining effective period of the preliminary plat. At the end of this time approval of the recording plat must have been obtained from the City Council, although the plat need not yet be signed and filed with the County Recorder of Deeds. Any plat not receiving recording plat approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit new preliminary and final plats for approval subject to all new zoning restrictions and subdivision regulations.

### 3.4 Recording Plat

A. Application Procedure and Requirements: Following the approval of the preliminary plat in the case of a minor subdivision, or the final plat in the case of a major subdivision, the applicant, if he wishes to proceed with the subdivision, shall file with the Director of Community Development an application for approval of a Recording Plat. The application shall:

- 1) Be made on forms available at the office of the Director of Community Development, together with a fee of Three Hundred Sixty Dollars (\$360.00). \*
- 2) Include the entire subdivision, or section thereof, which derives access from an existing state, county, township, or city street or highway.
- 3) Be accompanied by a minimum of eighteen (18) paper copies of the recording plat complying with these regulations and

one (1) digitized copy thereof on a medium and in a format specified by the Director of Community Development.

4) Be in substantial compliance with the preliminary plat or final plat, as approved, whichever is applicable, depending upon the classification of the subdivision.

5) Be presented to the Director of Community Development at least two (2) weeks prior to the regular meeting of the City Council at which approval is sought. The date of the regular meeting of the City Council at which recording approval is given shall constitute the official submittal of the recording plat for the purposes of these regulations.

6) Be accompanied by all formal irrevocable offers of dedication to the public of all streets, easements, or other public lands, in a form approved by the City's Corporate Counsel; and the recording plat shall be marked with a notation indicating the formal offers of dedication as follows:

The owner or his representative, hereby irrevocably offer for dedication to the City of Joliet all the streets, easements and other required lands shown within the subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated \_\_\_\_\_, and recorded in the County Recorder of Deeds Office.

By: \_\_\_\_\_  
Owner or Representative  
Date: \_\_\_\_\_

The applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a title opinion for the City. In the event an appraisal is required, said appraisal shall be supplied by the applicant before the signing of the recording plat.

7) Be accompanied by the performance bond or evidence of the escrow account, if required, in a form satisfactory to the City's Corporation Counsel and in an amount established by the Plan Commission and City Council upon recommendation of the Director of Public Works and shall include a provision that the principal of the bond or the uses of the escrow account shall comply with all the terms of the resolution approving the recording plat and shall include, but not be limited to, the performance of all required subdivision and off-site improvements.

8) If public improvements are all or partially completed prior to recording plat approval, the applicant shall submit one reproducible copy of "as built" subdivision and plans and profiles of that portion of public improvements as completed.

9) Be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations (4.2A). The applicant shall also pay the cost of each street sign shown in the construction plans, which

street signs shall be installed by the City.

10) If legal or equitable title to the property to be subdivided is held by a land trust, the application must identify each trustee and beneficiary of the trust and the percentage of interest held by each beneficiary.

If legal or equitable title to the property to be subdivided is held in a partnership or joint venture, the application must identify each partner or joint venturer.

If legal or equitable title to the property to be subdivided is held by a corporation, the application must identify all persons holding directly or indirectly more than 3% of the issued stock of the corporation and the percentage of shares held by each such shareholder.

If legal or equitable title to the property to be subdivided is held by a limited liability company, the application must identify all members of the company and the percentage of interest held by each member.

If legal or equitable title to the subject property to be subdivided is held by some other entity authorized by law to hold legal or equitable title to real property, the application must identify all officers or similar persons having a legal or equitable ownership interest in the entity or the right to direct the affairs of the entity.

Ordinance #15250 Dated 08/16/05

B. Affidavits and Certificates: The recording plat shall include the following:

1) Affidavits and certificates by a registered land surveyor that he has fully complied with these regulations and with the laws of the State of Illinois in surveying, dividing and mapping the land, that the plat is a correct representation of all the exterior boundaries of the land surveyed and of the subdivision of it, that the plat represents a survey made by him and that all monuments indicated thereon actually exist in the locations, size and material indicated on the plat.

2) A certificate by the land owner in the following form:  
This is to certify that the undersigned is the owner of the land described in the attached plat and that he has caused the same to be surveyed, subdivided and platted as shown by the plat for uses and purposes indicated therein.

3) A certificate signed by the Clerk of the County of Will and the Collector of the City of Joliet that there are no unpaid taxes or assessments outstanding on any of the land included in the plat.

C. City Council Review of the Recording Plat: Upon receipt of formal application and all accompanying materials, the Director of Community Development shall place the recording plat before the City Council at a regular Council meeting to be held within

twenty-one (21) calendar days after the date of application. The City Council shall review the application for approval, the accompanying material and the plat and shall within twenty-one (21) calendar days of the initial consideration, modify and approve, or disapprove the recording plat. Such approval or disapproval shall be by an ordinance which shall set forth in detail the conditions to which the approval should be subject; or reasons for disapproval. Upon final action by the City Council, one (1) copy of the recording plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval, noted thereon, and the reasons therefore accompanying the plat.

D. Submission and Review: Subsequent to the approval of the City Council, one (1) copy of the recording plat on tracing cloth or reproducible mylar, two (2) copies of the recording plat on sepia paper, and two (2) copies of the recording plat on paper shall be submitted to the Director of Community Development for final review. A check payable to the County Recorder of Deeds in the amount of the current recording fee shall be provided. No approval shall be endorsed on the plat until a final review has indicated that all requirements of the City Council have been met.

E. Vested Rights: No vested rights shall accrue to any plat until Final Plat or Recording Plat approval. All requirements, conditions, or regulations adopted by the City Council applicable to the subdivision or on all subdivisions generally shall be deemed a condition for recording plat approval.

F. Public Improvements: Either all public improvements in the subdivision shall be installed and dedicated prior to the signing of the recording plat by the Mayor and Chairman of the Plan Commission, or the amount of the bond or escrow account shall be established by the City Council based upon the recommendation of the Director of Public Works, which bond or escrow account shall be established and submitted by the applicant at the time of application for recording plat approval. The City Council shall require the applicant to indicate on the plat all roads and public improvements to be dedicated, special districts for utility or other improvements which may be required to be established or extended and any other special requirements deemed necessary by the City Council in order to conform the subdivision plat to the Official Map and the Master Plan of the City of Joliet.

### 3.5 Signing and Recording of the Recording Plat

#### A. Signing of Plat:

1) When a bond or escrow account is required, the Chairman of the Plan Commission and the Mayor shall endorse approval of the plat after the bond and/or escrow fund has been established in accordance with City Council action and all conditions of the City Council Ordinance pertaining to the plat have been satisfied.

2) When installation of improvements is required, the Chairman of the Plan Commission and the Mayor shall endorse approval on the plat after all conditions of the City

Council ordinance have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown by a certificate signed by the Director of Public Works and that the necessary dedication of public lands has been accomplished.

B. Recording of Plat:

The Chairman of the Plan Commission, the Mayor and other City officials designated by law or ordinance shall sign at least two (2) reproducible originals of the recording plat one (1) of which shall be returned to the City Clerk after its recording by the applicant. \*

\*Ordinance #10796 Dated 5/16/95

**SECTION IV. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS**

4.1 Improvements and Performance Bond

A. Completion of Improvements: Before the recording plat is signed by the Chairman of the Plan Commission and the Mayor, and except as provided in Section 4.1B below, all applicants shall be required to complete to the satisfaction of the Public Works Director all street, sanitary, and other improvements - including lot improvements on the individual lots of the subdivision - as required in these regulations, specified on the final plat, and as approved by the City Council. All applicants shall be required to dedicate the same to the City free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

B. Performance Bond or Escrow Fund

1) Establishment of Performance Bond or Escrow Fund Amount: The City Council may in its discretion waive the requirement that the applicant complete and dedicate all improvements prior to the signing of the recording plat, and that, as an alternative, the applicant post a bond or establish an escrow fund at the time of application for recording approval in an amount estimated by the City Council upon recommendation of the Director of Public Works, as sufficient to secure for the City the satisfactory construction, installation, and dedication of the incompleting portion of required improvements. The performance bond or escrow fund shall also secure necessary improvements for proper erosion control throughout the subdivision including, but not limited to, soil stabilization by grass seeding or other appropriate means.

All performance bonds or escrow accounts established as performance bonds shall state in writing that in case of non-performance by the owner, the bonding company or the holder of the escrow account must release the funds to the Director of Public Works of the City of Joliet, upon his written request. Such release of fund will not be subject to the owner's approval and the funds released shall be used to complete the improvements required.

2) Acceptance of Performance Bond of Escrow Fund: Such performance bond or escrow fund shall comply with all statutory requirements and shall be satisfactory to the Corporation Counsel as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the City Council in the ordinance approving the recording plat and shall be incorporated in the bond or escrow fund and shall not in any event exceed two (2) years from the date of recording approval.

If the subdivider elects to submit a performance bond, such bond shall be approved by the City Council as to amount and surety and conditions satisfactory to the City Council. The Plan Commission may, upon proof of difficulty, recommend to the City Council an extension of the completion date set forth in such bond for a maximum period of one (1) additional year. The City Council may at any time during the period of such bond accept a substitution of principal or securities on the bond upon the recommendation of the Plan Commission.

C. Temporary Improvement: The applicant shall build and pay for all costs of temporary improvements required by the City Council and shall maintain same for the period specified by them. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate, suitable bond for temporary facilities, which bond shall insure that temporary facilities will be properly constructed, maintained, and removed. Where a temporary improvement is to remain for an indefinite period of time (e.g., a tee-shaped street ending at the edge of a subdivision which will be removed when the adjacent property is developed) the applicant shall pay to the City, prior to final release of this bond, a sum equal to the estimated cost of removing the improvement.

D. Cost of Improvements: All improvements required for the subdivision shall be made by the applicant at his expense. Where the City requires that public utilities within the subdivision be oversized to accommodate future development beyond the subdivision, the developer shall install such oversized facilities and shall be reimbursed by the City for the additional expenses of such oversizing in accordance with Resolution No. 1667, "A Resolution for the Development of Public Utilities in the City of Joliet." Where the City requires the construction of greater street cross-section than that of Collector Street "A" (Section 5.3), the developer shall install such required street and shall be reimbursed by the City for the difference between the cost of Collector Street "A" and the cost of the required street.

E. Governmental Units: Governmental units to which these bonds or escrow funds and contract provisions apply may file in lieu of said contracts, bond or escrow account, a certified resolution or ordinance from offices or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Article.

F. Failure to Complete Improvement: For subdivisions for which no performance bond or escrow fund has been posted or

established, if the improvements are not completed within the period specified by the City Council in the ordinance approving the plat, the approval shall be deemed to have expired. In those cases where a performance bond or escrow fund has been posted and required improvements have not been installed within the terms of such performance bond or escrow fund, the City may thereupon declare the subdivision to be in default and require that the bond or escrow fund to be used to complete installation of all improvements regardless of the extent of the building development at the time the subdivision is declared to be in default.

G. Acceptance of Dedication Offers: Acceptance of formal offers of dedication of streets, public utilities, public areas, easements, and parks shall be by ordinance of the City Council. The approval by the Plan Commission or City Council of a subdivision plat shall not be deemed to constitute or imply the acceptance by the City of Joliet of any street, easement or other public land shown on said plat. The Plan Commission or City Council may require said plat to be endorsed with appropriate notes to this effect.

#### 4.2 Inspection of Improvements

A. General Procedure and Fees: The City of Joliet shall provide for inspection of required improvements during construction. The applicant shall pay to the City an inspection fee of one & one-quarter percent (1 1/4%) the estimated cost of required improvements, and the recording plat shall not be signed by the Mayor and Plan Commission Chairman until such fee has been paid. If the Director of Public Works finds upon inspection that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the applicant shall be responsible for completing the improvements in compliance with City standards and specifications. Wherever the cost of improvements is covered by a performance bond, the applicant and the company shall be severally and jointly liable for completing the improvements according to specifications. \*

\*Ordinance #9050 Dated 12/19/89

#### B. Release or Reduction of Performance Bond

1) Requirements for Acceptance of Dedication: The City Council will not accept dedication of required improvements until the Director of Public Works has submitted a certificate stating that all required improvements have been satisfactorily completed. The applicant's engineer or surveyor shall certify to the Director of Public Works, through submission of a detailed, reproducible "as built" survey plat of the subdivision, and plan and profile drawings indicating location, dimensions, materials, and other information required by the City Council or Director of Public Works, that the layout of the line and grade of all public improvements is in accordance with the construction plans for the subdivision. Upon such certification, the City Council shall thereafter accept the dedication in accordance with the established procedure.

2) Reduction of Performance Bond: A performance bond or escrow fund shall be reduced only upon actual dedication of public improvements and then only to the ratio that the public improvements dedicated bears to the total public improvements for the plat. The posting of a maintenance bond for completed public improvements shall be required in accordance with Section 4.4B, prior to any reduction of the performance bond.

#### 4.3 Conditional Certificate of Occupancy

A. When Allowed: Whenever, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed, the Building Inspector may issue a conditional certificate of occupancy, provided there is no danger to the health, safety, or general welfare.

B. Procedures on Escrow Fund or Performance Bond: All required lot improvements which have not been completed at the time of issuance of a conditional certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of issuance of said certificate. In the event that the improvements have not been properly installed, at the end of the time period, the Building Inspector shall give two (2) weeks written notice to the developer requiring him to install same, and in the event that same are not installed properly, the Building Inspector may request the City Council for authorization to proceed to contract out the work for installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or performance bond. In the event that the subsequent lot owner has agreed to install the necessary lot improvements, he shall be responsible for assuring the installation of said improvements by posting a suitable bond or escrow account at the time of issuance of the conditional certificate of occupancy.

#### 4.4 Maintenance of Improvements

A. The applicant shall be required to maintain all improvements on the individual subdivided lots and provide snow removal on streets and sidewalks, until acceptance of said improvements by the City. If there are any certificates of occupancy on a street not dedicated to the City, the City of Joliet may on twelve (12) hours notice plow the street or effect emergency repairs and charge same to applicant.

B. Prior to accepting dedication of public improvements, the City will require the applicant to file a maintenance bond in an amount equal to five percent (5%) of the original performance bond or escrow account and in a form acceptable to the Corporation Counsel, in order to assure the satisfactory condition of required improvements, including all lot improvements on the individual subdivided lots, for a period of two (2) years after the date of the acceptance of dedication by the City Council. \*

\*Revised 2/3/87 Ord. 8408

#### 4.5 Deferral or Waiver of Required Improvements

A. The City Council may defer or waive at the time of final approval, subject to appropriate conditions, the provisions of any or all such improvements, as, in its judgment, are not required in the interests of the public health, safety, and general welfare, or which are in-appropriate because of lack of proper connecting facilities.

B. Whenever it is deemed necessary by the City Council to defer construction of any improvement required herein because of incompatible grades, future planning, inadequate connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the City prior to the signing of the recording plat, or the applicant may post a bond, or establish an escrow account, insuring completion of said improvements upon demand of the City.

#### 4.6 Issuance of Building Permits and Certificates of Occupancy

A. Where a performance bond or escrow fund has been required for a subdivision and except as provided in Paragraph B, below, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the public improvements and dedication of the same to the City, as required in the Plan Commission's and City Council's approval of the final plat.

B. Prior to the issuance of any occupancy permit, the extent of street improvement shall be adequate for vehicular access by the prospective occupant and by Police and Fire equipment, which shall generally mean that the approved sub grade, base course, curb and gutter, and drainage facilities are in place.

#### 4.7 Consumer Protection Legislation and Conflicts of Interest Statutes

A. No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

B. With respect to said lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the municipality until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

C. Any violation of a federal, state or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; State Subdivision Disclosure Act), or conflicts-of-interest statute, law, or ordinance shall be deemed a violation of these regulations and subject to all of the penalties and proceedings

as set forth in Section 1.15 thereof.

**SECTION V. REQUIREMENT FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN**

**5.1 General Provisions**

**A. Conformance to Applicable Rules and Regulations**

In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, regulations, and programs:

- 1) All applicable statutory provisions, rules and regulations of the State of Illinois.
- 2) The Zoning Ordinance, Building and Housing Codes, Flood Plain Management Ordinance, Storm Water Detention Ordinance, and all other applicable laws of the City of Joliet.
- 3) The Official Master Plan, Official Map, Public Utilities Plan, and Capital Improvements Program of the City, including all streets, drainage systems, and parks shown on the Official Map or Master Plan, as adopted.
- 4) The special requirements of these regulations and any rules of the Will County Health Department and/or appropriate state agencies.
- 5) The rules of the State and County Highway Department if the subdivision or any lot contained therein abuts a state highway or connecting street.
- 6) The standards and regulations adopted by the Director of Public Works, all Boards, Commissions, agencies and officials of the City of Joliet.
- 7) Plat approval may be withheld if a subdivision is not in conformity with the above policies and regulations established in Section 1.4 of the regulations.
- 8) All Federal laws.

**B. Self-Imposed Restrictions**

If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Plan Commission or City Council may require that restrictive covenants be recorded with the County Recorder of Deeds in a form to be approved by the City's Corporation Counsel.

**C. Plats Straddling Municipal Boundaries**

Whenever access to the subdivision is required across land in another municipality, the Plan Commission or City Council may request assurance from the Corporation Counsel that access is legally established, and from the Director of Public Works that the access road is adequately improved, or that a performance bond has been duly executed and is

sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

D. Monuments

The applicant shall place, or cause to be placed, permanent reference monuments in the subdivision as required herein and as approved by a Registered Land Surveyor. Permanent monuments shall be verified after construction grading is complete.

1) Monuments shall be located on the street right-of-way lines, at street intersections, angle points of curves and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.

2) The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete, not less than thirty (30) inches in length, not less than four (4) inches square, or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod or other durable material securely embedded; or by iron rods or pipes at least twenty-four (24) inches long and two (2) inches in diameter. These monuments shall be placed not more than 1,400 feet apart in any straight line and 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 any meander line, said points to be not less than twenty (20) feet back from the bank of any river or stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.

3) All internal boundaries, lot corners, and those corners and points not referred to in the preceding paragraph shall be monumented in the field by monuments as described in paragraph 4) below. These monuments shall be placed at all block corners, at each end of all curves, at a point where a river or stream changes its radius, and at all angle points in any line.

4) The lines of all lots that extend to rivers or streams shall be monumented in the field by iron pipes at least twenty-four (24) inches long and nine-sixteenths (9/16) of an inch in diameter or by round or square iron bars at least twenty-four (24) inches long. These monuments shall be placed at the point of intersection of the river or stream with the lot line, with a meander line established not less than twenty (20) feet back from the bank of the river or stream.

5) All such monuments shall be set flush with the ground and planted in such a manner that they will not be removed by frost.

6) All such monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the Plan Commission recommends approval of the recording

plat.

E. Character of the Land

Land which the Plan Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which may reasonably be presumed to be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed, unless adequate methods are formulated by the developer and approved by the Plan Commission, upon recommendation of the Director of Public Works, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses that shall not involve such a danger.

F. Subdivision Name

1)The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Plan Commission shall have the final authority to designate the name of the subdivision which shall be determined at preliminary plat approval.

2)Entry Signs. The erection of subdivision identification signs and/or monuments together with their supporting structures, hereinafter collectively referred to as "structure(s)" shall be required in all subdivisions at all entrances in all zoning districts, subject to the following terms and conditions:

- a. Entrances will be classified as "primary exterior", "secondary exterior", "primary interior" and "secondary interior". Primary exterior signage will be located on major or minor arterials. Secondary exterior signage will be located on collectors. Primary and secondary interior signage will be located on other main entrances between adjacent subdivisions.
- b. The structure(s) are only permitted in easements specifically designated for such structure or within a designated landscape easement. No other building or structure may be erected on the easement. No more than one structure shall be erected on each entry corner on the perimeter of the subdivision. A primary exterior entrance shall require two signs, one on each entry corner. Secondary entrances shall require a sign on one entry corner. A secondary entrance within a multi-family planned unit development shall also require a sign on one entry corner.
- c. The structure(s) may contain a single-sided message area containing a minimum of twenty (20) square feet. The message shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire message. The message area may contain the subdivision name and/or logo only and shall contain no commercial advertisement.
- d. For subdivisions with a total acreage of five acres up to a maximum of 160 acres, the primary exterior sign structure shall be a minimum of six (6) feet in height as

measured from the final grade for the structure's lot and shall contain at least sixty (60) square feet as determined by measuring the side of the structure fronting on a public street. The structure shall contain supporting structures (pillars) with a minimum of three (3) feet by three (3) feet upon a five (5) feet by five (5) feet foundation.

- e. For subdivisions with a total acreage of over 160 acres, the primary exterior sign structure shall be a minimum of six (6) feet in height as measured from the final grade for the structure's lot and shall contain at least 120 square feet as determined by measuring the side of the structure fronting on a public street.
- f. The structure(s) shall be constructed of brick, stone or other masonry material in conjunction with wrought iron. Lettering, ornaments or other graphics on the structure may be constructed of stone, wrought iron, anodized aluminum, thick metals, or cast concrete. The use of sheet metal is prohibited.
- g. Secondary interior signage shall be required between adjacent subdivisions and shall require a decorative pillar a minimum of 5 feet 6 inches in height as measured from the final grade and 2 feet 6 inches in width. The decorative pillar shall be constructed of brick, stone or other masonry material and shall contain lettering, ornaments or other graphics denoting the name of the subdivision in stone or metal material.
- h. The structure(s) shall not impede visibility at the intersection of any driveway or vehicular entrance or any street within the triangular areas as established in Section 47-17.6(4) of the Joliet Zoning Ordinance. The decorative pillar(s) may be located in the public right-of-way.
- i. The structure(s) must have a five-foot landscape buffer containing landscaping as specified in a landscape plan approved by the City Manager or his designee.
- j. The structure shall not be erected or otherwise placed on a site until a building permit and/or sign permit has been obtained from the City Manager or his designee as required by the Joliet Zoning Ordinance.
- k. The structure shall be maintained by a homeowner's association consisting of the property owners in the subdivision of which the structure(s) is/are a part.
- l. Illumination of the structure(s) shall be from a concealed or shielded light source, with illumination concentrated on the area of the sign, either by placement of a streetlight or auxiliary lighting. Concealed or shielded light sources shall thereby reduce glare upon the street and any residential property. Illumination of the structure shall not be flashing or intermittent.

\*Ordinance #14329 dated 6/17/03

## 5.2 Lot Improvements

### A. Lot Arrangement

The lot arrangement shall be such that there will be no foreseeable difficulties, by reason of topography or other conditions, in securing building permits to build on all

lots in compliance with the Zoning Ordinance, Flood Plain Management Ordinance, and Health Regulations and in providing drive-way access to buildings on such lots from an approved street.

B. Lot Dimensions

Lot dimensions shall comply with the minimum standards of the Zoning Ordinance of the City of Joliet. Where lots are more than double the minimum required area for the zoning district, the Plan Commission or City Council may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the zoning ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard set-back from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes, shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance of the City of Joliet.

C. Double Frontage Lots and Access to Lots

1) Double Frontage Lots: Double frontage lots and reverse frontage lots shall be avoided except where necessary to provide separation of residential development from major streets or to overcome specific disadvantages of topography and orientation.

2) Access from Major and Minor Arterials and Collector Streets: Lots shall not, in general, derive access exclusively from an arterial or collector street. Where drive-way access from an arterial or collector street may be necessary for several adjoining lots, the Plan Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, drive-ways should be designed or arranged so as to avoid requiring vehicles to back into traffic on arterial or collector streets.

D. Soil Preservation, Grading and Seeding

1) Soils, Preservation and Final Grading: No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final plat. Final grading of the subdivision shall provide slight drainage swales at the sides and to the rear of lots to prevent the overland drainage from one lot from creating accumulation or causing drainage on an adjacent lot. Topsoil should not be removed from the subdivision or used as spoil, but should be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.

2) Lot Drainage: The layout and grading of lots shall be accomplished in such a manner as to minimize overland drainage from lot to lot. Positive drainage away from all principal buildings shall be provided in the following manner: at final grading a minimum slope of 8% shall be maintained away from all foundations for a distance of at least 6 feet. On naturally sloping land building sites shall be created, to the greatest extent practicable, by a balancing of cut and fill on the same lot. The filling of sites shall be restricted in the following manner: the finish grade elevation at the foundation shall be no higher than the natural grade elevation of the building site at a point midway between property lines, unless required to provide positive drainage as specified above.

3) Lawn Grass Seed and Sod: Lawn-grass seed shall be sown at not less than four (4) pounds to each one-thousand (1000) square feet of land area. Unless unusual weather conditions permit otherwise, spring seeding shall be from March 15 to May 15, and fall seeding shall be from August 15 to October 15. The seed shall consist of a maximum of ten per cent (10%) rye grass by weight and a minimum of ninety (90%) per cent of permanent blue grass and/or fescue grass by weight.

All seed shall have been tested for germination within one (1) year of the date of seeding, and the date of testing shall be on the label containing the seed analysis. All lots shall be seeded from the roadside edge of the unpaved right-of-way back to a distance of twenty-five (25) feet behind the principal residence on the lot.

E. Debris and Waste

No cut trees, timber debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy on a subdivision. Nor shall any be left or deposited in any areas of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

F. Fencing

Each subdivider and/or developer shall be required to furnish and install fences wherever the Plan Commission determines that hazardous conditions exist, such as, but not limited to, instances where residential lots abut limited access highways or stone-quarries. The fences shall be constructed according to standards established by the Director of Public Works and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until such fence improvements have been duly installed.

G. Waterbodies and Watercourse

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Plan Commission and/or City Council may approve an alternate plan whereby the ownership of and the responsibility for safe maintenance of the water body is so placed that it will not become a City government responsibility. No more than twenty-five per cent (25%) of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of design approved by the Director of Public Works.

### 5.3 Right-of-Way Improvement - Street Cross-Sections

The subdivider shall provide all right-of-way improvements necessary to service the development in conformance with these regulations. Generally, the right-of-way will contain the following public improvements: road pavement and base, curb and gutter, sidewalks, sanitary sewer, water main, storm sewer, street lights, and street signs. In addition, provision must often be made within the right-of-way for one or more of the following private utility services: natural gas, telephone, electric power, cable TV. The layout and dimensioning of the right-of-way and the location of improvements within it shall conform to the standard cross-sections illustrated on the following pages.

### 5.4 Roads

#### A. General Requirements

1) Frontage on Improved Roads: No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, or if there is no Official Map, on the Official Street Classification Map. Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved as provided herein below.

2) Grading and Improvement Plan: Roads shall be graded and improved and conform to the City of Joliet construction standards and specifications and shall be approved as to design and specifications by the Director of Public Works in accordance with the construction plans required to be submitted prior to final plat approval.

3) Topography and Arrangement:

a) Roads shall be related appropriately to the topography. Local roads may be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so that as many as possible of the building sites are at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards, Section 5.4,B. of

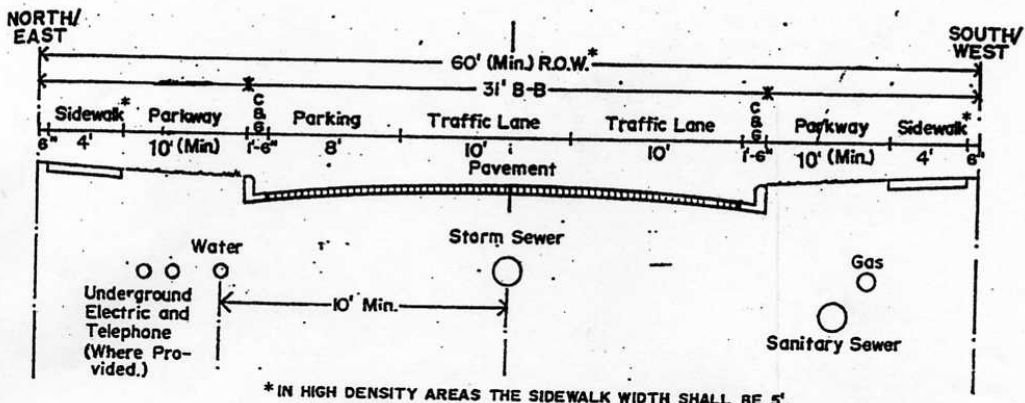
these regulations.

b) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated right-of-way as established on the Official Map, the Official Street Classification Map, and/or Master Plan.

c) All streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers, to population densities and to the pattern of existing and proposed land uses.

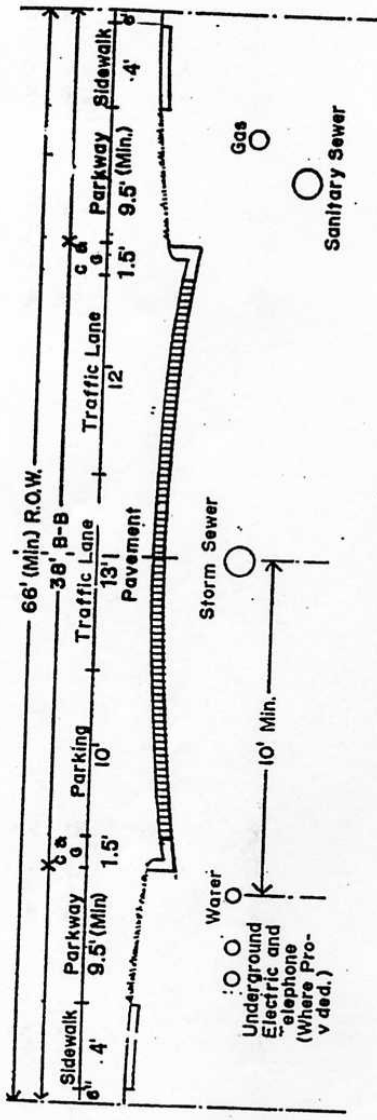
**SECTION 5.3 & 5.4A (THREE PAGE CHART)**

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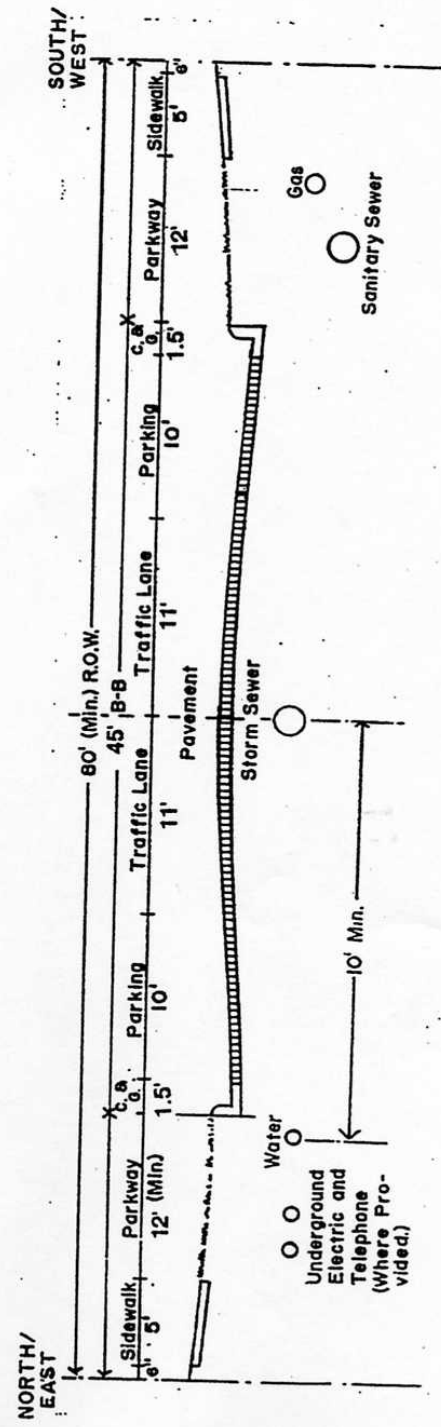


\* IN HIGH DENSITY AREAS THE SIDEWALK WIDTH SHALL BE 5'.

### LOCAL STREET

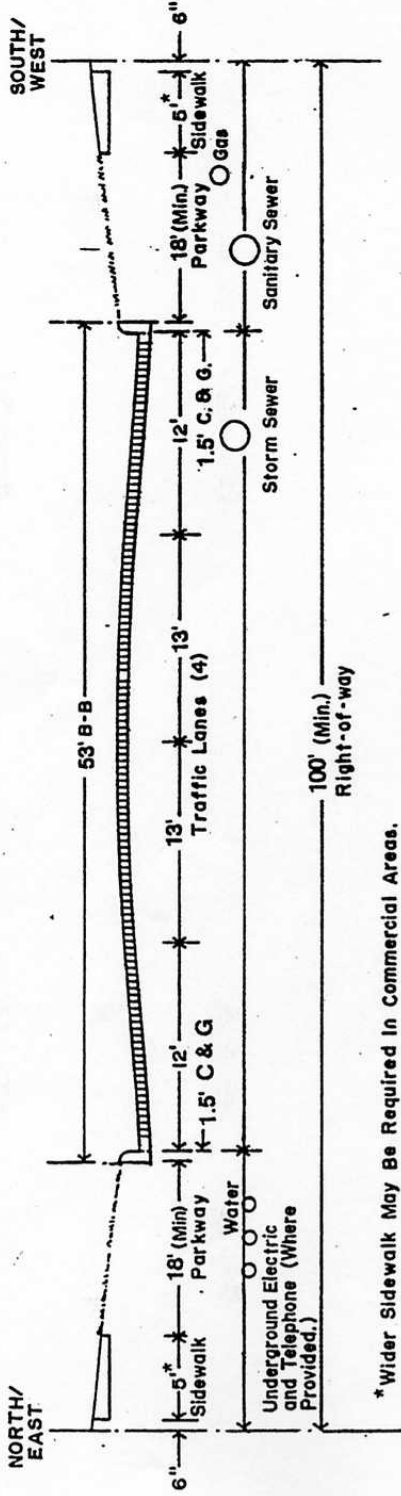


### COLLECTOR STREET



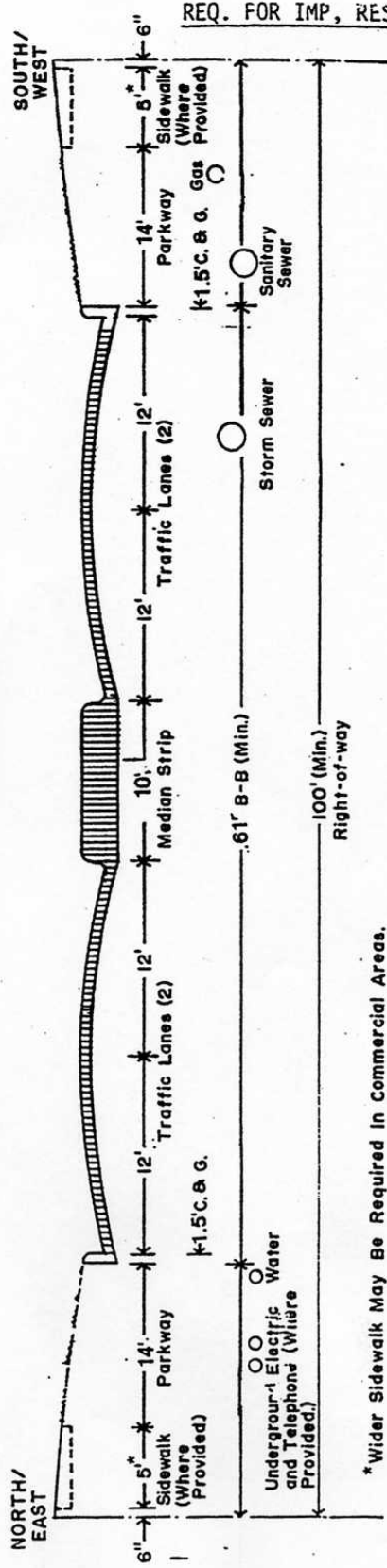
### MINOR ARTERIAL

# STREET CROSS - SECTIONS - ARTERIALS



\*Wider Sidewalk May Be Required In Commercial Areas.

# ARTERIAL



\*Wider Sidewalk May Be Required In Commercial Areas.

# MAJOR ARTERIAL

REQ. FOR IMP, RESERV, & DESIGN  
SEC 5.3  
SEC. 5.4A

d) Minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to create the minimum number of streets necessary to provide convenient and safe access to property.

e) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

f) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission and/or the City Council such extension is not necessary or desirable for the coordination or layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

g) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas and walks and parking areas so as to minimize conflict of movement among the various types of traffic, including pedestrian.

4) Blocks:

a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to arterial streets, railroads, or waterways.

b) The length, width, and shape of blocks shall be such as are appropriate for the locality and the type of development contemplated. Blocks in residential areas should be no less than four hundred (400) feet and no greater than one thousand and two hundred (1,200) feet in length.

c) In long blocks, the Plan Commission or the City Council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrian ways or cross walks, not less than fifteen (15) feet wide, may be required by the Plan Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Plan Commission for the prospective use.

5) Access to Arterials: Where a subdivision borders on or contains an existing or proposed major or minor arterial,

the Plan Commission and/or City Council shall require that access to such streets be limited by one of the following means:

a) The subdivision of blocks so as to back onto the arterial and front onto a parallel local street; no access shall be provided from the arterial, and screening shall be provided in a strip of land along the rear property line of such lots.

b) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.

c) A marginal access or service road (separated from the arterial by a planting or grass strip and having access thereto at suitable points).

d) Or, similar, acceptable practices.

6) Road Names: The final plat as submitted shall indicate the names of proposed streets. Names shall be sufficiently different in sound and in spelling from other road names in the City and surrounding areas so as not to cause confusion. A road which is on the same approximate alignment as an existing road shall bear the same name. All street names shall be subject to the approval of the Plan Commission.

7) Road Regulatory Signs: As a part of the construction drawings submitted with the application for approval of the final plat, the Applicant shall submit a traffic control plan to the Director of Public Works and Utilities showing proposed locations of traffic control devices, signs and signals, street signage and pavement markings.

All permanent traffic control devices, signs and signals, street signage and pavement markings shall be installed by the applicant in accordance with the specifications and policies of the Director of Public Works and Utilities. Street name signs are to be erected at all intersections within or abutting the subdivision at a location approved by said Director. The applicant shall also install temporary street name signs before the issuance of a certificate of occupancy for any structure on the streets approved until the erection of permanent street signage. \*

\*Ordinance #10796 5/16/95

8) Street Lights: Installation of street lights shall be required in accordance with design and specification standards contained within the American National Standard Practice for Roadway Lighting (1972), published by the Illuminating Engineering Society.

9) Reserve Strips or Spite Strip: The creation of any reserve strip or spite strip shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.

10) Construction of Roads and Dead-end Streets

a) Construction of Roads: The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities and where such continuation is in accordance with the Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line of the adjacent property. A temporary T or L shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that any land outside the normal street right-of-way shall revert to abutting properties whenever the street is continued. The Plan Commission or City Council may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

b) Dead-end Roads (permanent) Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Plan Commission or the Mayor and City Council for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Plan Commission or the Mayor and City Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround and center island shall be provided at the end of a permanent dead-end street in accordance with the provision for Minimum Turnaround Diameter in Table 1.

Every required cul-de-sac center island shall be constructed with a surface covering of grass sod or ground-covering plants. In addition, one or more trees shall be planted on the cul-de-sac center island in locations that do not interfere with snow removal or storage.

For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.\*

\*Ordinance #14362 dated 07/15/03

B. Design and Construction Standards

1) General: In order to provide for roads of suitable width and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation and road maintenance equipment, the design of roads and streets shall be in accordance with the design standards and criteria contained within the Design Manual of the State of Illinois Department of Transportation, Bureau of Design.

2) Road Surfacing and Improvements: After sewer and water

utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall construct or cause to be constructed roadways through the Bituminous Binder Course to the widths prescribed in these regulations. The Bituminous Paving Contractors shall be pre-qualified to construct public roadway improvements. Pre-qualification shall consist of Illinois Department of Transportation (IDOT) pre-qualification, Capital Development Board pre-qualification, or City of Joliet pre-qualification.\*\*\*

The final lift of pavement shall not be installed until the following construction season. If the roadway's sub-grade has had an approved soil stabilization treatment, the final lift of pavement shall be allowed to be installed during the same construction season as the base course and lower lifts of pavement are installed. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Adequate provisions shall be made for culverts, drains and bridges.\*

The construction of all roadway improvements, including but not limited to, road base, surface pavement, shoulders, drainage improvements and structures, bridges and retaining structures, curbs, turnarounds, and sidewalks shall conform to the standards and specifications contained within the Standard Specifications for Road and Bridge Construction (as amended and updated), prepared by the Department of Transportation of the State of Illinois (IDOT), and shall be incorporated into the construction plans required to be submitted by the developer for final plat approval. Driveways and driveway aprons shall also be installed within nine months of the issuance of a certificate of occupancy for any structure by the developer and shall consist of Portland Cement Concrete 6 inches in thickness and reinforced by 6"x6", #10 x #10 welded wire fabric situated upon a 3 inch thick sub-base of stone having an IDOT gradation of CA-6 or 3 inches of bituminous concrete surface course situated upon a 6 inch sub-base of stone having an IDOT gradation of CA-6. \*\*

\* Ordinance #10796; 05/16/95

\*\* Ordinance #11429; 03/18/97

\*\*\* Ordinance #14574; 02/17/04

3) Railroads and Limited Access Highways: Railroad right-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

a) In residential districts a buffer strip of at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip may be part of the platted lots and shall be designated on the Plat: "This strip is reserved for screening. The placement of other structures hereon is prohibited."

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

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

4) Intersections:

a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two streets shall intersect at any one point unless specifically approved by the Plan Commission and City Council.

b) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line off-sets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect arterial streets, their alignment shall be continuous.

c) The number of intersecting streets along major and minor arterial streets shall be held to a minimum. The policy of the City Council shall be to limit intersections along major arterial such that they (intersections) occur at intervals of not less than 1200 feet, 900 feet, and 300 feet, respectively, for Types A, B, and C intersections, as defined below. In the same manner, such intersections along the minor arterial streets shall occur at intervals of not less than 1000 feet, 700 feet, and 300 feet, respectively, for Types A, B, and C intersections. Type A intersections are defined as those intersections requiring or anticipated by the Plan Commission or City Council to require a traffic control (traffic lights or stop signs) on the public street along which the interval is measured, but not necessarily on the intersecting streets. Type B intersections are defined as those intersections not requiring traffic controls, but allowing left-hand turning movements off of the public street along which the interval is measured. Type C intersections are defined as those intersections not requiring traffic controls and not permitting left-hand turning movements off of the public street along which the interval is measured. When the interval is between intersections of

different types, the least restrictive interval requirement shall apply.

(1) No alleys will be allowed in any new subdivisions proposed in the City of Joliet.

(2) The number of business/commercial driveways along major and minor arterial streets shall be held to a minimum. The policy of the City Council shall be to limit driveways along major and minor arterial streets on the following basis:

(a) For lots with a frontage less than 150 feet, driveways shall be no closer together than 300 feet.

(b) For lots with a frontage between 150-225 feet, driveways shall be no closer together than two times the average individual lot frontage.

(c) For lots with a frontage greater than 225 feet, driveways shall be no closer together than 450 feet.

(d) Driveways that are limited to one direction of travel may be allowed, subject to the approval of the Community Design Review Board, at a spacing of 300 feet independent of the lot frontage.

(e) In determining the spacing between driveways, distances between existing and proposed street intersections and driveways shall be considered in the spacing calculations. \*

d) Minimum curb radius at the intersection of two local streets shall be twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

e) Intersections shall be designed with a flat grade wherever practicable. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two per cent (2%) slope at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

\*Revised 3/1/88 Ord. #8600

f) Where any street intersection would involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or existing vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance as determined by acceptable engineering standards.

g) The cross-slopes on all streets, including intersections, shall be three per cent (3%) or less.

5) Driveways and Curbcuts:

Curbcuts for property driveway access should be avoided on collector streets and on arterial streets, in particular. The approximate location of driveway curbcuts on arterial and collector streets shall be shown on the preliminary and final plats. While it is recognized that the exact location and spacing of curbcuts may vary from what is shown on the plat when the subdivision is developed, the overall spacing of curbcuts must be maintained so as to avoid intervals between curbcut locations which are too short. In no case shall the curbcut locations be varied such that their spacing in relationship to other curbcuts or other street intersections is less than the minimum intervals delineated in Section 5.4 B.(4)(c) immediately above, nor shall the number of curbcuts made along any one street exceed the number shown on the plat. Where none are shown, none shall be made.

6) Bridges: Bridges of primary benefit to the applicant, as determined by the Plan Commission and/or City Council, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Plan Commission and/or City Council, will be fixed by special agreement between the City and the applicant. Said cost shall be charged to the applicant pro rata as the percentage of his land developed and so served.

C. Road Dedications and Reservations

1) New Perimeter Streets: Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Plan Commission and/or City Council may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.

2) Widening and Realignment of Existing Roads: Where a subdivision borders an existing narrow road or when the Master Plan, Official Map, or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance whether the land is to be dedicated to the City in fee simple or an easement is granted to the City.

**TABLE 1. DESIGN STANDARDS FOR STREETS**

<u>Improvement</u>	<u>Development Density</u>			
	<u>Residential</u>			<u>Non-Residential</u>
	<u>Low</u>	<u>Medium</u>	High	<u>Business-Industrial</u>
<u>Minimum Right-of-Way Width (in Feet)</u>				
Local Street	50	60	60	60
Collector Street	66	66	66	66
Minor Arterial	85	85	85	85
Major Arterial	100	100	100	100

<u>Minimum Pavement Width (measured back-to-back in Feet) and Curb and Gutter Type</u>				
Local Street	31'R/C*	31'R/C	31'R/C	31'B/C
Collector Street	38'R/C	38'R/C	38'R/C	38'B/C
Minor Arterial	45'B/C	45'B/C	45'B/C	45'B/C
Arterial	53'B/C	53'B/C	53'B/C	53'B/C
Major Arterial	61'B/C	61'B/C	61'B/C	61'B/C

(R/C = Rolled Type Curb and Gutter)  
 (B/C = Barrier Type Curb and Gutter)

\* Rolled curb and gutter shall only be allowed in single-family or duplex residential subdivision on right-of-ways where driveways take access.

NOTE: Special cross sections may be required in situations where street roadways have been declared unique and may require design standards other than listed above. \*\*

\*\* Ordinance #11429; 3/18/97

<u>Maximum Grade (Per Cent)</u>				
Local Street	8	8	7	6
Collector Street	-----6% in all areas-----			
Minor Arterial	-----5% in all areas-----			
Major Arterial	-----4% in all areas-----			

Minimum Grade -----0.5% in all areas-----

<u>Minimum Radius of Curve (in Feet)</u>				
Local Street	100	100	100	200
Collector Street	100	100	100	200
Minor Arterial	-----400 feet in all areas-----			
Major Arterial	-----500 feet in all areas-----			

Minimum Length of Barrier Curves  
 Local Street {100 feet, but not less than 20 feet for each algebraic difference in grade.  
 Collector Street < {algebraic difference in grade.  
 Minor Arterial 200 feet, but not less than 50 feet for each algebraic difference in grade.  
 Major Arterial 300 feet, but not less than 50 feet for each algebraic difference in grade.

**TABLE 1. DESIGN STANDARDS FOR STREETS (continued)**

Revised 3/18/80 - Ordinance #7267

<u>Improvement</u>	<u>Development Density</u>			
	<u>Residential</u>			<u>Non-Residential</u>
	<u>Low</u>	<u>Medium</u>	<u>High</u>	<u>Business-Industrial</u>
<u>Minimum Length of Tangents Between Reverse Curves (in Feet)</u>				
Local Street	100	100	150	200
Collector Street	100	100	150	200
Minor Arterial	200	200	250	300
Major Arterial	300	300	350	400
<u>Minimum Sight Distance at Intersections (in Feet)</u>				
Local Street	200	200	200	250
Collector Street	200	240	240	250
Minor Arterial	275	275	300	300
Major Arterial	275	300	300	400
Intersection	(Across corners-75 feet Back)			Intersection
<u>Minimum Turnaround Diameter (in Feet)</u>				
Local Streets				
Right-of-Way Diameter	100	100	120	140
Pavement (measured face-to-face)	80	80	100	120
Center Island Diameter	21*	21*	40	50 (if required)
MAXIMUM (If Required)				
*Ordinance #14362 dated 07/15/03				
<u>Design Speed (Miles per Hour)</u>				
Local Street	25	30	30	30
Collector Street	30	35	35	35
Minor Arterial	40	40	40	40
Major Arterial	40	40	40	50
<u>Maximum Length of Cul-de-sac</u>				
Permanent:	Serving no more than fourteen (14) families, or not exceeding 600 feet in length, whichever is greater.			
Temporary:	Serving no more than twenty-five (25) families, or not exceeding 1,000 feet in length, whichever is greater.			
<u>Minimum Radius at Intersections (in Feet)</u>				
At Pavement	25	25	30	30

5.5 Drainage and Storm Sewers

A. General Requirements

The Plan Commission shall not recommend for approval any plat of subdivision which does not make adequate provision for storm or flood water run off channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers shall be designed by the Rational Method, or other comparable method as approved by the Plan Commission, and a copy of design computation shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 300 feet in the gutter unless calculations indicate that a greater distance is suitable. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot block. \*

\*Ordinance #11429; 3/18/97

B. Design and Construction Standards

The design and construction of all storm sewers and other drainage facilities and structures shall conform to the standards and specifications contained within the Standard Specifications for Water and Sewer Main Construction in Joliet, Illinois, as amended, available from the office of the Department of Public Works, and the Design Manual of the State of Illinois Department of Transportation, Bureau of Design. \*\*

C. Nature of Storm Water Facilities

1) Location: The applicant may be required by the Plan Commission to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

\*\* Revised 5/20/86, Ord. #8269

2) Accessibility to Public Storm Sewers

a) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within 300 feet, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Director of Public Works. However, in subdivisions containing lots less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivisions and be conducted to an approved outfall. Inspection of facilities shall be conducted by the Director of Public Works.

b) If a connection to a public storm sewer will be provided eventually, as determined by the Director of

Public Works and the Plan Commission, the developer shall make arrangements for future storm water disposal to a public storm sewer system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

3) Accommodation of Upstream Drainage Areas: A culvert or other drainage facility shall in each case be large enough to accommodate potential run off from its entire upstream drainage area, whether inside or outside the subdivision. The Director of Public Works shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications, assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance, and taking into account the requirements for storm water detention as set forth in the City's Code of Ordinances.

4) Effect on Downstream Drainage Areas: The Director of Public Works shall study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision, taking into account the requirements for storm water detention as set forth in the City's Code of Ordinances. Drainage studies conducted by the City of Joliet together with studies conducted by the U.S. Army Corps of Engineers, the State of Illinois, and other such studies as shall be appropriate, shall serve as a guide to the determination of needed improvements. When it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Plan Commission and City Council may withhold approval of the subdivision until provision has been made for the improvement of said potential condition. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

5) Flood Plain Areas: The Plan Commission or City Council shall, when they deem 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 the 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, dumping of earth, waste material, or stumps, except at the discretion of the City Council.

Development within the Flood Plain, where permitted, shall conform to the requirements of the Joliet "Flood Plain Management Ordinance."

6) Aeration Devices in Detention and Retention Facilities: The applicant, at its expense and as a mandatory condition of record plat approval, shall equip all detention and retention facilities located in the subdivision with aerators and related appurtenances meeting the requirements and specifications issued by the City Manager. In addition, the applicant shall provide adequate assurances for the completion and maintenance of such

items in the same manner as such assurances are provided for public improvements pursuant to Section IV of these Regulations. This shall include, but shall not be limited to, the submittal and approval of a cost estimate, the submittal of a performance bond, letter of credit or escrow and the submittal of a maintenance bond. The applicant shall have the duty to operate, maintain and replace the aeration equipment until it, or any entity which the applicant controls, no longer owns any real property within the subdivision or the development. Thereafter, the duty to operate, maintain and replace the aeration equipment shall jointly rest with the owners of the lots in the subdivision and the applicant shall so indicate by notation on the record plat.

D. Dedication of Drainage Easements

1) General Requirements: Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Whenever possible, the drainage shall be maintained in an open channel with landscaped banks and adequate width for maximum potential volume of flow.

2) Drainage Easements:

a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities.

b) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights shall be secured and indicated on the plat.

c) The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Plan Commission.

d) Low-lying lands along watercourses subject to flooding or over flowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainageways, or may be used in accordance with the Flood Plain Management Ordinance of the City of Joliet.

5.6 Water Facilities

A. General Requirements

1) Necessary action shall be taken by the applicant to

provide a water supply system capable of providing water for domestic use and fire protection.

2) Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the approval of the Illinois Environmental Protection Agency, and the Director of Utilities.

3) Water mains shall be extended only as approved by the Illinois Environmental Protection Agency and the Director of Utilities

4) To facilitate the above, the location of all fire hydrants and all water distribution improvements shall be shown on the final plat and the construction plans, and all improvements proposed to be served shall be indicated. The cost of installing same shall be included in the performance bond to be furnished by the developer.

B. Individual Wells and Central Water Systems

1) In low-density zoning districts if a public water system is not available, individual wells may be used at the discretion of the Plan Commission or City Council.

2) If the Plan Commission and/or City Council requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives recording approval. Performance or cash bonds may be required to insure compliance.

C. Fire Hydrants

Fire hydrants shall be required for all subdivisions except those coming under Section 5.6 B. Fire hydrants shall be located no more than 350 feet apart and within 350 feet of any structure and shall be approved by the Fire Department. Whenever practicable, fire hydrants shall be situated on extended lot lines within the public right of way. Fire hydrants shall be installed such that there will be a minimum of twenty (20) inches between the steamer hose connection and the finished grade. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on a subdivision plat. \*\*

D. Design and Construction Standards

The water distribution system shall be designed so as to provide adequate fire protection and domestic water supply to all parts of the development. To this end the looping of water mains shall be required wherever practicable. All water mains shall be at least six inches (6") in diameter. The design and construction of all components of the water supply system shall conform to the standards and specifications contained within the Standard Specifications for Water and Sewer Main Construction in

Joliet, Illinois, as amended, available from the office of the Department of Public Works. \*

\* Revised 05/20/86; Ord. #8269

\*\* Revised 10/20/98; Ord. #12063

## 5.7 Sewerage Facilities

### A. High Density Residential and Non-residential Districts

Sanitary sewerage facilities shall connect with the public sanitary sewerage system. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the Director of Utilities and the Illinois Environmental Protection Agency.

### B. Low- and Medium-Density Residential Districts

Sanitary sewerage systems shall be constructed as follows:

1) Where the public sanitary sewerage system is available on abutting property or within five hundred feet (500') of the subdivision, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision.

2) Where the public sewerage system is not within five hundred feet (500'), but will become available within a reasonable period of time (not to exceed fifteen (15) years), the applicant shall choose one of the following alternatives:

a) Central Sewerage System: The maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewerage systems exist, the applicant shall install lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or,

b) Individual Disposal Systems: Provided the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the house to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main.

3) Where sanitary sewer systems are not within five hundred feet (500') and will not become available for a period in excess of fifteen (15) years, the applicant may install sewerage systems as follows:

a) Medium-Density Residential Districts: A central sewerage system only. No individual disposal system will be permitted. Where plans exist for the public sewer system to be built and available within a fifteen (15) year period, the applicant shall install all sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer system.

b) Low-Density Residential Districts: Individual disposal systems or central sewerage systems shall be used.

C. Mandatory Connection to Public Sewer System

If a public sanitary sewer is available and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewerage disposal system.

D. Individual Disposal System Requirements

If public sewer facilities are not available, and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Will County Health Department and percolation tests and test holes shall be made as directed by the County Health Officer, and the results submitted to the Health Department. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall be approved by the County Health Officer.

E. Design and Construction Standards

1) The design and construction of all components of the sanitary waste disposal system shall conform to the standards and specifications contained within the Standard Specifications for Water and Sewer Main Construction in Joliet, Illinois, as amended, available from the office of the Department of Public Works. \*

\*Revised 5/20/86; Ord. #8269

2) Design Factors: Sanitary sewer systems should be designed for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewage and industrial waste together with an adequate allowance for infiltration and other extraneous flow. The unit design flows presented hereinafter should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria:

One and Two Family Dwellings-.02 cubic feet per second

(c.f.s.)/acre.

Apartments:

One and Two Story - .02 c.f.s./acre.  
Three thru Six Story - .03 c.f.s./acre.

Commercial:

Small stores, Offices, and  
Miscellaneous Businesses - .02 c.f.s./acre.  
Shopping Centers - .02 c.f.s./acre.  
High Rise - As directed by Public Works  
Director.

Industrial - As directed by Public Works  
Director.

These design factors shall apply to watersheds of 300 acres or less. Design factors for watersheds of larger than 300 acres and smaller than 1,000 acres shall be computed on the basis of lineal decrease from the applicable design factor for an area of 300 acres to a design factor of .01 c.f.s./acre for an area of 1,000 acres unless otherwise directed by the Public Works Director. Design factors for watersheds of larger than 1,000 acres shall be .01 c.f.s./acre unless otherwise directed by the Public Works Director.

3) Maximum Size: The diameter of the sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the Director of Public Works.

4) Minimum Size: No public sewer shall be less than eight (8) inches in diameter.

5) Minimum Slope: All sewers shall be designed to give velocities when flowing of not less than 2.0 feet per second. All velocity and flow calculations shall be based on the Manning Formula using an N value of 0.013. The design slopes shall be evenly divisible by four (4). The slopes shall be minimum for the size indicated. Exceptions to these minimum slopes shall be made at the upper end of lateral sewers serving under thirty (30) houses. Said sewers shall have a minimum slope of 0.76 per cent. Where lateral sewers serve less than ten (10) houses, the minimum slope shall not be less than one per cent (1%). (See Table 2.)

**TABLE 2. MINIMUM SLOPES FOR SEWER SIZE INDICATED**

<u>Sewer Size (In Inches)</u>	<u>Minimum Slope in Feet per 100 Feet</u>
8	0.4
10	0.28
12	0.22
15	0.15
18	0.12
21	0.10
24	0.08
30	0.058
36	0.046

6) Alignment: All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the Director of Public Works.

7) Manhole Location: Manholes shall be installed at the end of each line; at all changes in grade, size or alignment; at all intersection; and, at distances not greater than 400 feet.\*

8) Manholes: The difference in elevation between any incoming sewer and the manhole invert shall not exceed eighteen (18) inches except where required to match crowns. The use of drop manholes will require the approval of the Director of Public Works. The minimum inside diameter of the manholes shall conform to those specified by the Director of Public Works. Inside drop manholes will require special considerations; however, in no case shall the minimum clear distance be less than that indicated above. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.

9) Sewer Locations: Sanitary sewers shall be located within the street or alley rights-of-way unless topography dictates otherwise. When located in easements or private property, access shall be maintained to all manholes. A manhole shall be provided at each street or alley crossing. End lines shall be extended to provide access from street or alley rights-of-way where possible.

Imposed loading shall be considered in all locations. Not less than six (6) feet of cover shall be provided over the top of pipe in street and alley rights-of-way or three (3) feet in all other areas.

10) Cleanouts and Lampholes: Cleanouts and lampholes will not be permitted.

\*Revised 5/20/86, Ord. 8269

11) There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or water supply sources and structures.

12) Relation of sewers to water mains: A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water main is at least two (2) feet above the sewer.

## 5.8 Sidewalks

### A. Required Improvements

1) Sidewalks shall be included within the dedicated non-pavement right-of-way of all roads as shown in Table 3, below.

2) Concrete curbs are required for all roads where sidewalks are required by these regulations.

3) Sidewalks shall be improved as required in Section 5.4 B, (2) of these regulations. A median strip of grassed or landscaped areas at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

### B. Pedestrian Accesses

The Plan Commission and/or City Council may require in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least fifteen (15) feet in width. Easements shall be indicated on the plat.

**TABLE 3. SIDEWALKS REQUIRED**

<u>Nature of Road</u>	<u>Residential</u>			<u>Non-Residential</u> Commercial & Office +
	<u>Development Density</u>			
	<u>Low</u>	<u>Medium</u>	<u>High</u>	
Local Street	Both Sides 4 ft. Wide	Both Sides 4 ft. Wide	Both Sides 4 ft. Wide	Both Sides 5 ft. Wide
Collector Street	Both Sides 4 ft. Wide	Both Sides 4 ft. Wide	Both Sides 4 ft. Wide	Both Sides 5 ft. Wide
Minor Arterial	Both Sides 5 ft. Wide	Both Sides 5 ft. Wide	Both Sides 5 ft. Wide	Both Sides 5 ft. Wide
Major Arterial	Both Sides 5 ft. Wide	Both Sides 5 ft. Wide	Both Sides 5 ft. Wide	Both Sides 5 ft. Wide*

**+For industrial subdivisions, 5 foot sidewalks shall be installed where, in the opinion of the Plan Commission and City Council, they are required by nature of the development, and/or the needs of the surrounding area.**

5.9 Private Utilities

A. General Requirements

All utility facilities, including, but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision. Where existing utility facilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the final plat. Underground service connections to the street property of each platted lot shall be installed at the subdividers expense.

B. Easements

1) Easements centered on rear lot lines shall be provided for utilities (private and municipal); such easements shall be at least ten (10) feet wide. Where rear yard drainage easements are combined with utility easements, such combined easements shall be at least fifteen (15) feet wide. Proper coordination shall be established between the subdivider and the utility companies for the establishment of utility easements shown on the plat which are properly aligned to existing utility easements established on adjoining properties.

\*Ordinance #10437 5/17/94

2) Where topographical or other conditions not attributable to the applicant are such as to make impractical the inclusion of utilities in rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall

be provided along side lot lines with satisfactory access to the road or rear lot lines. All easements shall be indicated on the final plat.

#### 5.10 Preservation of Natural Features and Amenities

##### A. General

Existing features which would add value to residential development or to the local community as a whole, such as trees, as herein defined, watercourses, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land affected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The preliminary plat shall show the number and location of trees, as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed shade trees located along the street side of each lot as required by these regulations. \*

##### B. Shade Trees Planted by Developer

1) As a requirement of subdivision approval, the applicant shall plant shade trees on the property of the Subdivision. Such trees are to be planted within the parkway of the right-of-way of the road. At least one (1) tree shall be planted in every forty (40) feet of frontage along each road. In commercial and industrial subdivisions, if the planting of shade trees shall prove to be an impediment to safe ingress and egress and/or visibility, or in conflict with locations of utilities, a landscaping plan shall be submitted. This landscaping plan shall contain a variety of plant species and quantities sufficient to compensate for the omission of a shade tree only for the locations where a conflict exists. No more than twenty percent (20%) of any one species of shade tree shall be planted in any subdivision or other development subject to these regulations. In addition to other final plat or plan submittals, the applicant shall also submit a list to the Director of Community Development identifying the species and size of the proposed shade trees. \*\*; \*\*\*

\* Revised 3/1/88; Ord. #8600

\*\* Ordinance #9965 8/18/92

\*\*\* Ordinance #12562 12/7/99

a) If the established trees on-site meet or exceed the minimum spacing and size requirements of this Ordinance;

b) If unusual development conditions make strict adherence to the above provisions as outlined in Section 5.10 (B)(1) impractical.

2) New trees to be provided pursuant to those regulations should be approved by the Director of Community Development and shall be planted in accordance with the regulations of the Director of Public Works. Such trees shall have a

minimum trunk diameter of not less than two inches (2") (measured twelve inches (12") above ground level). Only long-lived shade trees, acceptable to the Director of Community Development and Plan Commission shall be planted.

3) Parkway trees to be provided pursuant to the regulations and limited to the following ornamental species: Crabapple, Ornamental Pear (excluding Bradford Pear), or other species approved by the City Manager, or his designee. Such trees shall have a minimum trunk diameter of not less than two inches (2") (measured twelve inches (12") above ground level).

Ord. #14917; dated 12/07/04

#### 5.11 Non-Residential Subdivisions

##### A. General

If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as Plan Commission and/or City Council may require. A non-residential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards established by Plan Commission, and shall conform to the proposed land uses and standards established in the Comprehensive Plan, Official Map, and Zoning Ordinance.

##### B. Standards

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- 1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- 2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- 3) Special requirements may be imposed by the City with respect to curb, street, and sidewalk design and construction.
- 4) Special requirements may be composed by the City with respect to the installation of public utilities, including water, sewer, and storm water drainage.
- 5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

#### 5.12 Perpetual Care and Control of Common Areas and Improvements

All common areas, landscape easements, outlots, detention ponds and other common improvements and grounds that are not dedicated to and accepted by a unit of government shall be owned, operated and maintained by the applicant or a duly organized homeowners association established by the applicant in accordance with law and that is comprised of all of the owners of the private properties situated within the subdivision. The association shall be imbued by the applicant with sufficient legal and financial powers and means so as to perpetually control, operate and maintain the common areas and improvements for which it is responsible. The applicant shall provide the City with a copy of the declaration of covenants and other organizational documents and State filings that evidence compliance with this Section. \*Ord #15504 dated 04/04/06

### **SECTION VI. SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED**

#### 6.1 Preliminary Plat

Preliminary plats submitted to the Plan Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100') feet to an inch and shall show the following information.

##### A. Name

- 1) Name of subdivision if property is within an existing subdivision.
- 2) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
- 3) Name of property if no subdivision name has been chosen (this is commonly the name by which the property is locally known).

##### B. Ownership

- 1) Name and address, including telephone number, of legal owner or agent, if any, of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, guarantee, date and land records reference.
- 2) Citation of any existing legal rights-of-way or easements affecting the property.
- 3) Existing covenants and liens on the property, if any.
- 4) Name and address, including telephone number, of the professional person(s) responsible for subdivision design of public improvements, and for surveys.

C. Description

Location of property by metes and bounds description or by government lot, section, township, range and county, geographic scale, north arrow, and date.

D. Features

1) Location of property lines, existing easements, burial grounds, railroad rights-of-way, water courses, and Flood Plain boundaries, and existing wooded areas or trees eight inches (8") or more in diameter, measured four feet (4') above ground level; location, width and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of owners of adjoining unsubdivided property.

2) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.

3) Approximate topography.

4) The approximate location and widths of proposed streets.

5) Preliminary proposals for connection with existing water supply system and the proposed water distribution system, and connection with the existing sanitary sewerage systems and the proposed waste collection system, for alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting, detaining, and discharging surface water drainage.

6) The approximate locations, dimensions, and area of all proposed or existing lots.

7) The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.

8) A vicinity map showing streets and other general development of the surrounding area. The preliminary plat shall show all school and improvement district lines with the zones properly designated.

6.2 Final Plat

A. General

The final plat shall be prepared by a licensed land surveyor at a convenient scale not more than one hundred feet (100') to the inch; may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of a size that is acceptable for filing in the office of the Recorder of Deeds, but shall not be more than thirty-four

inches (34") in width, nor more than forty-four inches (44") in length (34" x 44"). It should be noted that the map prepared for the final plat may also be used for the recording plat, and therefore, shall be drawn on reproducible paper, or mylar; preparation in pencil will make required changes and additions easier.

B. Features

The final plat shall show the following:

1) The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; the names of adjoining streets.

2) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.

3) The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, flood plains, as determined by the Plan Commission.

4) The location and width of all existing and proposed streets and easements, alleys, and other public ways, and easements and proposed street rights-of-way and building set-back lines.

5) The locations and dimensions of all proposed or existing lots.

6) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication of reservation.

7) The name and address of the owner or owners of the land to be subdivided, the name and address of the subdivider if other than the owner, and the name and address of the land surveyor.

8) The date of the map, approximate true north point, scale, and title of the subdivision.

9) Sufficient data acceptable for the Director of Public Works to determine readily the location bearing and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments.

10) Name of the subdivision and the proposed names of all new streets.

11) Proposed lot numbers; blocks shall be consecutively numbered or lettered in alphabetical order and lots within blocks shall be consecutively numbered. The blocks in numbered additions to subdivision bearing the same name shall be numbered or lettered consecutively throughout the

several additions.

12) Topography of the site with 2' or less contour intervals and tied to U.S.G.S. datum.

13) All lots in each block consecutively numbered. Outlots shall be lettered in alphabetical order within each block.

14) All information required on the preliminary plat should also be shown on the final plat, and the following notations shall also be shown:

- a) Explanation of drainage easements, if any.
- b) Explanation of site easements, if any.
- c) Explanation of reservation, if any.
- d) Endorsement of land owner, as follows:

Owner	Date
-------	------

15) Form for endorsement by the Plan Commission Chairman and Secretary, as follows:

Approved by Resolution of the Joliet City Plan Commission on:

\_\_\_\_\_, 20\_\_\_\_

Plan Commission Chairman	Plan Commission Secretary
--------------------------	---------------------------

16) Form for endorsements by the Mayor and City Clerk as follows:

Approved by Ordinance of the City Council of the City of Joliet on:

\_\_\_\_\_, 20\_\_\_\_

Mayor	City Clerk
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17) The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a final plat.

6.3 Construction Plans

A. General

Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than fifty feet (50') to the inch, and map sheets shall be of the

same size as the final plat. The following shall be shown:

1) Profiles showing existing and proposed elevations along center lines of roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred feet (100') of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles of all streets.

2) The Plan Commission shall require, where steep slopes exist, that cross-sections of all proposed streets, drawn on a line at right angles to the centerline of the street and at one hundred foot (100') stations, shall be shown with elevations indicated at five (5) points as follows: at the center line of the streets; at each property line; and, at points twenty-five feet (25') inside each property line.

3) Plans and Profiles showing the locations and typical cross-sections of street pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size and invert elevations of existing and proposed sanitary sewer, storm drains, and fire hydrants, showing connections to any existing or proposed utility systems; and exact locations and size of all water, gas, or other underground utilities or structures.

4) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, storm water detention basins, other water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, features noted on the Official Map or Master Plan, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight inches (8") or more, measured twelve inches (12") above ground level. Where a stand of such large trees is involved, the location of the perimeter of the stand will be adequate. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be based upon the U.S. Geological Survey datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty feet (20') back from the ordinary high-water mark of such waterways shall also be shown.

5) Topography at the same scale as the final plat with a contour interval of two feet (2'), referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.

6) All specifications and references required by the City's construction standards and specifications.

7) Notation of approval as follows:

\_\_\_\_\_  
Owner Date

\_\_\_\_\_  
Plan Commission Chairman Date

8) Title, name and address and signature of professional engineer and surveyor, and date, including revision dates.

6.4 Recording Plat

A. General

The recording plat shall be presented in india ink on tracing cloth or reproducible mylar at the same scale and contain the same information, except for any changes or additions required by ordinance of the City Council, as shown on the final plat (or preliminary plat, in the case of a minor subdivision). The final plat may be used as the recording plat if it meets these requirements and is revised, if necessary, in accordance with the City Council ordinance. All revision dates must be shown as well as the following:

- 1) Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Plan Commission or City Council in accordance with these regulations.
- 2) Affidavits and certificates as required in Section 3.4, B, of these regulations.
- 3) Lots numbered as approved by the City Council.
- 4) All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length and weight per lineal foot of the monuments.
- 5) Form of endorsement by Mayor, City Clerk, Plan Commission Chairman, and Plan Commission Secretary, as follows:

Approved by Resolution of the Joliet City Plan Commission on

\_\_\_\_\_ A.D., 20\_\_\_\_\_  
Plan Commission Chairman Plan Commission Secretary

as authorized by the Final (Preliminary) Plat Approved by:  
Ordinance No. \_\_\_\_\_ of the City Council of the City of Joliet.

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

6) Form of endorsement by the City Collector, as follows:

I, \_\_\_\_\_, Joliet City Collector, hereby certify that I find no delinquent general taxes, unpaid current taxes, or unpaid special assessments against the property described by this plat.

Dated at Joliet, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_\_

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

B. Preparation

The recording plat shall be prepared by a registered land surveyor licensed by the State of Illinois.

**SECTION VII: DEDICATION OF SCHOOL SITES OR PAYMENT OF FEES IN COMBINATION WITH OR IN LIEU THEREOF**

7.1 General

As a condition of approval of any recording plat of a minor subdivision, final plat of a major subdivision, or final plat of a planned unit development, each developer, builder, or subdivider (hereinafter "developer") shall dedicate land for school sites to serve the immediate and future needs of the residents of the development, or make a cash contribution in lieu of actual land dedication, or a combination of both, in accordance with the criteria set forth in this section.

7.2. Criteria for Requiring School Site Dedication:

(a) Contribution Requirement and Population Ratio:

The ultimate number of students to be generated by a subdivision or planned unit development shall bear directly upon the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of: (1) estimated number of students to be served from the subdivision or planned unit development in each such school classification as calculated from the population density schedule set forth in subsection 7.4, over the (2) maximum recommended number of students to be served in each such school classification as stated in subsection 7.2(b), and then applying such ratio to the (3) minimum recommended number of acres for a school site of each such school classification as stated in subsection 7.2(b). The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increased children in each such school classification.

(b) School Classification and Size of School Site:

School classifications and size of school sites within the City shall be determined in accordance with the following criteria:

---

<b>School Classification By Grades</b>	<b>Maximum # Students for Each Such School Classification</b>	<b>Minimum # Acres of Land for Each School Site of Such Class.</b>
--	---	--

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Elementary Schools, 600 Students 11 Acres  
 Grades Kindergarten  
 through 5th (K-5)

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Junior High Schools, 900 Students 29 Acres  
 Grades 6th through  
 8th (6-8)

---

High Schools, Grades 1,500 Students 45 Acres  
 9th through 12th (9-12)

---

The location of the school sites shall be subject to an intergovernmental agreement between the City and the school district in which the development is located, or, in the absence of an agreement, the City's comprehensive plan. The intergovernmental agreement or comprehensive plan, whichever applicable, shall serve as a guideline for locating school sites.

7.3 Criteria for Requiring a Contribution in Lieu of a School Site:

(a) When the required land contribution calculated in accordance with the formula set forth in subsection 7.2(a) is too small to be practical for use as a school site, or when the available land is inappropriate for a school site, or when the development requires improvements or additions to existing school sites, the City shall require the developer to pay a cash contribution in lieu of the required land dedication. The word "small" as used in this section shall mean the total number of proposed dwelling units will produce less than the maximum number of students for one school of each school classification as set forth in subsection 7.2(b). The determination that available land is inappropriate for a school site shall be made by the City after inspection of the land and after hearing the recommendation of the school district in which the development is located and the developer of the subject property.

(b)The cash contribution to be made in lieu of or in combination with the dedication of land shall be in accordance with the following schedule for a unit school district consisting of kindergarten through twelfth grade:

<b>UNIT SCHOOL DISTRICT (K-12)</b>					
<b>Number of Bedrooms</b>	<b>7/1/05 to 6/30/06</b>	<b>7/1/06 to 6/30/07</b>	<b>7/1/07 to 6/30/08</b>	<b>7/1/08 to 6/30/09</b>	<b>After 6/30/09</b>
<b>Detached Single Family</b>					
1 Bedroom	\$0	\$0	\$0	\$0	\$0
2 Bedrooms	\$320	\$333	\$346	\$360	\$374
3 Bedrooms	\$1,800	\$1,872	\$1,947	\$2,025	\$2,106
4 Bedrooms	\$2,238	\$2,327	\$2,420	\$2,517	\$2,618
5+Bedrooms	\$3,633	\$3,778	\$3,929	\$4,087	\$4,250
<b>Attached Single Family</b>					
1 Bedroom	\$0	\$0	\$0	\$0	\$0
2 Bedrooms	\$410	\$427	\$444	\$461	\$480
3 Bedrooms	\$645	\$671	\$698	\$726	\$755
4+Bedrooms	\$1,259	\$1,309	\$1,361	\$1,416	\$1,472

<b>Apartment</b>					
Efficiency	\$0	\$0	\$0	\$0	\$0
1 Bedroom	\$8	\$8	\$8	\$9	\$9
2 Bedrooms	\$314	\$327	\$340	\$353	\$368
3+Bedrooms	\$897	\$933	\$970	\$1,009	\$1,049

(c) The cash contribution to be made in lieu of or in combination with the dedication of land shall be in accordance with the following schedule for a grade school district consisting of kindergarten through eighth grade:

<b>GRADE SCHOOL DISTRICT (K-8)</b>					
<b>Number of Bedrooms</b>	<b>7/1/05 to 6/30/06</b>	<b>7/1/06 to 6/30/07</b>	<b>7/1/07 to 6/30/08</b>	<b>7/1/08 to 6/30/09</b>	<b>After 6/30/09</b>
<b>Detached Single Family</b>					
1 Bedroom	\$0	\$0	\$0	\$0	\$0
2 Bedrooms	\$274	\$285	\$296	\$308	\$320
3 Bedrooms	\$1,260	\$1,310	\$1,362	\$1,417	\$1,473
4 Bedrooms	\$1,699	\$1,767	\$1,838	\$1,912	\$1,988
5+Bedrooms	\$2,478	\$2,578	\$2,681	\$2,788	\$2,899
<b>Attached Single Family</b>					
1 Bedroom	\$0	\$0	\$0	\$0	\$0
2 Bedrooms	\$325	\$338	\$351	\$365	\$380
3 Bedrooms	\$493	\$513	\$533	\$554	\$577
4+Bedrooms	\$871	\$906	\$942	\$979	\$1,019
<b>Apartment</b>					
Efficiency	\$0	\$0	\$0	\$0	\$0
1 Bedroom	\$5	\$6	\$6	\$6	\$6
2 Bedrooms	\$217	\$226	\$235	\$244	\$254
3+Bedrooms	\$629	\$654	\$681	\$708	\$736

(d) The cash contribution to be made in lieu of or in combination with the dedication of land shall be in accordance with the following schedule for a high school district consisting of ninth grade through twelfth grade:

<b>HIGH SCHOOL DISTRICT (9-12)</b>					
<b>Number of Bedrooms</b>	<b>7/1/05 to 6/30/06</b>	<b>7/1/06 to 6/30/07</b>	<b>7/1/07 to 6/30/08</b>	<b>7/1/08 to 6/30/09</b>	<b>After 6/30/09</b>
<b>Detached Single Family</b>					
1 Bedroom	\$0	\$0	\$0	\$0	\$0
2 Bedrooms	\$47	\$49	\$50	\$52	\$54
3 Bedrooms	\$540	\$562	\$584	\$608	\$632
4 Bedrooms	\$539	\$560	\$582	\$605	\$630
5+Bedrooms	\$1,155	\$1,201	\$1,249	\$1,299	\$1,351
<b>Attached Single Family</b>					
1 Bedroom	\$0	\$0	\$0	\$0	\$0
2 Bedrooms	\$85	\$89	\$92	\$96	\$100
3 Bedrooms	\$153	\$158	\$165	\$171	\$178
4+Bedrooms	\$388	\$403	\$420	\$436	\$454
<b>Apartment</b>					
Efficiency	\$0	\$0	\$0	\$0	\$0
1 Bedroom	\$2	\$2	\$2	\$3	\$3
2 Bedrooms	\$97	\$101	\$105	\$109	\$113
3+Bedrooms	\$268	\$279	\$290	\$301	\$313

- (e) After 2009, the amount of the cash contribution shall be annually increased by 4% per year.

Revised: 06/21/05; Ord. #15215

7.4 School Population Density:

The cash contribution schedules set forth in subsection 7.3 are based on the following population density schedule:

<u>Type of Unit</u>	<u>K-5</u>	<u>6-8</u>	<u>9-12</u>
<b><u>Detached Single-Family</u></b>			
2 bedroom	.122	.041	.020
3 bedroom	.503	.222	.234
4 bedroom	.662	.309	.233
5 bedroom	.000	1.000	.500
<b><u>Attached Single-Family</u></b>			
1 bedroom	0	0	0
2 bedroom	.095	.077	.037
3 bedroom	.237	.064	.066
4 bedroom	.345	.155	.168
<b><u>Apartments</u></b>			
Efficiency	0	0	0
1 bedroom	.002	.001	.001
2 bedroom	.082	.041	.042
3 bedroom	.230	.123	.116

The population density schedule shall apply to all school districts located within the city and shall remain in effect until modified by the city or the expiration of this section.

7.5 Criteria for Requiring Land Dedication and a Cash Contribution:

A combination of a land dedication and a cash contribution in lieu of land shall be required when:

(a) Only a portion of the land to be developed is proposed as the location for a school site. That portion of the land within the subdivision or planned unit development falling within the school location shall be dedicated as a site, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated; or

(b) A major part of the school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a cash contribution in lieu thereof shall also be required.

7.6 Permitted Use of Cash Contributions:

Cash contributions payable under subsection 7.3 may be used by the receiving school district to serve the immediate or future needs of students from the development or for improvements to existing sites that will service the development. Cash

contribution may also be used for the acquisition of school sites, the construction of new schools, the improvement of existing schools, or for the payment of any bonds issued for school construction or improvements.

7.7 Combining with Adjoining Developments:

In those cases where the subdivision or planned unit development is less than 40 acres, a school site which is to be dedicated shall be situated in relation with adjoining developments and dedication so as to produce usable school sites.

7.8 Topography and Grading:

The slope, topography, and geology of the dedicated site, as well as its surroundings, shall be suitable for its intended purpose.

7.9 Time of Conveyance of Land or Payment of Cash Contributions:

The developer shall convey all required lands to the designated school district within 30 days after the recording plat or planned unit development plat is accepted by the Office of Recorder of Deeds for recording or as may be otherwise agreed upon by the developer and the school district. When a cash contribution is required, the developer shall make the cash contribution for each lot to the school district prior to the issuance of a building permit for the subject lot. Payments shall be made directly to the school district or districts in which the development is located. Evidence of the conveyance of land or a receipt from the school district for the payment of a cash contribution shall be submitted to the City when an application for a building permit is filed. The failure to provide sufficient evidence of the required conveyance or cash contribution shall constitute sufficient grounds for the denial of the application for a building permit or, when a building permit has been issued already, revocation of the building permit.

7.10 Effective Date for Dedications and Cash Contributions:

(a) The land dedication and cash contribution requirements of this section shall apply to all final plats of subdivision approved on or after February 1, 1996, unless the City and a school district have agreed upon a different effective date by intergovernmental agreement, in which case such date shall apply. All school districts located within the corporate limits of the city shall be entitled to land dedications or cash contributions, whichever is applicable, for any development for which a final plat of subdivision has been approved for land located within the school district's boundaries.

(b) For those school districts that were eligible to receive land dedications and cash contributions pursuant to Ordinance No. 8832 approved on March 7, 1989, those school districts shall continue to collect cash contributions on that portion of subdivisions for which a final plat has been approved prior to February 1, 1996, or such other date if agreed by the City and the school district by intergovernmental agreement, in which case such date shall apply. The amount of the cash

contributions shall be subject to the schedule in effect when those final plats were approved by the City. The cash contribution schedule set forth in subsection 7.3 shall not apply to lots in a final plat of subdivision subject to cash contributions under the original Ordinance No. 8832.

(c) For those subdivisions subject to the cash contributions set forth in subsection 7.3, the payment shall be in the amount in effect at the time of the filing of a fully completed application for a building permit in accordance with the schedule set forth in subsection 7.3.

#### 7.11 Additional Contribution Agreements:

Nothing in this section shall be construed as prohibiting a school district from entering into an agreement with a land owner or developer for the payment of additional fees or the payment for other goods or items in addition to the payment of cash contributions, the dedication of land, or both under this section.

#### **FOOTNOTE**

Ordinance No. 8832 as originally codified as Section VII of the Subdivision Regulations of the City of Joliet but replaced by this Ordinance shall remain in effect for the purpose of (a) establishing the amount of the cash contributions for final plats of subdivision not subject to the cash contribution schedule set forth in Section 1 (subsection 7.3) of this Ordinance, and (b) completing the conveyance of any land to a school district required as of the effective date of this Ordinance. Any subdivision that was exempt from the requirements of Ordinance No. 8832 shall remain exempt from land dedication and cash contribution requirements of this Ordinance.

\*

\*Revised: 1/17/96; Ord. #11015

### **SECTION VIII: DEDICATION OF PARK LANDS OR PAYMENT OF FEES IN COMBINATION WITH OR IN LIEU THEREOF**

#### 8.1 General

As a condition of approval of a preliminary plat of residential subdivision, or of a preliminary plat of a Planned Unit Development, each subdivider or developer shall dedicate land for park and recreational purposes to serve the immediate and future needs of the residents of the development, or provide a cash contribution in lieu of actual land dedication, or a combination of both, as determined by the Mayor and City Council, in accordance with the requirements set forth herein.

#### 8.2 Criteria for Requiring Park and Recreational Land Dedication

##### (a) Amount of Land Required

Subject to Section 8.3, seven and one half (7.5) acres of land shall be dedicated to the park district, or other public entity designated by the Mayor and City Council for every 333 lots and/or dwelling units contained in the preliminary plat of subdivision or planned unit development.

Example: Development of 82 detached single-family lots and 3 lots intended for 6-unit town homes.

Total Number of Lots/Units X The Required Acreage =  
Total Acres to be Dedicated (for 333 lots/units)

$$82 + 18 = 100 \text{ X } \frac{7.5 \text{ acres}}{333} = 2.25 \text{ acres to be Dedicated} \quad *$$

\*Revised: 5/18/04; Ord. #14698

(b) Location of Park Site

The land to be dedicated shall be in a location which will be of relatively equal to benefit to the residents of the development. The location shall also take into account nearby park sites. In appropriate circumstances, the land to be dedicated shall be contiguous to proposed or existing sites located in adjacent developments. Standards utilized by the applicable park district and the City shall be used as a guideline in locating sites.

(c) Credit for Land Dedication

When land dedication is required, credit to developers shall be given in accordance with the following criteria.

The first four (4) acres must be contiguous in one location, relatively flat, not included as part of a storm water management system, and above all known maximum flood levels in the area. Land over and above the four acre minimum shall be credited as follows:

- 100 % Credit - for additional land as described above
- 50% Credit - for important natural areas and flood plain that is designated by the Park District as part of a planned linear park.

When the land proposed for dedication includes important natural acres or flood plain that is designated by the park district as part of a planned linear park, credit will be assigned as follows:

- 100% Credit - for the first four acres or one-half of the required dedication whichever is less, contiguous in one location, relatively flat, not included as part of a storm water management system, and above all known maximum flood levels in the area.
- 50% Credit - for important natural areas and flood plain that are designated by the Park District as part of a planned linear park.

8.3 Criteria for Requiring a Cash Contribution in Lieu of Park and Recreation Sites

Where the development is small and the resulting park site would be too small to be practical or when the available land is geologically and topographically inappropriate for park and recreational purposes as determined by the City after consultation with the applicable park district, the City shall

require the subdivider or developer to pay a cash contribution in lieu of park and recreation land dedication. The cash contribution shall be available to serve the immediate or future needs of the residents of the development. The park district serving the development shall use the cash contribution for other facilities or improvements that would be available for use by the residents of the development, such as the acquisition of park or recreational land or facilities located within the corporate limits of the City, or the capital improvement of other existing local park and recreation land or facilities located within the corporate limits of the City. The cash contribution shall not be used for operational expenses. Acceptance of the cash contribution shall obligate the park district to comply with the terms of this ordinance. \*

\*Ordinance #13378; 11/20/01

A combination of land dedication and a contribution in lieu of land shall be required when a substantial part of the local park or recreation site has already been acquired and only a portion of additional land is needed from the development to complete the site. In this event, the land needed to complete the site shall be dedicated and a cost contribution shall be made for any additional land that would have otherwise been required.

(a) Fair Market Value

The cash contribution in lieu of land shall be based on the "fair market value" of the acres of subdivided land in the area to be developed or improved as specified herein, that otherwise would have been dedicated as park and recreation sites. The "fair market value" for each proposed preliminary plat shall be determined to be the average of three appraisals prepared by appraisers registered as Certified General appraisers in the State of Illinois. The costs of these appraisals shall be borne by the Developer. The appraisal shall be based on the current value of an acre of buildable land set aside as park land in a developed subdivision with utilities available at the property line and fully improved residential road frontage satisfying all building and subdivision ordinances. Complete copies of the appraisals shall be submitted to the City at the time application is made for plat approval.

(b) Conveyance of Land Donation or Payment of Cash Contributions:

The land to be dedicated for park purposes shall be clearly depicted on the preliminary plat. The total amount of park land dedicated shall be as required in Section 8.2. The appropriate park district shall inspect the land to be dedicated and shall receive title to the land upon written approval of all improvements.

1. The developer shall convey all required lands to the park district or other public entity designated by the Mayor and City Council within two years after the recording plat or planned unit development plat for the unit in which the park site is located is accepted by the Office of Recorder of Deeds for recording or as may be otherwise agreed upon by the developer and the park district. When a cash contribution is required, the developer shall make the cash

contribution for each lot to the park district prior to the issuance of a building permit for the subject lot. Payments shall be made directly to the park district or districts in which the development is located. Evidence of the conveyance of land or a receipt from the park district for the payment of a cash contribution shall be submitted to the City when an application for a building permit is filed. The failure to provide sufficient evidence of the required conveyance or cash contribution shall constitute sufficient grounds for the denial of the application for a building permit or, when a building permit has already been issued, revocation of the building permit.

2. The manner of conveyance will be by warranty deed naming the respective park district or other public entity designated by the Mayor and City Council as the sole grantee. The deed shall be accompanied by a commitment for a policy of owner's title insurance naming the park district as a proposed insured. All title encumbrances unacceptable to the park district shall be removed by the developer prior to submitting the deed and commitment for title insurance policy. Both the deed and the commitment for title insurance policy shall be delivered directly to the park district. The developer shall not record any deed or conveyance. After review of the status of title, the park district shall record the deed or, if title is unacceptable, return the deed to the developer with an explanation of the title defects. The developer shall correct the noted defects and deliver a deed and revised commitment to the park district within a reasonable time.

3. The developer shall ascertain the pro rata real estate taxes through the date of delivery of the deed and commitment for policy of title insurance of the park district. The developer shall make payment in said amount to the park district or other designated public entity at the same time that the deed and commitment for title insurance policy is delivered.

#### 8.4 Credit for Private Open Space and Recreation Areas

With the approval of the Mayor and City Council, a portion of the public park site requirement may be provided in the form of private recreation areas. The extent of such areas shall be determined by the Mayor and City Council, based upon the needs of the projected residents, the extent to which the private recreation areas are available for use by the residents of the subdivision, and available park land in the general area.

The substitution of private recreational areas for dedicated public parks may be approved if the Mayor and City Council find that the proposed private park site and park improvements are comparable to public park lands and improvements serving similar developments. Detailed plans of facilities to be installed shall be submitted with the preliminary plat and shall be subject to the review and approval of the Mayor and City Council under advisement of the park district. Before any credit is given for private recreation areas, the subdivider shall provide appropriate assurances that the private recreation areas will be permanently maintained for such use by the execution of such

legal documents and the provision of such sureties as City may request.

When credit for private recreation areas is approved, the total park land dedication required from the subdivision or planned unit development shall be suitably adjusted to reflect the credit.

#### 8.5 Combining the Adjoining Development

Public open space which is to be dedicated should, where possible, be combined with dedications from adjoining developments.

#### 8.6 Improved Sites

All sites shall have road frontage and access to electricity, gas, water and sanitary sewer. The developer shall also provide roadway improvements, street lighting, sidewalks, storm drainage and curb and gutter as may be required in conjunction with the development of other lots in the subdivision.

#### 8.7 Topography, Grading and Seeding

The shape, topography and geology of the dedicated site must be suitable for its intended purpose. Final grading and turf establishment on sites dedicated for parks and recreational uses shall be performed by the developer according to plans and specifications approved by the park district, or other public entity having jurisdiction thereof.

#### 8.8 Notification Process

(a) Developers shall meet and discuss open space needs with the park district prior to submittal of a preliminary plat. Written notice shall be given to the park district by the developer when a project has been filed for public hearing before the Plan Commission.

(b) Within ninety days of written notification from a developer, and prior to City Council review of a preliminary plat, the park district shall notify the City in writing of its desire to accept land, cash, or a combination of land and cash, in fulfillment of the developer's obligation under this section. If land is chosen, said notification shall include,

1. A general description of its location, size and special features, if any.
2. A description of any specific agreements with the developer regarding the conveyance of land or improvements, over and above the requirements of this Section.
3. A statement approving the proposed park plan for the proposed site.

If a cash contribution is chosen, said notification shall include a request for the City to obtain a recommendation of fair market value from the Township Assessor for township in which the proposed development lies.

## 8.9 Exemptions

The provisions of this Section VIII shall not apply within the following described territory:

(a) That portion of the DesPlaines River Valley Enterprise Zone, or its final boundaries of record, lying east of Raynor Avenue and Brandon Road; or

(b) the area lying east of Center Street and west of the DesPlaines River; or

(c) the area lying south of Second Street and north of Interstate 80, west of Rowell Avenue and east of South Chicago Street. \*

\*Ordinance #11814, 3/3/98

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>DESCRIPTION</u>
03/18/80	7267	Page 61-62
10/16/85	8178	Page 11
05/20/86	8269	Pages 57, 60, 62, 64
02/03/87	8408	Page 39
03/01/88	8600	Pages 31, 52, 67
12/19/89	9050	Pages 25, 29, 32, 38
05/15/90	9182	Pages 26, 30
09/04/91	9705	Page 12
40/21/92	9880	Page 28
08/18/92	9965	Page 67
05/17/94	10437	Page 66
05/16/95	10796	Pages 25, 30, 32, 35, 48, 50
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09/19/95	10912	Appendix
12/07/93	10323	Appendix
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10/17/00	12936	Page 28
11/20/01	13378	Page 83
12/04/01	13403	Pages 25, 29, 32
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## APPENDIX

### CONSOLIDATED STORMWATER MANAGEMENT, SOIL EROSION AND SEDIMENT CONTROL AND FLOODPLAIN MANAGEMENT REGULATIONS (2003)

#### STORMWATER MANAGEMENT REGULATIONS

##### **Sec. 31-205. Stormwater detention regulations**

The stormwater detention regulations set forth in this section shall apply to any development for which an application for a preliminary plat is filed on or after December 1, 1993, and to any property subject to Section 8-59 of this Code for which a building permit has been applied for on or after December 1, 1993.

The purpose of the stormwater detention regulations is to diminish threats to public health, safety and welfare caused by runoff of excessive stormwater from new development and redevelopment. This excessive stormwater could result in the inundation of damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and lake resources. The cause of increases in stormwater runoff quantity and rate and impairment of quality is the development and improvement of land. These regulations control development activities to prevent adverse impacts.

These regulations are adopted to accomplish the following objectives:

**Objective 1.** To assure that new development does not increase the drainage or flood hazards to others or create unstable conditions susceptible to erosion;

**Objective 2.** To protect new buildings and major improvements to buildings from flood damage due to increased stormwater runoff;

**Objective 3.** To protect human life and health from hazards of increased flooding on a watershed basis;

**Objective 4.** To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, correction of channel erosion problems, and flood rescue and relief operations caused by increased stormwater runoff quantities from new development;

**Objective 5.** To protect, conserve and promote orderly development of land and water resources;

**Objective 6.** To preserve the natural hydrologic and hydraulic functions of watercourses and floodplains and to protect water quality and aquatic habitats;

**Objective 7.** To preserve the natural characteristics of stream corridors in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Ordinance No. 11301, Section 1, adopted December 3, 1996.

(a) **General regulations**

(1) The peak discharge rate from a storm detention facility shall be controlled for the two year 24-hour storm event and the 100 year 24-hour storm event to levels that will not cause and increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities. The peak discharge from events less than or equal to the two-year event shall not be greater than 0.04 cfs per acre of property drained. The peak 100 year discharge shall not be greater than 0.15 cfs per acre of property drained.

(2) The rational method shall be used to determine the volume of detention to be constructed. The volume of detention storage shall be determined for the 100-year event of critical duration (the duration that requires maximum storage).

(3) All design rainfall events shall be based on the Illinois State Water Survey's Bulletin 70.

(4) Design criteria for the construction of detention facilities are contained in the Subdivision Regulations.

(5) The City Manager or his designee shall be authorized to require more stringent release rates where detailed regional studies indicate that the receiving stream does not have capacity to accept release at the rate allows by subsection (a)(1).

Ordinance No. 10323, Section 2, adopted December 8, 1993.

(b) **Submittals**

The submittal of the stormwater drainage system shall include an evaluation of the site design features which minimize the increase in runoff volumes and rates from the site. The submittal shall include evaluations of site design features which are consistent with the following hierarchy:

(1) minimize impervious surfaces on the property consistent with the needs of the project;

(2) attenuate flows by use of open vegetated swales and natural depressions;

(3) Infiltrate runoff on-site

(4) provide stormwater retention structures;

(5) provide stormwater detention structures;

- (6) construct storm sewers.

Ordinance No. 10323, Section 2, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 2, adopted December 3, 1996.

(c) ***Design Objectives***

(1) The drainage system should be designed to minimize adverse water quality impacts downstream and on the property itself. Detention basins shall incorporate design features to capture stormwater runoff pollutants. In particular, designers shall give preference to wet bottom and wetland designs and all flows from the development shall be routed through the basin (i.e., low flows shall not be bypassed). Retention and infiltration of stormwater shall be promoted throughout the property's drainage system to reduce the volume of stormwater runoff and to reduce the quantity of runoff pollutants.

(2) The drainage system should incorporate multiple uses where practicable. Uses considered compatible with stormwater management include open space, aesthetics, aquatic habitat, recreation (boating, trails, playing fields), wetlands and water quality mitigation. The applicant should avoid using portions of the property exclusively for stormwater management.

Ordinance No. 10323, Section 2, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 3, adopted December 3, 1996.

(d) ***Wet Detention Basins***

(1) *Wet detention basin design.* Wet detention basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing, and as much as feasible to be available for recreational use.

(2) *Wet detention depths.* Wet basins shall be at least three feet deep, excluding nearshore banks and safety ledges. If fish habitat is to be provided, they shall be at least ten feet deep over twenty-five percent of the bottom area to prevent winter freezeout.

(3) *Inlet and outlet orientation.* To the extent feasible the distance between detention inlets and outlets shall be maximized.

Ordinance No. 10323, Section 2, adopted December 8, 1993.

(e) ***Wetland and Dry Detention Basin Design:***

In addition to the other requirements of this ordinance, wet and dry basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing and as much as feasible to be available for multiple uses.

(1) *Wetland and Dry Basin Drainage:* Wetland and dry basins shall be designed so that the portion of their bottom area which is intended to be dry shall have standing water no longer than seventy-two hours for all runoff events less than the 100-year event. Underdrains directed to the outlet may be used to accomplish this requirement. Grading plans

shall clearly distinguish the wet/wetland, portion of the basin bottom from the dry portion.

(2) *Velocity dissipation:* Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize the resuspension of pollutants.

(3) *Inlet and Outlet Orientation:* To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, they should be at opposite ends of the basin. There should be no low flow bypass between the inlet and outlet.

(4) *Stilling/Sedimentation Basins:* A stilling/sedimentation basin should be constructed at each major inlet to a wetland or dry basin. The volume of the basins should be at least 500 ft. per acre of impervious surface in the drainage area. Side slopes of the basins shall be no steeper than 3 horizontal to 1 vertical and basin depths should be at least 3 feet to minimize resuspension of accumulated sediment.

Ordinance No. 10323, Section 2, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 4, adopted December 3, 1996

(f) ***Minimum detention outlet size***

Where a single pipe outlet or orifice plate is to be used to control the discharge, it shall have a minimum diameter of 4 inches. If this minimum orifice permits a release rate greater than those specified in 31-205(a) and regional detention is not a practical alternative, alternative outlet designs shall be utilized which incorporate perforated risers or other self-cleaning flow restrictors.

Ordinance No. 10323, Section 2, adopted December 8, 1993.

(g) ***Detention in floodplains***

The placement of detention basins within the floodplain is strongly discouraged because of questions about their reliable operation during flood events. However, the stormwater detention requirements of this ordinance may be fulfilled by providing detention storage within flood fringe areas on the project site provided the following provisions are met:

(1) *Detention in flood fringe areas:* The placement of a detention basin in a flood fringe area shall require compensatory storage for 1.0 times the volume below the base flood elevation occupied by the detention basin including any berms. The release from the detention storage provided shall still be controlled consistent with the requirements of this section. The applicant shall demonstrate its operation for all streamflow and floodplain backwater conditions. Excavations for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention. All floodplain storage lost below the ten-year flood elevation shall be replaced below the ten-year flood elevation. All floodplain storage lost above the existing ten-year flood elevation shall be replaced about the proposed ten-year flood elevation. All compensatory storage excavations shall be constructed to drain freely and openly to the watercourse.

(2) *Detention in floodways:* Detention basins shall be placed in the floodway only in accordance with subsection (g)(3).

(3) *On-stream detention:* On stream detention basins are discouraged but allowable if they provide regional public benefits and if they meet the other provisions of these regulations with respect to water quality and control of the two-year and 100 year, 24-hour events from this property. Further criteria are presented in section 5.5.C.3 of the Subdivision Regulations. If on-stream detention is used for watersheds larger than one square mile, it is recommended that the applicant used dynamic modeling to demonstrate that the design will not increase stage for any properties upstream or downstream of the property. Also, impoundment of the stream as part of on-stream detention:

(a) shall not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning.

(b) shall not cause or contribute to the degradation of water quality or stream aquatic habitat,

(c) shall include a design calling for gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin, and,

(d) shall require the implementation of an effective nonpoint source management program throughout the upstream watershed which shall include at a minimum: runoff reduction BMPs consistent with this ordinance; 2-year detention/sedimentation basins for all development consistent with Section 709.4; and a program to control nonpoint sources at the source for prior developments constructed without appropriate stormwater BMPs.

Ordinance No. 10323, Section 2, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 5, adopted December 3, 1996

(h) ***Protection of Wetlands and Depressional Storage Areas***

Wetlands and other depressional storage areas shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments. In addition to the other requirements of this ordinance, the following requirements shall be met for all developments whose drainage flows into wetlands and depressions] storage areas (as appropriate):

(1) *Detention in Wetlands and Depressional Storage Areas:*  
Existing wetlands shall not be modified for the purposes of stormwater detention unless it is demonstrated that the existing wetland is low in quality and the proposed modifications will maintain or improve its habitat and ability to perform beneficial functions. Existing storage and release rate characteristics of wetlands and other depressional storage areas shall be maintained and the volume of detention storage provided to meet the requirements of this section shall be in addition to this existing storage.

(2) *Sediment Control:* The existing wetland shall be protected during construction by appropriate soil erosion and sediment control measures and shall not be filled.

(3) *Alteration of drainage patterns:* Site drainage patterns shall not be altered to substantially decrease or increase the existing area tributary to the wetland.

(4) *Detention/Sedimentation:* All runoff from the development tributary to the wetland shall be routed through a preliminary detention/sedimentation basin designed to capture the two-year, 24 hour event and hold it for at least 24 hours, before being discharged to the wetland. This basin shall be constructed before grading begins. In addition, the drainage hierarchy defined in Section 31-205 (b) should be followed to minimize runoff volumes and rates being discharged to the wetland.

(5) *Vegetated Buffer Strip:* A buffer strip of at least 25 feet in width, preferably vegetated with native plant species, shall be maintained or restored around the periphery of the wetland.

Ordinance No. 10323, Section 2, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 6, adopted December 3, 1996

(i) ***Streets and parking lots***

(1) *Streets:* If streets are to be used as part of the drainage system, ponding depths shall not exceed curb heights by more than six inches and shall not remain flooded for more than eight hours for any event less than or equal to the 100-year event.

(2) *Parking lots:* The maximum stormwater ponding depth in any parking area shall not exceed twelve inches.

Ordinance No. 10323, Section 2, adopted December 8, 1993.

(j) ***Infiltration Practices***

Infiltration practices including basins, trenches and porous pavement may be allowed if the following conditions are met:

(1) A soil survey indicates that the existing soil types are adequate for infiltration practice.

(2) The bottom of any proposed infiltration facility is located a minimum of four feet above the seasonally high groundwater and bedrock.

(3) A sediment settling basin is provided to remove sediment from stormwater flows before they reach infiltration basins or trenches.

(4) Infiltration facilities are located more than 75 feet from any existing or proposed building foundation.

(5) Stormwater shall not be allowed to stand more than 72 hours over eighty percent of a dry basin's bottom area for the maximum design event.

(6) The infiltration facility is located so that a positive outfall could be installed and the basin could be converted to a dry detention basin if the bottom of the basin becomes clogged with sediment in the future.

Ordinance No. 10323, Section 2, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 7, adopted December 3, 1996

(k) ***Maintenance considerations***

The stormwater drainage system shall be designed to minimize and facilitate maintenance. Turfed sideslopes shall be designed to allow lawn mowing equipment to easily negotiate them. Pre-sedimentation basins shall be provided with easy methods for removing sediment. Access for heavy equipment shall be provided to the pre-sedimentation basins. In addition, all applicants shall be required to establish a restrictive covenant by notation on the record plat stating that the maintenance of the detention area is the responsibility of all property owners in the subdivision, including bank stabilization, bank maintenance, future sediment removal, or dredging, stabilization of water levels, outfall structures and storm sewer pipes within the detention easement.

Ordinance No. 10323, Section 2, adopted December 8, 1993, as amended by Ordinance No. 14207, Section 7, adopted March 4, 2003..

(l) ***Accommodating flows from upstream tributary areas***

Stormwater runoff from areas tributary to the property shall be considered in the design of the property's drainage system. Whenever practicable, flows from upstream areas that are not to be detained should be routed around the basin being provided for the site being developed.

(1) ***Upstream areas not meeting current requirements:*** When there are areas not meeting the storage and release rates of these regulations, tributary to the applicant's property, regionalized detention on the applicant's property shall be explored by the applicant. The following steps shall be followed:

(a) The applicant shall compute the storage volume needed for his property using the release rates of Section 31- 205(a), the applicant's property area, and the procedures described in section 31-205(a).

(b) Areas tributary to the applicant's property, not meeting the storage and release rate requirements of these regulations, shall be identified.

(c) Using the areas determined in subsection (b) above plus the applicant's property area, total storage needed for the combined properties shall be computed.

(d) Allowable release rates shall be computed using the combined property areas. Storage shall be computed as described in Section 31-205(a). If tributary areas are not developed, a reasonable fully developed land cover based on local zoning, shall be assumed for purposes of computing storage.

(e) Once the necessary combined storage is computed, the City of Joliet may choose to pay for oversizing the applicant's detention basin to accommodate the regional flows. The applicant's responsibility will be

limited to the storage for his property as computed in subsection (a) above. If regional storage is selected by the City of Joliet, then the design produced in subsection (d) above shall be implemented.

(f) If regional storage is rejected by the City of Joliet, the applicant shall design the storage and release rates for the applicant's property only. Existing upstream flows shall be routed around the storage when practicable.

(2) *Upstream areas meeting ordinance requirements:* When there are areas which meet the storage and release rate requirements of this ordinance, tributary to the applicant's property, the upstream flows shall be bypassed around the applicant's detention basin, or be routed through the applicant's detention basin if this is the only practicable alternative. Storage needed for the applicant's property shall still be computed as described in subsection (1)(1). However, if the City of Joliet decides to route tributary area flows through an applicant's basin, the final design stormwater releases shall be based on the combined total of the applicant's property plus tributary areas. It must be shown that at no time will the runoff from the applicant's property exceed the allowable release rate for the applicant's property alone.

Ordinance No. 10323, Section 2, adopted December 8, 1993.

(m) ***Time of Construction of Storage Areas***

Where detention, retention or depressional storage areas are to be used as part of the drainage system for a property, they shall be constructed as the first part of the initial earthwork program. Temporary detention facilities can be provided where the schedule for the site does not include the permanent detention site as a part of the initial development. Bonding for the completion of adequate permanent facilities shall be provided with the first increment of the development recorded.

Ordinance No. 10323, Section 2, adopted December 8, 1993.

(n) ***Maintenance responsibility***

The maintenance of stormwater detention facilities shall be provided by the property owner(s) of the site. The owner(s) of the property shall grant an easement to the City of Joliet in the event that Joliet needs to enter the property to correct deficiencies in the maintenance provided by the owner(s). Presedimentation facilities, inlet control structures and outlet structures shall be maintained by the City of Joliet to assure adequate functioning of the facility.

Ordinance No. 10323, Section 2, adopted December 8, 1993.

**SOIL EROSION AND SEDIMENT CONTROL REGULATIONS**

**Sec. 31-206. Site development permit.**

The regulation of soil erosion and sediment control is provided by Sections 31-206 and 31-207. The purpose of these sections is to safeguard persons, protect property, prevent damage to the environment,

and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in movement of earth on land situated within the corporate limits of Joliet. It is the intention of these sections that the delivery of sediment from sites affected by land disturbing activity be limited, as closely as practicable, to that which would have occurred if the land had been left in its natural undisturbed state.

It is the objective of these regulations to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating, and filling of land. Measures taken to control soil erosion and offsite sediment runoff should be adequate to assure that sediment is not transported from the site by a storm event of ten-year frequency or less. The following principles shall apply to activities regulated by this section.

**Principle 1:** Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible, and natural contours should be followed as closely as possible.

**Principle 2:** Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses, lakes, ponds, and wetlands should be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.

**Principle 3:** Special precautions should be taken to prevent damages resultant from any necessary development activity within or adjacent to any stream, lake, pond, or wetlands. Preventative measures should reflect the sensitivity of these areas to erosion and sedimentation.

**Principle 4:** The smallest practical area of land should be exposed for the shortest practical time during development.

**Principle 5:** Sediment basins or traps, filter barriers, diversions, and any other appropriate sediment or runoff control measures should be installed prior to site clearing and grading and maintained to remove sediment from run-off waters from land undergoing development.

**Principle 6:** The selection of erosion and sedimentation control measures should be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs, and benefits involved.

**Principle 7:** In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.

**Principle 8:** Provision should be made to accommodate the increased run-off caused by changed soil and surface conditions during

and after development. Drainageways should be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion onsite or downstream.

**Principle 9:** Permanent vegetation and structures should be installed and functional as soon as practical during development.

**Principle 10:** Those areas being converted from agricultural purposes to other land uses should be vegetated with an appropriate protective cover prior to development.

**Principle 11:** All waste generated as a result of site development activity should be properly disposed of and should be prevented from being carried off the site by either wind or water.

**Principle 12:** All construction sites should provide measures to prevent sediment from being tracked onto public or private roadways.

Ordinance No. 11301, Section 8, adopted December 3, 1996.

(a) **Permit required**

Except as otherwise provided in this ordinance, no person shall commence or perform any clearing, grading, stripping, excavating, or filling of land which meets the following provisions without having first obtained a site development permit from the City of Joliet.

(1) Any land disturbing activity (i.e. clearing, grading, stripping, excavation, fill, or any combination thereof) that will affect an area in excess of 5000 square feet.

(2) Any land disturbing activity that will affect an area in excess of 500 square feet if the activity is within 25 feet of a lake, pond, stream, or wetland; or

(3) Excavation, fill, or any combination thereof that will exceed 100 cubic yards.

Ordinance No. 10323, Section 3, adopted December 8, 1993.

(b) **Exceptions**

A permit shall not be required for any of the following provided that the person responsible for any such development shall implement necessary soil erosion and sediment control measures to satisfy the principles set forth in the Subdivision Regulations.

(1) Excavation below final grade for the basement and footings of a single-family residence and appurtenant structures on a site in excess of two acres for which a building permit has been issued by the City of Joliet;

(2) Excavation below final grade for the basement and footings of a single-family residence on a site two (2) acres or less which was permitted by subdivision approval.

(3) Agricultural use of land on a site which has a permit provided by subdivision; or

(4) Installation, renovation, or replacement of a septic system to serve an existing dwelling or structure.

Ordinance No. 10323, Section 3, adopted December 8, 1993.

(c) ***Application for permit***

Application for a site development permit shall be made by the owner of the property or the owner's authorized agent to the city manager or his designee on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principal contract at such firm and shall be accompanied by a filing fee of \$250.00. Each application shall include certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

Ordinance No. 10323, Section 3, adopted December 8, 1993.

(d) ***Submissions***

Each application for a site development permit shall be accompanied by the following information:

(1) A vicinity map in sufficient detail to enable easy location in the field of the site for which the permit is sought and including the boundary line and approximate acreage of the site, existing zoning a legend and scale.

(2) (a) Existing topography of the site and adjacent land within approximately 100 feet of the boundaries, drawn at no greater than two-foot contour intervals **and** clearly portraying the conformation and drainage pattern of the area.

(b) The location of existing buildings, structures, utilities, streams, lakes, floodplains, wetlands and depressions, drainage facilities vegetative cover, paved areas and other significant natural or man-made features on the site and adjacent land within 100 feet of the boundary.

(c) Proposed use of the site, including present development and planned utilization; areas of clearing, stripping, grading, excavation and filling; proposed contours, finished grades and street profiles; provisions for storm drainage, including storm sewers, swales, detention basins and any other measures to control the rate of runoff with a drainage area map, indications of flow directions and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized or left undisturbed.

(3) An erosion and sediment control plan showing all measures necessary to meet the objectives of this ordinance throughout all phases or construction and permanently after completion of development of the site, including:

(a) Location and description including standard depths of all sediment control measures and design specifics of sediment basins and traps including outlet details.

(b) Location and description of all soil stabilization and erosion control measures including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures and types of non-vegetative stabilization measures.

(c) Location and description of all runoff control measures including diversions, waterways and outlets.

(d) Location and description of methods to prevent tracking of sediment offsite including construction entrance details as appropriate.

(e) Description of dust and traffic control measures.

(f) Locations of stockpiles and description of stabilization methods.

(g) Description of off-site fill or borrow volumes, locations and methods of stabilization.

(h) Provisions for maintenance of control measures including type and frequency of maintenance and easements the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures during development and after development is completed.

(i) Identification (name, address and telephone) of the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures during development and after development is completed.

(4) The proposed phasing of development of the site including stripping and clearing, rough grading and construction and final grading and landscaping . Phasing should identify the expected date clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of temporary soil stabilization measures, installation of storm measures, paving streets and parking areas, final grading, and the establishment of permanent vegetative cover and the removal of temporary measures. It shall be the responsibility of the applicant to notify the City of Joliet of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved.

These submissions shall be prepared in accordance with the requirements of these regulations and the standards and requirements of the "Illinois Urban Manual" (NRCS, IEPA, 1995).

The City of Joliet may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of these regulations.

Ordinance No. 10323, Section 3, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 9, adopted December 3, 1996

(e) **Bonds**

The applicant is required to file with the City of Joliet a faithful performance bond or bonds, letter of credit or other improvement security satisfactory to the city manager or his designee in an amount deemed sufficient by the city manager or his designee to cover all costs of improvements, landscaping, maintenance of improvements and landscaping, and soil erosion and sediment control measures for such period as specified by the City of Joliet and engineering and inspection cost to cover the cost of failure or repair or improvements installed on the site.

Ordinance No. 10323, Section 3, adopted December 8, 1993.

(f) **Review and approval**

Each application for a site development permit shall, be reviewed and acted upon according to the following procedures:

(1) The City of Joliet will review each application for a site development permit to determine its conformance with the provisions of this ordinance. Within 30 days after receiving an application, the City of Joliet shall in writing:

(a) Approve the permit application if it is found to be in conformance with the provisions of this ordinance and issue the permit;

(b) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance and issue the permit subject to these conditions; or

(c) Disapprove the permit application indicating the deficiencies and the procedure for submitting a revised application and/or submission.

(2) No site development permit shall be issued unless the applicant is notified of his responsibility to obtain all relevant federal and state permits (i.e. for floodplains and wetlands).

(3) Failure of the City of Joliet to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the City of Joliet and the applicant. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the City of Joliet.

Ordinance No. 10323, Section 3, adopted December 8, 1993.

(g) **Expiration of permit**

Every site development permit shall expire and become null and void if the work authorized by such permit has not been commenced within two (2) years, or is not completed by a date which shall be specified in the permit; except that the City of Joliet may, if the permittee presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the specified time limits, grant

reasonable extension of time if written application is made before the expiration date of the permit. The City of Joliet may require modification of the erosion control plan to prevent any increase in erosion or offsite sediment runoff resulting from any extension.

Ordinance No. 10323, Section 3, adopted December 8, 1993.

(h) **Stop Work Order**

In the event any person holding a site development permit pursuant to this ordinance violates the terms of the permit, or carries on site development in such a manner as to materially adversely affect the health, welfare or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood the City Manager may suspend or revoke the site development permit.

(1) Suspension of a permit shall be by written stop-work order issued by the City Manager and delivered to the permittee, its agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed.

(2) No site development permit shall be permanently suspended or revoked until a hearing is held by the City Manager. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state the grounds for the complaint or the reasons for suspension or revocation and the time when and place where such hearing will be held. Such notice shall be served on the permittee at least five (5) days prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence. At the conclusion of the hearing the City Manager shall determine whether the permit shall be suspended or revoked.

Ordinance No. 14204, Section 8, adopted March 4, 2003.

(i) **Enforcement**

No person shall construct, alter, repair, or maintain any grading, excavation or fill, or cause the same to be done in violation of any of this ordinance. Any person violating this ordinance shall be guilty of an ordinance violation. Each day during which any violation of this ordinance is committed, continued or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership or corporation shall be punished by a fine of not more than Seven Hundred Fifty Dollars (\$750.00) for each offense. In addition to any other penalty authorized by this ordinance, any person convicted of violating this ordinance shall be required to restore the site to condition existing prior to commission of the violation and to bear the expense of such restoration.

Ordinance No. 14204, Section 9, adopted March 4, 2003.

**Sec. 31-207. Design and operation standards and requirements**

(a) **Soil erosion and sediment controls**

Site design requirements for soil erosion and sediment controls: on-site sediment control measures as specified by the following criteria shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

(1) For disturbed areas draining less than one acre, filter barriers (including filter fences, straw bales, or equivalent control measures) shall be constructed to control all offsite runoff as specified in referenced handbooks. Vegetated filter strips with a minimum width of 25 feet may be used as an alternative only where runoff in sheet flow is expected.

(2) For disturbed areas draining more than 1 but less than 5 acres, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.

(3) For disturbed areas draining more than 5 acres, a sediment basin or equivalent control measure shall be constructed at the downslope point of the disturbed area.

(4) Sediment basins and sediment trap designs shall meet the requirements of the "Illinois Urban Manual"(NRCS, IEPA, 1995).

(5) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume of sediment generated in one year. For construction periods exceeding one year, the one-year sediment load and sediment removal schedule may be substituted.

Ordinance No. 10323, Section 4, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 10, adopted December 3, 1996

(b)

#### ***Stormwater conveyance channels***

Stormwater conveyance channels including ditches, swales and diversions and the outlets of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from the 10-year frequency storm without erosion. All constructed or modified channels shall be stabilized within 48 hours consistent with the following standards:

(1) For grades up to 4 percent, seeding in combination with mulch, erosion blanket or an equivalent control measure shall be applied. Sod or erosion blanket or mat shall be applied to the bottom of the channel.

(2) For grades of 4 to 8 percent, sod or an equivalent control measure shall be applied in the channel.

(3) For grades greater than 8 percent, rock, riprap or an equivalent measure shall be applied or the grade shall be effectively reduced using drop structures.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(c)

#### ***Disturbed areas***

Disturbed areas shall be stabilized with temporary or permanent measures within seven calendar days following the end of active disturbance or redisturbance consistent with the following criteria:

(1) Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding and/or non-vegetative measures.

(2) Areas having slopes greater than 12 percent shall be stabilized with sod, mat or blanket in combination with seeding or equivalent.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(d) ***Land disturbance activities in stream channels***

Land disturbance activities in stream channels shall be avoided where possible. If disturbance activities are unavoidable, the following requirements shall be met:

(1) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material such as riprap or gravel.

(2) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel including bed and banks shall be restabilized within 48 hours after channel disturbance is completed interrupted or stopped.

(3) Whenever channel relocation is necessary, the new channel shall be constructed in the dry and fully stabilized area before flow is diverted.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(e) ***Protection of storm sewer inlets and culverts***

Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(f) ***Soil storage piles***

Soil storage piles containing more than 10 cubic yards of material shall not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. Filter barriers including straw bales, filter fence or equivalent shall be installed immediately on the downslope side of the piles.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(g) ***Dewatering devices***

If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins or equivalent.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(h) **Temporary Access Roads**

Each site shall have graveled (or equivalent) entrance roads, access drives and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shovelling or street cleaning before the end of each workday and transported to a controlled sediment disposal area.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(i) **Maintenance**

All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(j) **Temporary Erosion Disposal**

All temporary erosion and be disposed of within 30 days after final site stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

Ordinance No. 10323, Section 4, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 11, adopted December 8, 1996.

(k) **Handbook adopted by reference**

The standards and specifications contained in the "Illinois Urban Manual" published by the Natural Resources Conservation Service and the Illinois Environmental Protection Agency in 1995 and the "Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control" published in 1988 (the "Greenbook") are hereby incorporated by reference and made a part hereof by reference for the purpose of delineating procedures and methods of operation under site development and erosion and sedimentation control plans approved under Section 31-206. In the event of a conflict between provisions of said manuals and this section, this section shall govern.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(l) **Maintenance of control measures**

All soil erosion and sediment control measures necessary to meet the requirements of this ordinance shall be maintained periodically by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(m) **Inspection**

The City Of Joliet shall make periodic inspections and shall notify the permittee wherein the work fails to comply with the site development or erosion and sedimentation control plan as approved. The permitted shall request inspections two working days prior to the completion of the following items:

- (1) The completion of installation of sediment and runoff control measures(including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading;
- (2) After stripping and clearing;
- (3) After rough grading;
- (4) After final grading
- (5) After seeding and landscaping;
- (6) After final stabilization and landscaping, prior to removal of sediment controls.

If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the permitted shall give notice and request inspection at the completion of the above stages of work in each phase or area.

Ordinance No. 10323, Section 4, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 12, adopted December 8, 1996.

(n) ***Special precautions***

If at any stage of the grading of any development site, the City of Joliet determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland or drainage structure, the City of Joliet may require as a condition of allowing the work to be done that such reasonable special precautions to be taken as in considered advisable to avoid the likelihood of such peril.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(o) ***Stop Work Order***

Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(p) ***Amendment of plans:***

Major amendments of the site development or erosion and sedimentation control plans shall be submitted to the City of Joliet and shall be processed and approved or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the City of Joliet.

**FLOODPLAIN MANAGEMENT REGULATIONS**

8-500	Short Title
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8-502	Definitions
8-503	How to Use this Ordinance
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8-505	Base Flood Elevation
8-506	Occupation and Use of Flood Fringe Areas
8-507	Occupation and Use of Identified Floodways
8-508	Occupation and Use of Special Flood Hazard Areas Where Floodways are Not Identified
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**Section 8-500: Short Title.**

This Ordinance shall be known, and may be cited, as the "Joliet Special Flood Hazard Areas Development Ordinance".

Ordinance No. 14207, Section 1, adopted March 4, 2003.

**Section 8-501: Purpose.**

This Ordinance is enacted pursuant to the powers granted to the City by Sections 1-2-1, 11-12-12, 11-30-8, and 11-30-2 of the *Illinois Municipal Code* (65 ILCS 1-1 et seq.) and pursuant to the home rule powers vested in the City of Joliet by the Constitution of the State of Illinois. The purpose of this Ordinance is to maintain the City's eligibility in the *National Flood Insurance Program*; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. This Ordinance is adopted in order to accomplish the following specific purposes.

a. To meet the requirements of the Rivers, Lakes and Streams Act (615 ILCS 5/18g);

b. To assure that new development does not increase the flood or drainage hazards to others, or creating unstable conditions susceptible to erosion;

c. To protect new buildings and major improvements to buildings from flood damage;

d. To protect human life and health from the hazards of flooding;

e. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;

f. To make federally subsidized flood insurance available for property in the City by fulfilling the requirements of the National Flood Insurance Program; and

g. To comply with the rules and regulations of the *National Flood Insurance Program*, codified as 44 CFR 59-79, as amended.

h. To protect, conserve and promote the orderly development of land and water resources; and

i. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

**Section 8-502: Definitions.**

For the purposes of this Ordinance, the following definitions are adopted:

a. "Act" shall mean the *Rivers, Lakes and Streams Act* (615 ILCS 5/5 et seq.),

b. "Applicant" shall mean any person, firm, corporation or agency which submits an application.

c. "Appropriate Use" shall mean only uses of the regulatory floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed are as specified in Section 8-507 of this Ordinance.

d. "Base Flood" shall mean the flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event. Application of the base flood elevation at any location is as defined in Section 8-505 of this Ordinance.

e. "Building" shall mean a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, mobile home or a prefabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.

f. "Channel" shall mean any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainageway, which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

g. "Channel Modification" shall mean alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining and significant removal of bottom or woody vegetation. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification typically involving relocation of the existing channel (e.g. straightening).

h. "Compensatory Storage" An artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the flood plain. The uncompensated loss of natural flood plain storage can increase off-site floodwater elevations and flows.

i. "Conditional Approval of a Regulatory Floodway Map Change" shall mean Preconstruction approval by DNR and the Federal Emergency Management Agency (FEMA) of a proposed change to the floodway map. This preconstruction approval, pursuant to this Part, gives assurances to the property owner that once an Appropriate Use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.

j. "Conditional Letter of Map Revision (CLOMR)" shall mean a letter which indicates that the FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective Flood Hazard Boundary Map or Flood Insurance Rate Map, once the as-built plans are submitted and approved.

k. "Control Structure" shall mean a structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

l. "Dam" shall mean all obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included.

m. "Development" shall mean any man-made change to real estate, including:

- (i) Construction, reconstruction, repair, or placement of a building or any addition to a building.
- (ii) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days.
- (iii) Drilling, mining, installing utilities, construction of roads, bridges, or a similar projects.
- (iv) Demolition of a structure or redevelopment of a site.
- (v) Clearing of land as an adjunct of construction.
- (vi) Construction or erection of levees, walls, fences, dams, or culverts; channel modification; filling, dredging,

grading, excavating, paving, or other non-agricultural alterations of the ground surface; storage of materials; deposit of solid or liquid waste.

- (vii) Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal.

Development does not include maintenance of existing buildings and facilities such as re-roofing or re-surfacing of roads when there is no increase in elevation, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees.

n. "DNR" shall mean the Illinois Department of Natural Resources.

o. "Elevation Certificates" shall mean a form published by FEMA that is used to certify the elevation to which a building has been elevated.

p. "Erosion" shall mean the general process whereby soils are moved by flowing water or wave action.

q. "Exempt Organizations" shall mean organizations which are exempt from this ordinance pursuant to law, including state, federal and units of local government.

r. "FEMA" shall mean the Federal Emergency Management Agency and its regulations at 44 CFR 59-79 effective as of March 17, 2003.

s. "Flood" shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves or the unusual and rapid accumulation or runoff of surface waters from any source.

t. "Flood Frequency" shall mean a period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

u. "Flood Fringe" shall mean that portion of the flood plain outside of the regulatory floodway.

v. "Flood Insurance Rate Maps (FIRM)" shall mean a map prepared by the Federal Emergency Management Agency that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and flood plains and may or may not depict floodways.

w. "Flood Plain" shall mean that land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Flood plains may also include detached Special Flood Hazard Areas, ponding areas, etc. The flood plain is also known as the Special Flood Hazard Area (SFHA). The flood plains are those lands within the jurisdiction of the City that

are subject to inundation by the base flood or 100-year frequency flood. The SFHA's of the City are generally identified as such on the Flood Insurance Rate Map of Will County prepared by the Federal Emergency Management Agency (or the U.S. Department of Housing and Urban Development) and dated March 17, 2003. The SFHA's of those parts of unincorporated territory that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Flood Insurance Rate Map prepared for Will County \by FEMA and dated March 17, 2003.

x. "*Floodproofing*" shall mean any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

y. "*Floodproofing Certificate*" shall mean a form published by FEMA that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

z. "*Flood Protection Elevation (FPE)*" shall mean the elevation of the base flood 100-year frequency flood plus one foot of freeboard at any given location in the SFHA.

aa. "*Freeboard*" shall mean an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

bb. "*Hydrologic and Hydraulic Calculations*" shall mean engineering analysis which determine expected flood flows and flood elevations based on land characteristics and rainfall events.

cc. "*Letter of Map Amendment (LOMA)*" shall mean official determination by FEMA that a specific structure is not in a 100-year flood zone; amends the effective Flood Hazard Boundary Map or FIRM.

d. "*Letter of Map Revision (LOMR)*" shall mean a letter that revises base flood or 100-year frequency flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective FHBM or FIRM.

ee. "*Manufactured Home*" shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when connected to the required utilities. The term manufactured homes also includes park trailers, travel trailers and other similar vehicles placed on site for more than 180 consecutive days.

ff. "*Manufactured Home Park or Subdivision*" shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

gg. "*Mitigation*" shall mean those measures necessary to minimize the negative effects which flood plain development activities might have

on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration.

hh. "NGVD" shall mean the National Geodetic Vertical Datum of 1929. Reference surface set by the National Geodetic Survey deduced from a continental adjustment of all existing adjustments in 1929.

ii. "Natural" shall mean, when used in reference to channels, those channels formed by the existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its flood plain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is reestablished. Similarly, a modified channel may be restored to more natural conditions by man through regrading and revegetation.

jj. "Ordinary High Water Mark (OHWM)" shall mean the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

kk. "Public Flood Control Project" shall mean a flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

ll. "Publicly Navigable Waters" shall mean all streams and lakes capable of being navigated by watercraft.

mm. "Professional Land Surveyor" shall mean a land surveyor registered in the State of Illinois under the *Illinois Professional Land Surveyor Act of 1989* (225 ILCS 330/1 et seq.).

nn. "Professional Engineer" shall mean an engineer licensed under the laws of the State of Illinois to practice professional engineering as set forth in the *Professional Engineering Practice Act of 1989* (225 ILCS, 325/1 et seq.).

oo. "Regulatory Floodway" shall mean the channel, including onstream lakes, and that portion of the flood plain adjacent to a stream or watercourse as designated by DNR, which is needed to store and convey the existing and anticipated future 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10% increase in velocities. The regulatory floodways are designated on the Will County FIRM prepared by FEMA and dated March 17, 2003. The regulatory floodways for those

parts of unincorporated territory that are within the extraterritorial jurisdiction of the City that may be annexed into the City which are designated for on the Will County FIRM prepared by and dated March 17, 2003. The rivers included, but not limited to, are: DuPage River, Rock Run Creek, Rock Run Slough, Rock Run Tributaries 1, 2 and 3, Sunnyland Drain, Sunnyland Drain Tributary, Caton Creek, Lily Cache Creek, DesPlaines River, Hickory Creek, Spring Creek, Illinois & Michigan Canal, and Thorne Creek. To locate the regulatory floodway boundary on any site, the regulatory floodway boundary should be scaled off the regulatory floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the regulatory floodway boundary, DNR should be contacted for the interpretation.

pp. "*Repair, Remodeling or Maintenance*" shall mean development activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

qq. "*Retention/Detention Facility*" A retention facility stores stormwater runoff without a gravity release. A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

rr. "*Riverine SFHA*" shall mean any SFHA subject to flooding from a river, creek, intermittent stream, ditch, on stream lake system or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

ss. "*Runoff*" shall mean the water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

tt. "*Sedimentation*" shall mean the processes that deposit soils, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.

uu. "*Special Flood Hazard Area (SFHA)*" shall mean any base flood area subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel or ponding and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V30, VE, V, M or E.

vv. "*Structure*" shall mean the results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days.

ww. "*Substantial Improvement*" shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has

been damaged, and is being restored, before the damage occurred. For the purposes of this definition "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

xx. "Transition Section" shall mean the reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice versa.

yy. "City Manager" shall mean the City Manager of the City of Joliet or another City official designated by the City Manager as the official responsible for administering this Ordinance.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended by ordinance No. 10912, Section 1, adopted September 19, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

**Section 8-503: How to Use This Ordinance.**

The City Manager shall be responsible for fulfilling all of the duties listed in Section 8-504.

To fulfill those duties, the City Manager first should use the criteria listed in Section 8-505, *Base Flood Elevations*, to determine whether the development site is located within a flood plain. Once it has been determined that a site is located within a flood plain, the City Manager must determine whether the development site is within a flood fringe, a regulatory floodway, or within a SFHA or flood plain on which no floodway has been identified. If the site is within a flood fringe, the City Manager shall require that the minimum requirements of Section 8-506 be met. If the site is within the floodway, the City Manager shall require that the minimum requirements of Section 8-507 be met. If the site is located within a SFHA or floodplain for which no detailed study has been completed and approved, the City Manager shall require that the minimum requirements of Section 8-508 be met.

In addition, the general requirements of Section 8-509 shall be met for all developments meeting the requirements of Section 8-506, 8-507 or 8-509. The City Manager shall assure that all subdivision proposals shall meet the requirements of Section 8-510.

If a variance is to be granted for a proposal, the City Manager shall review the requirements of Section 8-511 to make sure they are met. In addition, the City Manager shall complete all notification requirements.

In order to assure that property owners obtain permits as required in this Ordinance, the City Manager may take any and all actions as outline in Section 8-513.

**Section 8-504: Duties of the Enforcement Official(s).**

The City Manager shall be responsible for the general administration and enforcement of this Ordinance which shall include the following:

a. *Determining the Flood Plain Designation.* Check all new development sites to determine whether they are in a Special Flood Hazard Area (SFHA). If they are in a SFHA, determine whether they are in a floodway, flood fringe or in a flood plain on which a detailed study has not been conducted which drains more than one (1) square mile.

b. *Professional Engineer Review.* If the development site is within a floodway or in a flood plain on which a detailed study has not been conducted which drains more than one (1) square mile then the permit shall be referred to a registered professional engineer (P.E.) under the employ or contract of the City for review to ensure that the development meets the requirements of Section 8-507. In the case of an Appropriate Use, the P.E. shall state in writing that the development meets the requirements of Section 8-507.

c. *Dam Safety Requirements.* Ensure that a DNR Dam Safety Permit has been issued or a letter indicating no Dam Safety Permit is required, if the proposed development activity includes construction of a dam as defined in Section 8-502. Regulated dams may include weirs, restrictive culverts or impoundment structures.

d. *Other Permit Requirements.* Ensure that any and all required federal, state and local permits are received prior to the issuance of a flood plain development permit.

e. *Plan Review and Permit Issuance.* Ensure that all development activities within the SFHAs of the jurisdiction of the City meet the requirements of this Ordinance and issue a flood plain development permit in accordance with the provisions of this Ordinance and other regulations of the City when the development meets the conditions of this Ordinance.

f. *Inspection Review.* Inspect all development projects before, during and after construction to assure proper elevation of the structure and to ensure they comply with the provisions of this Ordinance.

g. *Elevation and Floodproofing Certificates.* Maintain in the permit files an Elevation Certificate certifying the elevation of the lowest floor (including basement) of a residential or non-residential building or the elevation to which a non-residential building has been floodproofed, using a Floodproofing Certificate, for all buildings subject to Section 8-509 of this Ordinance for public inspection and provide copies of same;

h. *Records for Public Inspection.* Maintain for public inspection and furnish upon request base flood data, SFHA and regulatory floodway maps, copies of federal or state permit documents, variance documentation, Conditional Letter of Map Revision, Letter of Map Revision, Letter of Map Amendment and "as built" elevation and floodproofing or elevation and floodproofing certificates for all buildings constructed subject to this Ordinance.

i. *State Permits.* Ensure that construction authorization has been granted by DNR, for all development projects subject to Section 8-507 and 8-508 of this Ordinance, unless enforcement responsibility has been delegated to the City. Upon acceptance of this Ordinance by DNR and FEMA, the City shall be deemed to accept the delegation of responsibility and authority pursuant to 17 IL Adm. Code 3708.90 pertaining to construction in the regulatory floodway and flood plain when floodways have not been defined in Sections 8-507 and 8-508 of this Ordinance. However, the following review approvals are not delegated to the City and shall require review or permits from DNR:

- (i) Organizations which are exempt from this Ordinance under State or Federal law.
- (ii) DNR projects, dams or impoundment structures as defined in Section 8-502 and all other state, federal or local unit of government projects, including projects of the City and County, except for those projects meeting the requirements of Sec. 8-507.
- (iii) An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, per Section 8-507e.
- (iv) An engineer's analysis of the flood profile due to Section 8-507e
- (v) Alternative transition sections and hydraulically equivalent compensatory storage as indicated in Section 8-507e.(i, ii, viii).
- (vi) Permit issuance of structures within or over publicly navigable rivers, lakes and streams;
- (vii) Any changes in the Base Flood Elevation or floodway locations; and,
- (viii) Base Flood Elevation determinations where none now exist.

j. *Cooperation with Other Agencies.* Cooperate with state and federal flood plain management agencies to improve base flood or 100-year frequency flood and floodway data and to improve the administration of this Ordinance. Submit data to DNR and FEMA for proposed revisions of a regulatory map. Submit reports as required for the National Flood Insurance Program. Notify FEMA of any proposed amendments to this Ordinance.

k. *Promulgate Regulations.* Promulgate rules and regulations as necessary to administer and enforce the provisions of this Ordinance, subject however to the review and approval of DNR and FEMA for any Ordinance changes.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

**Section 8-505: Base Flood Elevation.**

This Ordinance's protection standard is based on the Flood Insurance Study for Will County. If a base flood elevation or 100-year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best existing data available in the Illinois State Water Surveys Flood Plain Information Repository. When a party disagrees with the best available data, that party may finance the detailed engineering study needed to replace existing data with better data and submit it to DNR and FEMA.

a. The base flood or 100-year frequency flood elevation for the SFHAs of all rivers and creeks shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Will County prepared by FEMA dated March 17, 2003 and such other amendments or revisions to such study and maps as may be prepared from time to time. The rivers included but not limited to are: DuPage River, Rock Run Creek, Rock Run Slough, Rock Run Tributaries 1, 2 and 3, Sunnyland Drain, Sunnyland Drain Tributary, Caton Creek, Lily Cache Creek, DesPlaines River, Hickory Creek, Spring Creek, Illinois & Michigan Canal, and Thorne Creek.

b. The base flood or 100-year frequency flood elevation for the SFHAs of those parts of unincorporated Will County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Will County prepared by FEMA and dated March 17, 2003 and such amendments or revisions to such study and maps as may be prepared from time to time.

c. The base flood or 100-year frequency flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the City.

d. The base flood or 100-year frequency flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map of Will County shall be according to the best existing data available in the Illinois State Water Survey Flood Plain Information Repository. When no base flood or 100-year frequency flood elevation exists, the base flood or 100-year frequency flood elevation for a riverine SFHA shall be determined from a backwater model, such as HEC-II, WSP-2, or a dynamic model such as HIP. The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-I TR-20, or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges. Flood flows should be based on anticipated future land use conditions in the water shed as determined from adopted local and regional land use plans. Along any watercourses draining more than one (1) square mile, the above analysis shall be submitted to DNR for approval, once approved it must be submitted to the Illinois State Water Survey Floodplain Information Repository for filing. For a non-riverine SFHA, the Base Flood Elevation shall be the

historic Flood of Record plus three feet, unless calculated by a detailed engineering study and approved by the Illinois State Water Survey.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended by ordinance No. 10912, Section 1, adopted September 19, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

**Section 8-506: Occupation and Use of Flood Fringe Areas.**

Development in and/or filling of the flood fringe will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation, and compensatory storage and other provisions of this Ordinance are met. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this section, along with the requirements of Section 8-509.

a. *Development Permit.* No person, firm, corporation, or governmental body not exempted under Illinois law shall commence any development in the SFHA without first obtaining a development permit from the City Manager.

b. *Permit Application* Application for a development permit shall be made on a form provided by the City Manager. The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions and legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations in M.S.L., 1929 adj. datum or N.G.V.D. and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings. For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of Section 8-509 of this Ordinance.

c. *Application- Review* Upon receipt of a development permit application, the City Manager shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Any development located on land that can be shown to have been higher than the base flood elevation as of the sites first Flood Insurance Rate Map identification is not in the SFHA and, therefore, not subject to the requirements of this Ordinance. The Building Official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

d. *Reserved*

e. *Submittal of Other Permits* The applicant shall submit to the City Manager copies of all other local, state and federal permits, approvals or permit-not-required letters that may be required for this type of activity. The City Manager shall not issue a permit unless all other local, state and federal permits have been obtained.

f. *Preventing Increased Damages* No development in the flood fringe shall create a threat to public health and safety.

g. *Filling* If fill is being used to elevate the site above the base flood or 100-year frequency flood elevation, the applicant

shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the flood plain.

h. *Compensatory Storage* Whenever any portion of a flood plain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation. The excavation volume shall be at least equal to the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All flood plain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All flood plain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

### ***Section 8-507. Occupation and Use of Identified Floodways.***

This section applies to proposed development, redevelopment, site modification or building modification within a regulatory floodway. The regulatory floodway for all rivers, creeks and streams shall be as delineated on the regulatory floodway maps designated by DNR according and references in Section 8-502oo. Only those uses and structures will be permitted which meet the criteria in this section. All floodway modifications shall be the minimum necessary to accomplish the purpose of the project. The development shall also meet the requirements of Section 8-509.

a. *Development Permit* No person, firm, corporation or governmental body not exempted by state law shall commence any development in a floodway without first obtaining a development permit from the City Manager.

b. *Permit Application* Application for a development permit shall be made on a form provided by the City Manager. The application shall include the following information:

- (i) Name and address of applicant;
- (ii) Site location (including legal description) of the property, drawn to scale, on the regulatory floodway map, indicating whether it is proposed to be in an incorporated or unincorporated area;
- (iii) Name of stream or body of water affected;
- (iv) Description of proposed activity;
- (v) Statement of purpose of proposed activity;
- (vi) Anticipated dates of initiation and completion of activity;

- (vii) Name and mailing address of the owner of the subject property if different from the applicant;
- (viii) Signature of applicant or the applicant's agent;
- (ix) If the applicant is a corporation, the president or other authorized officer shall sign the application form;
- (x) If the applicant is a partnership, each partner shall sign the application form; and
- (xi) If the applicant is a land trust, the trust officer shall sign the name of the trustee by him (her) as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein.
- (xii) Plans of the proposed activity shall be provided which include as a minimum:
  - (a) A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;
  - (b) A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level (1929 adjustment) datum or N.G.V.D., adjacent property lines and ownership, drainage and flood control easements, location of any channels and any existing or future access roads, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), regulatory floodway limit, flood plain limit, specifications and dimensions of any proposed channel modifications, location and orientation of cross-sections, north arrow, and a graphic or numerical scale;
  - (c) Cross-section view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical);
  - (d) *Reserved*

(e) A copy of the regulatory floodway map, marked to reflect any proposed change in the regulator floodway location.

(xiii) Any and all other local, state and federal permits or approval letters that may be required for this type of development.

(xiv) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of Section 8-507 d.

(xv) If the regulatory floodway delineation, base flood or 100-year frequency flood elevation will change due to the proposed project, the application will not be considered complete until DNR has indicated conditional approval of the regulatory floodway map change. No structures may be built until a Letter of Map Revision has been approved by FEMA.

(xvi) The application for a structure shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing ground elevations and all changes in grade resulting from any proposed excavation or filling, and flood plain and floodway limits; sealed by a registered professional engineer, licensed architect or registered land surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 8-509 of this Ordinance.

(xvii) *Reserved*

c. *Submittal of Other Permits* The applicant shall obtain and submit to the City Manager copies of all other local, state, and federal permit and approvals that may be required for this type of activity. The City Manager shall not issue the development permit unless all required federal and state permits have been obtained. A Registered Professional Engineer, under the employ or contract of the City shall review and approve applications reviewed under this Section.

d. *Preventing Increased Damages and a List of Appropriate Uses.*

The only development in a floodway which will be allowed are Appropriate Uses, which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction methods shall be minimized by appropriate mitigation methods as called for in this Ordinance. Only those Appropriate Uses listed in 17 IL Adm. Code 3708 will be allowed. Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as

specifically defined above as an Appropriate Use. The approved Appropriate Uses are as follows:

- (i) Flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion, or water quality or habitat for fish and wildlife.
- (ii) Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational boating, commercial shipping and other functionally water dependent uses;
- (iii) Storm and sanitary sewer outfalls;
- (iv) Underground and overhead utilities;
- (v) Recreational facilities such as playing fields and trail systems including any related fencing (at least 50% open when viewed from any one direction) built parallel to the direction of flood flows, and including open air pavilions and toilet facilities (4 stall maximum) that will not block flood flows nor reduce floodway storage;
- (vi) Detached garages, storage sheds, or other non-habitable accessory structures without toilet facilities to existing buildings that will not block flood flows, nor reduce floodway storage;
- (vii) Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification thereto;
- (viii) Parking lots and aircraft parking aprons built at or below existing grade where either:
  - (a) the depth of flooding at the 100-year frequency flood event will not exceed one foot; or
  - (b) the applicant of a short-term recreational use facility parking lot, formally agrees to restrict access during overbank flooding events and accepts liability for all damage caused by vehicular access during all overbank flooding events;
- (ix) Regulatory floodway regrading, without fill, to create a positive non-erosive slope toward a watercourse.
- (x) Floodproofing activities to protect previously existing lawful structures including the construction of water tight window wells, elevating structures, or construction of floodwalls around residential, commercial or industrial principal structures where the

outside toe of the floodwall shall be no more than ten (10) feet away from the exterior wall of the existing structure, and, which are not considered substantial improvements to the structure.

- (xi) In the case of damaged or replacement buildings, reconstruction or repairs made to a building that are valued at less than 50% of the market value of the building before it was damaged or replaced, and which do not increase the outside dimensions of the building.
- (xii) Additions to existing buildings above the BFE that do not increase the building's foot print and are valued at less than 50% of the market value of the building.

e. *Regulatory Floodway Uses* Within the regulatory floodway as identified on the regulatory floodway maps designated by DNR, the construction of an Appropriate Use will be considered permissible provided that the proposed project meets the following engineering and mitigation criteria and is so stated in writing with supporting plans, calculations and data by a registered professional engineer and provided that any structure meets the protection requirements of Section 8-509 of this Ordinance.

- (i) *Preservation of Flood Conveyance, so as not to Increase Flood Stages Upstream.* For appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective regulatory floodway conveyance lost due to the project will be replaced for all flood events up to and including the 100-year frequency flood. In calculating effective regulatory floodway conveyance, the following factors shall be taken into consideration:

- (a) *Regulatory floodway conveyance,*

$$K, \text{ where } K = (1.486/n) \times AR^{2/3}$$

where "n" is Manning's roughness factor, "A" is the effective area of the cross-section, and "R" is the ratio of the area to the wetted perimeter. (See, *Open Channel Hydraulics*, Ven Te Chow, 1959, McGraw-Hill Book Company, New York)

- (b) The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state, or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.
- (c) Transition sections shall be provided and used in calculations of effective regulatory floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to DNR through

engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

- (1) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length.
  - (2) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length.
  - (3) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.
  - (4) Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the regulatory floodway delineation on adjacent properties.
  - (5) All cross-sections used in the calculations shall be located perpendicular to flood flows.
- (ii) *Preservation of Floodway Storage so as Not to Increase Downstream Flooding* Compensatory storage shall be provided for any regulatory floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects. Compensatory storage for fill or structures shall be equal to the volume of flood plain storage lost. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced. The compensatory regulatory floodway storage shall be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All regulatory floodway storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All regulatory floodway storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate to DNR through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.

- (iii) *Preservation of Floodway Velocities so as Not to Increase Stream Erosion or Flood Heights.* For all Appropriate Uses, except bridges or culverts or on stream structures, the proposed work will not result in an increase in the average channel or regulatory floodway velocities. However, in the case of bridges or culverts or on stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.
- (iv) *Construction of New Bridges or Culvert Crossings and Roadway Approaches.* The proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements. If the proposed construction will increase upstream flood stages greater than 0.1 feet, the developer must contact DNR, Dam Safety Section for a Dam Safety permit or waiver.
- (a) The engineering analysis of upstream flood stages must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the flood study specified in Section 8-505 of this Ordinance. Culverts must be analyzed using the U.S. DOT, FHWA Hydraulic Chart for the Selection of Highway Culverts. Bridges must be analyzed using the U.S. DOT/Federal Highway Administration Hydraulics of Bridge Waterways calculation procedures.
- (b) Lots floodway storage must be compensated for per Section 8-507 e(ii).
- (c) Velocity increases must be mitigated per Section 8-507 e(iii)
- (d) If the crossing is proposed over a public water that is used for recreational or commercial navigation, a DNR permit must be received.
- (e) The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to DNR for concurrence that a CLOMR is not required by Section 8-507d.

(f) All excavations for the construction of the crossing shall be designed per Section 8-507 e(viii).

(v) *Reconstruction or Modification of Existing Bridges, Culverts, and Approach Roads*

(a) The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage.

(b) If the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream flood plain, the applicant's engineer shall evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.

(c) The determination as to whether or not the existing crossing is a source of flood damage and should be redesigned must be prepared in accordance with the Department of Transportation Rules 17 IL. Adm. Code 3708 (Floodway Construction in Northeastern Illinois) and submitted to the Division for review and concurrence before a permit is issued.

(vi) *On-Stream Structures Built for the Purpose of Backing Up Water*

Any increase in upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all flood events up to and including the 100-year frequency event shall be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within record flood easements. A permit or letter indicating a permit is not required must be obtained from DNR, Dam Safety Section for a Dam Safety permit or waiver for any structure built for the purpose of backing up water in the stream during normal or flood flow. All dams and impoundment structures as defined in Section 8-502.1 shall meet the permitting requirements of 17 IL Adm. Code 3702 (Construction and Maintenance of Dams). If the proposed activity involves a modification of the channel or floodway to accommodate an impoundment, it shall be demonstrated that:

- (a) The impoundment is determined to be in the public interest by providing flood control, public recreation, or regional stormwater detention;
  - (b) The impoundment will not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
  - (c) The impoundment will not cause or contribute to degraded water quality or habitat conditions. Impoundment design should include gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin.
  - (d) A non-point source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals and other pollutants. If there is more than one municipality in the upstream watershed, the municipality in which the impoundment is constructed should coordinate with upstream municipalities to ensure comprehensive watershed control;
  - (e) The project otherwise complies with the requirements of Section 8-507.
- (vii) *Flood Proofing of Existing Habitable, Residential and Commercial Structures* If construction is required beyond the outside dimensions of the existing building, the outside perimeter of the floodproofing construction shall be placed no further than 10 feet from the outside of the building. Compensation of lost storage and conveyance will not be required for floodproofing activities.
- (viii) *Excavation in the Floodway* When excavation is proposed in the design of bridges and culvert openings including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance for other Appropriate Uses, transition sections shall be provided for the excavation. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to DNR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:
- (a) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length;

- (b) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one feet of the flooded stream's length; and
- (c) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.
- (d) Erosion/scour protection shall be provided inland upstream and downstream of the transition sections.

(ix) *Channel Modification* If the proposed activity involves a channel modification, it shall be demonstrated that:

- (a) There is no practicable alternative to the activity which would accomplish its purpose with less impact to the natural conditions of the body of water affected. Possible alternatives include levees, bank stabilization, flood proofing of existing structures, removal of structures from the floodplain, clearing the channel, high flow channel, or the establishment of a stream side buffer strip or green belt. Channel modification is acceptable if the purposed is to restore natural conditions and improve water quality and fish and wildlife habitat;
- (b) Water quality, habitat, and other natural functions would be significantly improved by modification and not significant habitat area may be destroyed, or the impacts are offset by the replacement of an equivalent degree of natural resource values;
- (c) The activity has been planned and designed and will be constructed in a way which will minimized its adverse impacts on the natural conditions of the body of water affected, consistent with the following criteria:
  - (1) The physical characteristics of the modified channel shall match as closely as possible those of the existing channel in length, cross-section, slope and sinuosity. If the existing channel has been previously modified, restoration of more natural physical conditions should be incorporated into channel modification design, where practical.

- (2) Hydraulically effective transitions shall be provided at both the upstream and downstream ends of the project, designed such that they will prevent erosion.
- (3) One-sided construction of a channel shall be used when feasible. Removal of streamside (riparian) vegetation should be limited to one side of the channel, where possible, to preserve the shading and stabilization effects of the vegetation.
- (4) Clearing of stabilizing vegetation shall be limited to that which is essential for construction of the channel.
- (5) Channel banks shall be constructed with a side slope no steeper than 3:1 horizontal to vertical, wherever practicable. Native vegetation and gradual side slopes are the preferred methods for bank stabilization. Where high velocities or sharp bends necessitate the use of alternative stabilization measure, soil bioengineering techniques, natural rock or rip-rap are preferred approaches. Artificial materials such as concrete, gabions, or construction rubble should be avoided unless there are no practicable alternatives.
- (6) All disturbed areas associated with the modification shall be seeded or otherwise stabilized as soon as possible upon completion of construction. Erosion blanket or an equivalent material shall be required to stabilize disturbed channel banks prior to the establishment of the vegetative cover.
- (7) If the existing channel contains bottom diversity such as deep pools, riffles, or other similar features, such features shall be provided in the new channel. Spawning and nesting areas and flow characteristics compatible with fish habitat shall also be established, where appropriate.
- (8) A sediment basin shall be installed at the downstream end of the modification to reduce sedimentation and degradation of the stream quality.
- (9) New or relocated channels should be built in the dry and all items of construction including vegetation, should be completed

prior to diversion of water into the new channel.

- (10) There shall be no increase in stage or velocity as the channel enters or leaves the project site for any frequency flood unless necessitated by a public flood control project or unless the increase is justified as a part of a habitat improvement or erosion control project.
  - (11) Unless the modification is for a public flood control project, there shall be no reduction in the volume of floodwater storage outside the floodway as a result of the modification; and
  - (12) The project otherwise complies with the requirements of Section 8-507.
- (x) *Seeding and Stabilization Plan* For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the applicant.
  - (xi) *Soil Erosion and Sedimentation Measures* For all activities in the floodway, including grading, filling and excavation, in which there is potential for erosion of exposed soil, soil erosion and sedimentation control measures shall be employed consistent with the following criteria:
    - (a) The construction area shall be minimized to preserve the maximum vegetation possible. Construction shall be scheduled to minimize the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed, or disturbed more than 15 days prior to the initiation of improvements.
    - (b) Temporary and/or permanent soil stabilization shall be applied to denuded areas as soon as possible. As a minimum, soil stabilization shall be provided within 15 days after final grade is reached on any portion of the site, and with 15 days to denuded areas which may not be at final grade but will remain undisturbed for longer than 60 days.
    - (c) Sedimentation control measures shall be installed before any significant grading or filling is initiated on the site to prevent the movement of eroded sediments off site or into the channel. Potential sediment control devices include filter fences, straw bale fences, check dams, diversion ditches, and sediment traps and basins.

- (d) A vegetated buffer strip of at least 25 feet in width shall be preserved and/or reestablished, where possible, along existing channels (See, Section 8-507e (xvi)). Construction vehicle use of channels shall be minimized. Temporary stream crossings shall be constructed, where necessary, to minimize erosion. Necessary construction in or along channels shall be re-stabilized immediately.
  - (e) Soil erosion and sedimentation control measures shall be consistent with "Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois" (1988) also known as the "Green Book" and "The Illinois Urban Manual" (NRCS, IEPA, 1995).
- (xii) *Public Flood Control Projects* For public flood control projects, the permitting requirements of this section will be considered met if the applicant can demonstrate to DNR through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the 100-year frequency event.
- (xiii) *General Criteria for Analysis of Flood Elevations*
- (a) The flood profiles, flows and floodway data in the regulatory floodway study, referenced in Section 8-505, must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, DNR shall be contacted for approval and concurrence on the appropriate base conditions data to use.
  - (b) If the 100-year regulatory floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet the requirements of this section for the 100-year frequency flood elevations of the regulatory floodway conditions and conditions with the receiving stream at normal water elevations.
  - (c) If the applicant learns from DNR, local governments, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this section for both the existing conditions and

the expected flood profile conditions when the bridge, culvert or flood control project is built.

- (xiv) *Conditional Letter of Map Revision* If the Appropriate Use would result in a change in the regulatory floodway location or the 100-year frequency flood elevation, the applicant shall submit to DNR and to FEMA all the information, calculations and documents necessary to be issued a conditional regulatory floodway map revision and receive from DNR a conditional approval of the regulatory floodway change before a permit is issued. However, the final regulatory floodway map will not be changed by FEMA until as-built plans or record drawings are submitted and accepted by FEMA and DNR. In the case of non-government projects, the municipality in incorporated areas and the county in unincorporated areas shall concur with the proposed conditional regulatory floodway map revision before DNR approval can be given. No filling, grading, dredging or excavating shall take place until a conditional approval is issued. No further development activities shall take place until a final Letter of Map Revision (LOMR) is issued by FEMA and DNR.
- (xv) *Professional Engineer's Supervision* All engineering analyses shall be performed by or under the supervision of a registered professional engineer.
- (xvi) *Construction Protection* For all activities in the floodway involving construction within 25 feet of the channel, the following criteria shall be met:
- (a) A natural vegetation buffer strip shall be preserved within at least 25 feet of the ordinary high water mark of the channel.
  - (b) Where it is impossible to protect this buffer strip during construction of an appropriate use, a vegetated buffer strip shall be established upon completion of construction.
- (xvii) *Commencement of Construction* After receipt of conditional approval of the regulatory floodway change and issuance of a permit and a Conditional Letter of Map Revision, construction as necessary to change the regulatory floodway designation may proceed but no buildings or structures or other construction that is not an Appropriate Use may be placed in that area until the regulatory floodway map is changed and a final Letter of Map Revision is received. The regulatory floodway map will be revised upon acceptance and concurrence by DNR and FEMA of the "as built" plans.

f. *Reserved*

g. *State Review* For those projects listed below located in a regulatory floodway, the following criteria shall be submitted to DNR for their review and concurrence prior to the issuance of a permit:

- (i) DNR will review an engineer's analysis of the flood profile due to a proposed bridge pursuant to Section 8-507 e(iv).
- (ii) DNR will review an engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, pursuant to Section 8-507 e(v).
- (iii) The DNR will review alternative transition sections and hydraulically equivalent storage pursuant to Section 8-507 e(i, ii and viii).
- (iv) The DNR will review and approve prior to the start of construction any Department projects, dams (as defined in Section 8-502(1) and all other state, federal or local units of government projects, including projects of the municipality or county.

h. *Other Permits* In addition to the other requirements of this Ordinance, a development permit for a site located in a floodway shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from DNR, issued pursuant to 615 ILCS 5/5 et seq. No permit from DNR shall be required if the Division has delegated this responsibility to the City.

i. *Dam Safety Permits* Any work involving the construction, modification or removal of a dam as defined in 17 IL Adm. Code 3702 (Construction and Maintenance of Dams) shall obtain a DNR Dam Safety permit prior to the start of construction of a dam. If the City Manager finds a dam that does not have a DNR permit and if the City Manager finds a dam is unsafe, the City Manager shall immediately notify the owner of the dam, DNR, Dam Safety Section of DNR in Bartlett and the Illinois Emergency Management Agency (IEMA).

j. *Activities That Do Not Require a Registered Professional Engineer's Review*

The following activities may be permitted without a registered professional engineer's review. Such activities shall still meet the other requirements of this Ordinance, including the mitigation requirements.

- (i) Underground and overhead utilities that:
  - (a) Do not result in any increase in existing ground elevations, or
  - (b) Do not require the placement of above ground structures in the floodway, or

- (c) In the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of 3' below the existing stream bed, and
  - (d) In the case of overhead utilities, no supporting towers are placed in the watercourse and are designed in such a fashion as not to catch debris.
- (ii) Storm and sanitary sewer outfalls that:
- (a) Do not extend riverward or lakeward of the existing adjacent natural bank slope, and
  - (b) Do not result in an increase in ground elevation, and
  - (c) Are designed so as not to cause stream erosion at the outfall location.
- (iii) Construction of sidewalks, athletic fields (excluding fences), properly anchored playground equipment and patios at grade.
- (iv) Construction of shoreline and streambank protection that:
- (a) Does not exceed 1000 feet in length.
  - (b) Materials are not placed higher than the existing top of bank.
  - (c) Materials are placed so as not to reduce the cross-sectional area of the stream channel or bank of the lake.
  - (d) *Reserved*
- (v) Temporary stream crossings in which:
- (a) The approach roads will be 0.5' (1/2 foot) or less above natural grade.
  - (b) The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert.
  - (c) The top of the roadway fill in the channel will be at least 2' below the top of the lowest bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel.
  - (d) All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.

- (e) The access road and temporary crossings will be removed within one year after authorization.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

**Section 8-508. Occupation and Use of SFHA Areas Where Floodways Are Not Identified.**

In SFHA or flood plains, where no floodways have been identified and no base floor or 100-year frequency flood elevations have been established by FEMA, and draining more than a square mile, no development shall be permitted unless the cumulative effect of the proposals, when combined with all other existing and anticipated uses and structures, shall not significantly impede or increase the flow and passage of the floodwaters nor significantly increase the base flood or 100-year frequency flood elevation.

a. *Development Permit.* No person, firm, corporation or governmental body, not exempted by Illinois law, shall commence any development in a SFHA or flood plain without first obtaining a development permit from the City Manager. Application for a development permit shall be made on a form provided by the City Manager. The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; and existing grade elevations and all changes in grade resulting from excavation or filling, sealed by a licensed engineer, architect or surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 8-509 of this Ordinance. The application for a development permit shall also include the following information:

- (i) A detailed description of the proposed activity, its purpose, and intended use;
- (ii) Site location (including legal description) of the property, drawn to scale, on the regulatory floodway maps, indicating whether it is proposed to be in an incorporated or unincorporated area;
- (iii) Anticipated dates of initiation and completion of activity;
- (iv) Plans of the proposed activity shall be provided which include as a minimum:
  - (a) A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;
  - (b) A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean seal level (1929 adjustment) datum or N.G.V.D., adjacent property lines and ownership, drainage and flood control

easements, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), flood plain limit, location and orientation of cross-sections, north arrow, and a graphical or numerical scale;

(c) Cross-section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphical or numerical scales (horizontal and vertical); and

(d) *Reserved*

(v) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the criteria of Section 8-508d.

(vi) Any and all other local, state and federal permits or approvals that may be required for this type of development.

b. *Application Review* Based on the best available existing data according to the Illinois State Water Survey's Flood Plain Information Repository, the City Manager shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Should no elevation information exist for the site, the developer's engineer shall calculate the elevation according to Section 8-505d. Any development located on land that can be shown to have been higher than the base flood elevation as of the sites first Flood Insurance Rate Map Identification is not in the SFHA and, therefore, not subject to the requirements of this Ordinance. The Building Official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

c. *Other Permits* The applicant will be responsible for submitting copies of all other local, state, and federal permits, approvals or permit-not-required letters that may be required for this type of activity. The City Manager shall not issue the development permit unless all required local, state and federal permits have been obtained.

d. *Preventing Increased Damages* No development in the SFHA, where a floodway has not been determined shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety and welfare or impair the natural hydrologic channel.

e. *Riverine SFHAS* Within all riverine SFHA's where the floodway has not been determined, the following standards shall apply:

(i) The developer shall have a Registered Professional Engineer state in writing and show through supporting plans, calculations, and data that the project meets the

engineering requirements of Section 8-507e(i-xii) for the entire flood plain as calculated under the provisions of Section 8-505d. of this Ordinance. As an alternative, the developer should have an engineering study performed to determine a floodway and submit that engineering study to DNR for acceptance as a regulatory floodway. Upon acceptance of their floodway by the Department, the developer shall then demonstrate that the project meets the requirements of Section 8-507 for the regulatory floodway. The floodway shall be defined according to the definition in Section 8-502oo. of this Ordinance.

- (ii) A development permit shall not be issued unless the applicant first obtains a permit from DNR or written documentation that a permit is not required from DNR.
- (iii) No permit from DNR shall be required if the Division has delegated permit responsibility to the City per 17 IL Adm. Code 3708 for regulatory floodways, per DNR Statewide Permit entitled "*Construction in Flood Plains with No Designated Floodways in Northeastern Illinois.*"
- (iv) *Dam Safety Permits.* Any work involving the construction, modification or removal of a dam or an on-stream structure to impound water as defined in Section 8-502 1. shall obtain an DNR Dam Safety permit or letter indicating a permit is not required prior to the start of construction of a dam. If the City Manager finds a dam that does not have a DNR permit, the City Manager shall immediately notify the Dam Safety Section of DNR. If the City Manager finds a dam which is believed to be in unsafe condition, the City Manager shall immediately notify the owner of the dam and the Illinois Emergency Management Agency (IEMA), and the DNR, Dam Safety Section in Bartlett.
- (v) The following activities may be permitted without a Registered Professional Engineer's review or calculation of a base flood elevation and regulatory floodway. Such activities shall still meet the other requirements of this Ordinance:
  - (a) Underground and overhead utilities that:
    - (i) Do not result in any increase in existing ground elevations, or
    - (ii) Do not require the placement of above ground structures in the floodway, or
    - (iii) In the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of 3' below the existing streambed, and

- (iv) In the case of overhead utilities, no supporting towers are placed in the watercourse and are designed in such a fashion as not to catch debris.
- (b) Storm and sanitary sewer outfalls that:
  - (i) Do not extend riverward or lakeward of the existing adjacent natural bank slope, and
  - (ii) Do not result in an increase in ground elevation, and
  - (iii) Are designed so as not to cause stream bank erosion at the outfall location.
- (c) Construction of shoreline and streambed protection that:
  - (i) Does not exceed 1000 feet in length or 2 cubic yards per lineal foot of streambed.
  - (ii) Materials are not placed higher than the existing top of bank.
  - (iii) Materials are placed so as not to reduce the cross-sectional area of the stream channel by more than 10%.
  - (iv) *Reserved*
- (d) Temporary stream crossings in which:
  - (i) The approach roads will be 0.5' (1/2 foot) or less above natural grade.
  - (ii) The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert.
  - (iii) The top of the roadway fill in the channel will be at least 2' below the top of the lowest bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel.
  - (iv) All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.
  - (v) The access road and temporary crossings will be removed within one year after authorization.

(e) The construction of light poles, sign posts and similar structures;

(f) The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;

(g) The construction of properly anchored, unwallled, open structures such as playground equipment, pavilions, and carports built at or below existing grade that would not obstruct the flow of flood waters;

(h) The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) feet in any one dimension (e.g., animal shelters and tool sheds);

(i) The construction of additions to existing buildings which do not increase the first floor area by more than twenty (20) percent, which are located on the upstream or downstream side of the existing building, and which do not extend beyond the sides of the existing building that are parallel to the flow of flood waters;

(j) Minor maintenance dredging of a stream channel where:

(i) The affected length of stream is less than 1000 feet.

(ii) The work is confined to reestablishing flows in natural stream channels, or

(iii) The cross-sectional area of the dredged channel conforms to that of the natural channel upstream and downstream of the site.

(iv) The flood carrying capacity within any altered or relocated watercourse shall be maintained.

(f) *Compensatory Storage.* Whenever any portion of a flood plain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation. The excavation volume shall be at least equal to the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All flood plain storage lost below the existing 10-year flood elevation shall be placed below the proposed 10-year flood elevation. All flood plain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-

year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

(g) *No External Effects* Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within unnumbered A zones and Zone AE on the currently effective FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-tenth foot at any point within the community. In order to demonstrate compliance with this requirement, an applicant may presume future compliance with the laws, regulations and ordinances pertaining to flood management, including the *Joliet Special Flood Hazard Areas Development Ordinance*.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

**Section 8-509. Permuting Requirements Applicable to All Flood Plain Areas.**

In addition to the requirements found in Section 8-506, 8-507 and 8-508 for development in flood fringes, regulatory floodways, and SFHA or flood plains where no floodways have been identified (Zones A, AO, AH, AE, A1-A30, A99, VO, V1-30, VE, V, M or E), the following requirements shall be met.

a. Public Health Standards

b. No developments in the SFHA shall include locating or storage chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE.

c. New and replacement water supply systems, wells, sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPE are watertight.

d. *Carrying Capacity and Notification.* For all projects involving channel modification, fill or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained. In addition, the City shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alternation or relocation of the watercourse.

e. *Protecting Buildings.* All buildings located within a 100-year flood plain also known as a SFHA, shall be protected from flood damage below the flood protection elevation. However, existing buildings located within a regulatory floodway shall also meet the more restrictive Appropriate Use standards included in Section 8-507. This building protection criteria applies to the following situations:

(i) Construction or placement of a new building.

(ii) Substantial improvement to an existing building as defined in Section 8-502ww, including an increase to the first floor area by more than twenty percent. This alteration shall be figured cumulatively beginning with

any alteration which has taken place subsequent to April 1, 1990.

- (iii) Substantial damage to an existing building as defined in Section 8-502ww. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to April 1, 1990.
- (iv) Installing a manufactured home on a new site or a manufactured home on an existing site. This building protection requirement does not apply to returning a mobile home to the same site it lawfully occupied before it was removed to avoid flood damage; and
- (v) Installing a travel trailer on a site for more than 180 days.

This building protection requirement may be met by one of the following methods.

f. A residential or non-residential building, when allowed, may be constructed on permanent land fill in accordance with the following:

- (i) The lowest floor, (including basement) shall be at or above the flood protection elevation.
- (ii) The fill shall be placed in layers no greater than one (1) foot deep before compaction and should extend at least ten (10) feet beyond the foundation of the building before sloping below the flood protection elevation. The top of the fill shall be above the flood protection elevation. However, the ten (10) foot minimum may be waived if a structural engineer certifies an alternative method to protect the building from damages due to hydrostatic pressures. The fill shall be protected against erosion and scour. The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.

g. A residential or non-residential building may be elevated in accordance with the following:

- (i) The building or improvements shall be elevated on crawl space, stilts, piles, walls, or other foundation that is permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood or 100-year frequency flood. The permanent openings shall be no more than one foot above grade, and consists of a minimum of two openings. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the Base Flood Elevation.
- (ii) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining

structures so as to minimize exposure to known hydrodynamics forces such as current, waves, ice and floating debris.

- (iii) All areas below the flood protection elevation shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the flood protection elevation.
- (iv) No area below the flood protection elevation shall be used for storage of items or materials.
- (v) Manufactured homes, (including, but not limited to, travel trailers to be installed on a site for more than 180 days) and all manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the City's FIRM, situated on sites located:
  - (a) Outside of a manufactured home park or subdivision,
  - (b) In a new manufactured home park or subdivision,
  - (c) In an expansion to an existing manufactured home park or subdivision, or
  - (d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood,shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement. in accordance with the regulations promulgated under the *Illinois Mobile Home Tie-Down Act* and regulations set forth in 77 IL Adm. Code 870.
- (vi) All other manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on currently effective FIRM that are not subject to the provisions of paragraph (g)(v) of this section shall be elevated so that either:
  - (a) The lowest floor of the manufactured home is at or above the base flood elevation, or

- (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

h. Only a non-residential building may be structurally floodproofed (in lieu of elevation) provided that a registered professional engineer shall certify that the building has been structurally dry floodproofed below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood or 100-year frequency flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamics forces, the effects of buoyancy, and impacts from debris or ice. Floodproofing measures shall be operable without human intervention and without an outside source of electricity (levees, berms, floodwalls and similar works are not considered flood proofing for the purpose of this subsection).

Tool sheds and detached garages on an existing single-family platted lot, may be constructed with the lowest floor below the flood protection elevation in accordance with the following:

- (i) The building is not used for human habitation.
- (ii) All areas below the base flood or 100-year frequency flood elevation shall be constructed with waterproof material. Structures located in a regulatory floodway shall be constructed and placed on a building site so as not to block the flow of flood waters and shall also meet the Appropriate Use criteria of Section 700.0. In addition, all other requirements of Section 700, 800 and 900 must be met.
- (iii) The structure shall be anchored to prevent flotation.
- (iv) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to the flood protection elevation.
- (v) The building shall be valued at less than \$5,000.00 and be less than 500 square feet in floor size.
- (vi) The building shall be used only for the storage of vehicles or tools and may not contain other rooms, workshops, greenhouses or similar uses.

j. All new construction and substantial improvements that have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this

requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

k. Non-conforming structures located in a regulatory floodway may remain in use, but may not be enlarged, replaced or structurally altered. A non-conforming structure damaged by flood, fire, wind or other natural or man-made disaster may be restored unless the damage exceeds fifty percent (50%) of its market value before it was damaged, in which case it shall conform to this Ordinance.

l. Within any AO zone on the currently effective FIRM, all new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet, or such higher amount specified on the currently effective FIRM.

m. Within any AO zone on the currently effective FIRM, all new construction and substantial improvements of nonresidential structures:

- (i) shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet, or such higher amount specified on the currently effective FIRM, or
- (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in 44 CFR 60.3(c)(3)(ii);

n. Within any A99 zones on the currently effective FIRM, the standards of 44 CFR 60(a)(1) through (a)(4)(i) and 44 CFR 60(b)(5) through (b)(9) shall apply and be required.

o. Within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures, shall be provided.

p. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the currently effective FIRM must either:

- (i) Be on the site for fewer than 180 consecutive days;
- (ii) Be fully licensed and ready for highway use, or
- (iii) Meet the permit requirements of 44 CFR 60(b)(1) and the elevation and anchoring requirements for "manufactured homes" in 44 CFR 60(c)(6).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick

disconnect type utilities and security devices, and has no permanently attached additions.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

**Section 8-510. Other Development Requirements.**

The Mayor and City Council shall take into account flood hazards, to the extent that they are known in all official actions related to land management, use and development.

a. New subdivisions, manufactured home parks, annexation agreements, and Planned Unit Developments (PUDs) within the SFHA shall be reviewed to assure that the proposed developments are consistent with Sections 8-506, 8-507, 8-508 and 8-509 of this Ordinance and the need to minimize flood damage. Plats or plans for new subdivisions, mobile home parks and Planned Unit Developments (PUDs) shall include a signed statement by a Registered Professional Engineer that the plat or plans account for changes in the drainage of surface waters in accordance with the *Plat Act* (765 ILCS 205/1 et seq.).

b. Proposals for new subdivisions, manufactured home parks, travel trailer parks, planned unit developments (PUDs) and additions to manufactured home parks and additions to subdivisions shall include base flood or 100-year frequency flood elevation data and floodway delineations. Where this information is not available from an existing study filed with the Illinois State Water Survey, the applicant's engineer shall be responsible for calculating the base flood or 100-year frequency flood elevation per Section 8-505d. and the floodway delineation per the definition in Section 8-502oo. and submitting it to the Illinois State Water Survey and DNR for review and approval as best available regulatory data.

c. Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the flood plains shall be included within parks or other public grounds.

d. The Mayor and City Council shall not approve any Planned Unit Development (PUD) or plat of subdivision located outside the corporate limits unless such agreement or plat is in accordance with the provisions of this Ordinance.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

**Section 8-511. Variances.**

No variances shall be granted to any development located in a regulatory floodway as defined in Section 8-502m. However, when a development proposal is located outside of a regulatory floodway, and whenever the standards of this Ordinance place undue hardship on a specific development proposal, the applicant may apply to the Mayor and City Council for a variance. The City Manager shall review the applicant's request for a variance and shall submit its recommendation to the Mayor and City Council.

a. No variance shall be granted unless the applicant demonstrates that:

- (i) The development activity cannot be located outside the SFHA;
- (ii) An exceptional hardship would result if the variance were not granted;
- (iii) The relief requested is the minimum necessary;
- (iv) There will be no additional threat to public health and safety;
- (v) There will be no additional public expense for flood protection, rescue or relief operations, policing or repairs to roads, utilities, or other public facilities;
- (vi) The provisions of Section 8-506d. and 8-508d. of this Ordinance shall still be met.
- (vii) The activity is not in a regulatory floodway;
- (viii) The applicant's circumstances are unique and do not represent a general problem, and
- (ix) The granting of the variance will not alter the essential character of the area involved including existing stream uses.

b. The City Manager shall notify an applicant in writing that a variance from the requirements of Section 8-509 that would lessen the degree of protection to a building will:

- (i) Result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage;
- (ii) Increase the risks to life and property; and
- (iii) Require that the applicant proceed with knowledge of these risks and that he will acknowledge in writing that he assumes the risk and liability.
- (iv) Variances requested in connection with restoration of a site or building listed on the National Register of Historical Places or documented as worthy of preservation by the Illinois Historic Preservation Agency may be granted using criteria more permissive than the requirements of Section 8-511a. and 8-511b.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

**Section 8-512. Disclaimer of Liability.**

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Ordinance does not imply that development, either inside or outside of the SFHA, will be free from flooding or damage. This Ordinance does not create liability on the part of the City or any officer or employee thereof for any flood damage that results from reliance on this Ordinance or any administrative decision made lawfully thereunder.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

**Section 8-513 Enforcement and Penalties.**

Failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this Ordinance. Upon due investigation, the City Manager may determine that a violation of the minimum standards of this Ordinance exist. The City Manager shall notify the owner in writing of such violation.

a. If such owner fails after ten days notice to correct the violation:

- (i) The City may make application to the Circuit Court for an injunction requiring conformance with this Ordinance or make such other order as the Court deems necessary to secure compliance with the Ordinance.
- (ii) Any person who violates this Ordinance shall, upon conviction thereof, be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each day the offense continues.
- (iii) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- (iv) The City may record a notice of violation on the title to the property.

b. The City Manager shall inform the owner that any such violation is considered a willful act to increase flood damages and, therefore, may cause coverage by a Standard Flood Insurance Policy to be suspended.

c. Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

