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## CHAPTER 16 – LAND USAGE

### Article 1 – General Subdivision Control Regulations

**Sec. 16.101 Title:** Articles 1 through 5 of this Chapter may be known, cited and referred to as the DEER CREEK SUBDIVISION CODE.

**Sec. 16.102 Purpose:** This chapter, which is part of the comprehensive plan of the Village is adopted to promote and protect the public health, safety, morals, comfort, convenience and general welfare of the people; to protect the character and maintain the stability of the Village and contiguous unincorporated territory; to assure the orderly development of the Village; and to establish reasonable standards of design and procedure for subdivision and for resubdivision of land within the Village and contiguous unincorporated territory.

**Sec. 16.103 Rules:** a) Words used in the present tense shall include the future, and words used in the singular number shall include the plural number and the plural the singular. b) The word “shall” is mandatory and not discretionary. c) The word “may” is permissive. d) The masculine gender includes the feminine and neuter. e) Whenever a word or term defined herein appears in the text of this Chapter, its meaning shall be construed as set forth in the definition thereof and any word appearing in parenthesis directly thereafter shall be construed in the same manner.

#### **Sec. 16.104 Definitions:**

1. “Alley” is a public right-of-way primarily designed to serve as access to the side or rear of those properties whose principal frontage is on some other street.
2. “Block” is a tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines, waterways or boundary lines of the corporate limits of the Village.
3. “Commission” shall mean the Village Council.
4. “Comprehensive Plan” is collectively those documents and ordinances of the Village relating to zoning, major street planning and land development.
5. “Crosswalk (Pedestrian Way)” is a public right-of-way within a block, ten feet (10 ft.) or more in width, intended primarily for pedestrians but which may include utilities where necessary and from which motor propelled vehicles are excluded.
6. “Cul-De-Sac” is a local residential street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
7. “Easement” is a grant by a property owner of the use of land for a specific purpose.
8. “Final Plat” is the map or plan of record of a subdivision, and any accompanying material as described in Article 5 of this Chapter.
9. “Flood Plain” is that area which would be inundated by storm water runoff equivalent to that which would occur with a rainfall of fifty- (50) year frequency after total development of the watershed.
10. “Frontage” is the length of the front property line of the lot, lots or tract of land abutting a public street, road, highway or rural right-of-way.
11. “Grade” is the slope of a road, street or other public way, specified in percent (%) and shown on street profile plans as required herein.
12. “Grade, Landing” is the grade required on streets entering major thoroughfares at points of intersection, as specified herein.
13. “Improvement, Public” is any sanitary sewer, drainage ditch, water main, roadway, parkway, sidewalk, planting strip, off-street parking area or other facility for which Deer Creek may ultimately assume the responsibility for maintenance and operation.

14. "Lot" is a portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.
15. "Lot, Corner" is a lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five degrees (1350)
16. "Lot, Through" is a lot having a pair of opposite lot lines along two (2) substantially parallel public streets, and which is not a corner lot.
17. "Major Street" is a street shown on the official map, a part of the Official Comprehensive Plan.
18. "Owner" is any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to the land sought to be subdivided under this Chapter.
19. "Parkway" is an unpaved strip of land situated within the public right-of-way of a street.
20. "P.C." is point of curvature.
21. "Preliminary Plan" shall mean the drawings and documents described in Article 4 of this Chapter.
22. "P.T." is point of tangent.
23. "P.V.C." is point of vertical curvature.
24. "P.V.T." is point of vertical tangent.
25. "Right-of-way" is a strip of land occupied or intended to be occupied by a road, sidewalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary sewer 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 record 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. Right-of-way intended for streets, sidewalks, water mains, sanitary sewers, or any other uses involving future maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
26. "Service Drive (Access Street)" is a public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way, and providing safe and orderly points of access at fairly uniformly spaced intervals.
27. "Sidewalk" is that portion of a public right-of-way, paved or otherwise surfaced intended for pedestrian use only.
28. "Standard Specifications" are public improvement construction standards as adopted by the Village.
29. "Street (Roadway)" is the paved portion of a public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, land, throughway or however otherwise designated.
30. "Street, Marginal Access" is a minor street which is parallel to and adjacent to a major street, and which provides access to abutting properties and protection from through traffic.
31. "Street, Minor" is a street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.
32. "Street Width" is the shortest distance between the backs of parallel curbs or outer parallel limits of the paved portion of a street.
33. "Subdivider (Developer)" is any person or corporation or duly authorized agent of the landowner who undertakes the subdivision of land as defined herein.
34. "Subdivision" shall mean (1) the dividing of a tract of land into two or more lots, tracts, or sites for the purpose, either immediate or future, of sale or building development, EXCEPT that certain tracts, lots, division of lots, conveyances, sales or exchange of parcels or tracts of land, as specifically excluded and stated in an "Act to Revise the Law in Relationship to Plats", (765ILCS 205/1 et. Seq.) be and the same are hereby excluded from the provisions of this Chapter; or (2) the dedication of streets, ways or other areas for the use of the public. Any sale of a division of land by metes and bounds (if five (5) acres or more) as defined in the preceding portion of this Section

shall constitute a subdivision of land and require, prior to any sale and before the delivery of a deed, the submission of a plat as required by law: PROVIDED, HOWEVER, that the sale or exchange of parcels of land to or between adjoining property owners, where such sales or exchange does not create additional lots, shall not be considered as a subdivision of land, and PROVIDED FURTHER that a contract of sale requiring conformity with this Chapter may be entered into.

35. "Subdivision Design Standards" are the basic land-planning principles established as guides for the preparation of tentative plans as detailed in Article 3 of this Chapter.
36. "U.S.G.S." means United States Geological Survey.
37. "Village" shall mean the Village of Deer Creek.
38. "Village Clerk" shall mean the Village Clerk of the Village.

**Sec. 16.105 Interpretation:**

- a) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of public health, safety, morals and general welfare.
- b) Where the conditions imposed by any provisions of this Chapter upon the subdivision of land are either more restrictive or less restrictive than any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations, which are more restrictive and impose higher standards or requirements, shall govern.
- c) This Chapter is not intended to abrogate any easement, covenant or any other private agreement, PROVIDED that where the regulations of this Chapter are more restrictive or impose higher standards or regulations than such easements, covenants or other private agreements, the requirements of this Chapter shall govern.
- d) No subdivision of land which was not lawfully existing at the time of the adoption of this Chapter shall become or be made lawful solely by reason of the adoption of this Chapter, and to the extent and in any manner that said subdivision of land is in conflict with requirements of this Chapter, said subdivision of land remains unlawful hereunder.
- e) Nothing contained in this Chapter shall be deemed to be a consent, license or permit to use or subdivide land.
- f) The provisions of this Chapter are accumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter in this Chapter.

**Sec. 16.106 Separability:** It is hereby declared to be the intention of the Village that the several provisions of this Chapter be separable in accordance with the following:

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

**Sec. 16.107 Suitability of Land for Subdivision:**

- a) Land subject to flooding and land deemed to be topographically unsuitable shall not be subdivided for residential purposes, nor for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard.
- b) The Commission shall not recommend the approval of the subdivision of land if, in the opinion of the Village Engineer and upon adequate investigation conducted by the Commission, it is determined that subdivision and development of the site as proposed would be detrimental to the best interests of the public.

**Sec. 16.108 Connection of Village Utilities:** Sanitary sewers and water supply mains, as required under Article 3 of this Chapter, shall not be tied into or connected to sanitary and water supply systems of the Village unless the subdivision shall have been annexed to or is a part of the Village.

**Sec. 16.109 Flood Plain Areas:**

- a) The Village Council may, when it deems necessary for the health, comfort, safety or general welfare of the present or future population of the area and necessary to the conservation of water, drainage sources and sanitary facilities, prohibit subdivision of any portion of property which lies within the flood plain of any stream or drainage course.
- b) The areas referred to in paragraph (a) above shall be preserved from any and all destruction or damage by clearing, grading or dumping of earth, waste material or stumps during the course of adjacent building or development operations.
- c) Where a development is traversed by a stream or drainage course, sufficient right-of-way adjacent to and including such topographic feature shall be dedicated for public use to allow for proper maintenance. Such dedication shall include a strip of land at least fifteen feet (15 ft.) in width on both sides of the defined stream or drainage course. The Subdivider shall provide all data required of such topographic feature.

**Sec. 16.110 Public Lands:**

- a) Whenever a proposed subdivision contains a land area of six (6) acres or more, the Subdivider may be required to dedicate a reasonable area therein for public use as park, recreation, school or other public purpose sites. Such area so dedicated shall be in addition to all dedications for streets and thoroughfares. In determining the area to be so dedicated for public use, the planning commission shall give due consideration to present and anticipated population density within such subdivision and to the present and future requirements for such public needs, PROVIDED, HOWEVER, that no Subdivider shall be required to dedicate public land for the aforesaid purposes in excess of seven percent (7%) of the total land area within the subdivision.
- b) Whenever a tract of land to be subdivided includes a proposed site for a park, playground, school or other public use, such site shall be suitably incorporated by the developer into his subdivision plan after proper determination as to its necessity by the Commission and the appropriate public agency involved in the use.

**Sec. 16.111 Acquisition of Land for Public Use:**

- a) Unless appropriate provision for dedication or donation of park, recreation school or other public purpose sites has been made by the Village in a previous action, such as in the case of a large-scale development involving multiple land uses, any such required sites as shown on the Official Map will be acquired within one year by the appropriate public agency involved.
- b) The Commission shall consider all tentative subdivision plans and adopted or proposed studies related thereto to determine the need for acquisition for public use of any of the land included in the tentative subdivision plan.
- c) The Commission shall refer the plan to the public agency concerned with acquisition for its consideration and report. The Commission may propose alternate areas for such acquisition, and shall allow said public agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.
- d) Upon receipt of an affirmative report, the Commission shall notify the property owner and shall designate on the tentative plan and final subdivision plat that area proposed to be acquired by the public agency involved.

**Sec. 16.112 Vacation of Plats, Streets, Etc.:**

- a) In cases where an application is made to the Village Council to vacate any subdivision, or part thereof prior to the sale of any lot in the subdivision, the Board may, by ordinance, order the vacation of all or part of the said subdivision. When lots have been sold, the plat may be vacated PROVIDING all the owners of lots in said plat join in the execution of said application.
- b) In cases where an application is made to the Village Council to vacate any street, alley, or public place, or part thereof, the Board may in such cases order the street, alley or public place, or part thereof, vacated and receive from the owner or owners of property abutting on such street, alley or public place or part thereof so vacated, compensation in an amount which, in the judgment of such Board, shall be equal to the benefits which will accrue to the owner or owners of such abutting property by reason of such vacation, PROVIDED that such order of vacation shall be passed by the affirmative vote of at least two-thirds (2/3) of the members of the Board.
- c) In all cases where application for vacation of any subdivision, street, alley or public place, or part thereof, is made to said Village Council, such application shall be referred to the Planning Director, who shall make an investigation of the premises described in such application. The said Director shall make a search to determine whether title is in the applicant's name and determine whether any lots in the subdivision have been sold.

**Article 2 – Administration and Enforcement**

**Sec. 16.201 Administration:** Four (4) officers of the government of the Village are concerned with the administration of this Chapter.

a) Village Clerk - Planning Director: The Village Clerk is hereby designated as the Village Planning Director and he shall be the enforcing officer of this Chapter. The Director may call upon any department or official of the Village to furnish him with such information and assistance as he may deem necessary to effect the proper enforcement of this Chapter, and it shall be the duty of such department or official to furnish such information and assistance whenever required. In the furtherance of such authority, the Director Shall:

- 1. Maintain permanent and current records of this Chapter, including amendments thereto;
- 2. Receive and file all subdivision application, tentative plans and supporting data;
- 3. Forward copies of the tentative plan to the Planning Commission for its recommendation and report;
- 4. Receive and file all final record plats;
- 5. Forward to the Planning Commission all final plats;
- 6. Make all other determinations required of him by the regulations contained herein.

b) The Planning Commission: The Planning Commission shall be entrusted with the following responsibilities:

- 1. Review and recommend approval or disapproval, or necessary modifications, of all preliminary subdivision plans;
- 2. Review and recommend approval or disapproval of all final plats;
- 3. Recommend the granting or denial of requests for variations or exceptions subject to the provisions in Article 2 of this Chapter;
- 4. Recommend to the Village Board, from time to time, such amendments, as the Commission may deem necessary or advisable;
- 5. Make all other determinations required of them by the regulations contained herein.

c) The Village Engineer: The Village Engineer is hereby vested with the duty and responsibility of reviewing all engineering plans and specifications concerning required public improvements and

submitting recommendations thereon to the Planning Commission. He shall also make all other determinations required of him by the regulations contained herein.

d) **The Village Council:** The Village Council is vested with the following responsibilities in regard to subdivision control:

1. Approval or disapproval of all preliminary subdivision plans referred to it by the Planning Commission;
2. Approval or disapproval of all final plats referred to it by the Planning Commission;
3. Amend the regulations of this Chapter when found necessary and desirable as hereinafter provided;
4. Institute appropriate proceedings to enforce the provisions of this Chapter;
5. Approve or disapprove intended dedications and, by ordinance, declare public reservations of land;
6. Order the vacation of a street, alley or other public places and fix compensation therefore;
7. Act upon variation recommendations referred to it by the Planning Commission;
8. Make all other determinations required by the Board by the regulations contained herein.

**Sec. 16.202 Enforcement:**

- a) No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a plat of said subdivision has been approved by the Village Council and filed with the County Recorder of Deeds in which county the land is located.
- b) The subdivision of any lot or any parcel of land by the use of metes and bounds description with the intent of evading the Chapter, for the purpose of sale, transfer or lease shall be subject to all of the requirements and regulations contained in this Chapter.
- c) No building permit shall be issued for the construction of any building located on a lot or plot subdivided or sold in violation of the regulations of this Chapter.
- d) No plat or subdivision shall be approved which does not comply with all applicable provisions of this Chapter.

**Sec. 16.203 Invalid Plats:** No Plat of any subdivision shall be valid nor entitled to record unless and until the same has been approved by the Village Council in accordance with the procedure hereinafter provided, and no plat of a subdivision shall be approved without compliance with the standards of design and specifications for improvement required as hereinafter set forth.

**Sec. 16.204 Unlawful Division:** From and after the effective date of this Chapter, no lot or tract of land located within the Village or within the area of jurisdiction of the Village shall be divided or redivided in any manner into two or more lesser tracts for building site purposes, without subdividing or re-subdividing and platting such tract in the manner provided by the Statutes of the State of Illinois.

**Sec. 16.205 Building within Proposed Street Extensions:** No permanent building or structure or permanent improvement of any type shall be erected within the extension of street rights-of-way indicated on the official map of the Village. Such extensions are for the purpose of regulating the traffic flow within the Village in accordance with the best interests of public health, safety and general welfare.

**Sec. 16.206 Engineering and Inspection:**

- a) Plans and specifications for public sidewalk, sanitary sewer, water main, streets, curb and gutter, street lighting facilities and appurtenance thereto and any other public improvement shall be submitted to the Village Engineer for review and approval before final disposition has been made of the subdivision plat. The Subdivider shall be charged a fee of one percent (1%) of actual construction cost

for this service.

- b) Fees required for the inspection of any public improvement shall be borne by the Subdivider.
- c) All engineering plans, specifications and construction contracts shall be subject to the approval of the Village Engineer.

**Sec. 16.207 Variations:**

a) Hardships - Where the Planning Commission finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, the Planning Commission may recommend variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, PROVIDED that such variation or exception shall not have the effect of nullifying the intent and purpose of this Chapter; and FURTHER PROVIDED the Planning Commission shall not recommend variation or exceptions to the regulation of this Chapter unless a public hearing is held and notice of public hearing is published at least fourteen (14) days in advance of hearing. The Planning Commission shall make findings based upon the evidence presented in each specific case that:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulation were carried out;
2. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property;
3. The purpose of the variation is not based exclusively upon a desire to make more money out of the property;
4. The granting of the variation will not be detrimental to public health, safety or general welfare or injurious to other property or improvements in the neighborhood in which the property is located.

b) Conditions - In its recommendations on variations and exceptions the Commission may require such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements so varied or modified.

**Sec. 16.208 Amendments:** The Planning Commission shall, from time to time, prepare and recommend in writing to the Village Council such changes or additions to the provisions and regulations herein contained or subdivision control as it may deem necessary or advisable. Such changes or additions shall become effective after their adoption by the Village Council by the passage of an amendment to this Chapter.

**Sec. 16.209 Penalties:** Any person who shall violate any of these provisions of this Chapter shall be subject to a fine of not less than Two Hundred Dollars (\$200.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each violation, and each day such violation is permitted to exist shall constitute a separate offense.

### **Article 3 – Procedure Standards and Improvements**

**Sec. 16.301 Procedure:**

- a) A Subdivider, before proceeding with formal procedure outlined in the Chapter is urged to ascertain the problems and requirements affecting the subdivision of his property. This may best be accomplished by a meeting with the planning director and Village Engineer to determine general compliance and understanding of all related Village requirements.
- b) In order to provide an orderly basis for the processing of subdivision plans prior to approval, the Planning Commission shall consider such plans in two (2) stages, as follows:

1. Preliminary plan to be submitted with application for preliminary approval.
2. Final plat for recordation of all or part of a subdivision to be submitted with the required supporting data and documents together with application for final approval.

The formal, step-by-step procedure for approval of preliminary plans and final record plats is established in Articles 4 and 5 respectively of this Chapter.

- c) The Commission, in the examination of subdivision plats for approval, will take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to width and location of streets, suitable sanitary utilities, surface drainage, lot sizes and arrangements as well as local requirements for parks, streets, schools, recreation sites and/or other public uses.
- d) The Commission shall not recommend for approval any plat of subdivision of land, which does not make adequate provision for storm, or flood water run-off channels, basins or sewers.
- e) In all subdivisions, due regard shall be given to the preservation of natural features such as large trees, watercourses, historical and similar features.
- f) Where a residential subdivision adjoins a railroad right-of-way, a waterway, an industrial area, a business area or other land use which would have a depreciating effect on the residential use of the property, a buffer planting strip five feet (5 ft.) in width and suitably planted to form a screen and/or fence may be required by the Commission.
- g) In cases of preliminary plans for parts of tracts, where it appears necessary to the Commission for the satisfactory over-all development of an area, an owner may be required to prepare a plan of utilities and streets for his entire tract based upon proper topographic surveys before approval of any portion of such plan is rendered.
- h) A Subdivider may avail himself of the opportunity to obtain the determinations of the Commission in regard to a central platting feature affecting his property prior to the preparation of detailed plans.

**Sec. 16.302 Design Standards:** The following requirements are hereby established as the minimum standards of subdivision design of public improvements required to be constructed or installed therein. Detailed construction specifications of the Village are on file in the office of the planning director.

- a) Streets:
  1. A public street or streets shall be provided to afford convenient access to all property within the subdivision. No private street right-of-way or thoroughfare shall be permitted.
  2. The arrangement, character, extent, width, grade and location of all streets shall conform to the official map of the Village and shall be considered in relation to existing and planned streets; reasonable circulation of traffic within the development; topographical conditions; run-off storm water; public convenience and safety; and in their appropriate relationship to uses in the area to be served.
  3. Minor streets shall be so aligned that their use by through traffic shall be discouraged.
  4. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, the proposed streets shall be extended by dedication to the boundary of such property.
  5. The minimum width of right-of-way on any classification of a street shall be as provided for in the official map of the Village, including any and all amendments made thereto from time to time.
  6. When any subdivision or part of a subdivision is adjacent to only one side of an existing right-of-way, which is less than the required width, and Subdivider shall dedicate additional right-of-way to meet the requirement in accordance with this regulation.
  7. In general, the minimum right-of-way of a cul-de-sac street shall be fifty feet (50 ft.) with a minimum diameter of turnaround at the property line of one hundred feet (100 ft.). The

length of a cul-de-sac street, however, shall not exceed six hundred feet (600 ft.). Each cul-de-sac street, however, shall be considered by the Commission on its individual merit. Pavement width, length and desirability shall be subject to the recommendation of the Commission.

8. Where deemed necessary, the Commission may recommend access streets be required to service areas fronting on major streets.
9. Curves in streets shall be permitted provided a curve is inserted with a radius of three hundred feet (300 ft.) for major streets and one hundred fifty feet (150 ft.) for minor streets for all deflection in horizontal centerlines in excess of ten degrees.
10. Drainage gradients of streets shall be 0.5 percent (0.5%) where possible and in no case less than 0.4 percent (0.4%). Street grades shall not exceed five percent (5%) on major streets or seven percent (7%) on minor streets. Street grades shall be such as to provide natural surface drainage from storm water. The intent of this requirement is to avoid depressions greater than one foot (1 ft.) in depth along any given street profile, which will flood in flash storms.

b) Intersections:

1. a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy degrees (70°) shall not be acceptable. The intersection of more than two (2) streets shall be avoided unless specific conditions of design dictate otherwise.

b) Right-of-way and pavement widths shall be as follows:

	<u>Right-of-way</u>	<u>Pavement Width</u>
Minor street	50 ft.	34 ft

2. Proposed new intersection along one side of an existing road or street shall, wherever practicable, coincide with any existing intersection on the opposite side of such road or street. Street jogs with centerline offsets of less than one hundred twenty-five feet (125 ft.) shall not be permitted EXCEPT where the intersected street has separate dual drives without median breaks at either intersection.

3. The corner lots at an intersection shall be truncated by straight lines joining points twenty-five feet (25 ft.) back from the property line intersection in each quadrant. Road dedications at intersection will take this form, and in cases involving major highways, angular intersections, or in any case where more dedication is deemed necessary to provide safe sight distance or for traffic channelization, the Village Engineer may specify a greater cutoff than the normal cited above. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off, in accordance with standard engineering practices, to permit safe vehicular movement.

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

d) Street Names - Proposed streets which are obviously in alignment or continuation of existing streets already named shall bear the name of such existing streets. In no case shall the name of proposed streets duplicate existing street names, irrespective of the use of the suffix street, road, boulevard, drive, place or court or an abbreviation thereof. Street names shall be approved by the Planning Commission.

e) Easements - Where no alleys are provided, there shall be dedicated easements of not less than ten feet (10 ft.) in width for poles and wires and not less than twenty feet (20 ft.) in width for underground conduits, sanitary sewers, gas, water or other utility pipes or lines. Such easements shall be established along the rear of each lot and along side lot lines where necessary to provide a proper continuity for such utilities from lot to lot and from block to block. No structures shall be constructed upon the

easements. Additional easements shall be provided for utilities and other public services and requirements in order to provide proper operation and maintenance of said facilities.

f) Block Standards -

1. In general, blocks shall not exceed one thousand three hundred twenty feet (1,320 ft.) in length between street centerlines with a practical maximum being one thousand two hundred feet (1,200 ft.). Block lengths and widths shall be coordinated with the development of the land and shall be provided in a manner that will allow proper traffic flow and pedestrian use.

2. A development of the so called "Reston" type, with oversize irregular shaped blocks and access from the surrounding area via loop streets and containing interior parks, playground and school sites, will be acceptable, which such plans include adequate walks for pedestrian access from any lot within a block to the interior park. Such developments shall provide space for, and satisfactory access to, an elementary school site if such is needed and shall be covered by acceptable agreements as to development and maintenance of the public or joint-use areas.

g) Lot Standards -

1. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

2. Residential lots served by public sewerage and water system shall not have an area or width less than that required by the zoning ordinance, nor less than thirty feet (30 ft. at the street lines.

3. Residential lots located outside of the Village limits and not served by public sewer and water systems shall not be less than one acre in size and shall otherwise conform in all respects to the County Zoning Ordinance, in which the land is located, as amended.

4. Lots which are provided larger than specified by this Chapter, shall not be allowed to block any street extension which have been set forth on the official map of the Village, Size of lots and tracts laid out intended for business use shall be adequate to provide off-street service and parking facilities as required by the type of use and development contemplated and in accordance with the Zoning Ordinance of the Village, as amended.

5. No lot shall be less than one-hundred feet (100 ft.) in depth if an interior lot nor less than one hundred ten feet (110 ft.) in depth if a corner lot as herein defined. Corner lots shall have extra width sufficient to permit the establishment of front building lines on both adjoining streets.

6. The minimum depth of building set-back lines from the street need not be greater than the requirements fixed by the Zoning Ordinance of the Village, as amended.

**Sec. 16.303 Required Land Improvements:** No final plat shall be approved by the Planning Director until the Village Engineer has certified that the plans and specifications for the proposed public improvements meet the minimum requirements of the Village, County, State and other authorities having jurisdictions, and that improvements comply with the following:

a) Sewers - Sanitary sewer lines, including sewer stub terminals to the property line of each lot, shall be installed to serve all properties in the subdivision in accordance with standards of the State of Illinois Sanitary Water Board and the official map standards and the Village Engineer.

b) Water - Water distribution facilities, including supply mains of not less than six-inch (6") cast iron, unless on short run, four inch (4") may be used if approved by Commission, fittings, valves, hydrants, and water stub terminals to the property line of each lot, shall be installed to serve all properties within the subdivision. The water supply system shall be designed in accordance with the requirements of the State Sanitary Water Board and the Village water department. The water system shall be constructed under the direction, control and with the approval of the Superintendent of Water & Sewerage. All water mains shall be installed in street terrance or easements.

c) House Services -

1. House services shall be constructed to connect with the utility service mains constructed

within any public street or easement to serve each adjoining lot, tract or building site; such house services shall extend from the main to not less than two feet (2 ft.) inside curb line or easement line.

2. All such house services connected with utility mains and constructed within any street or easement shall be located at the approximate centerline of each lot, and no deviation shall be made from this requirement EXCEPT upon prior approval of the superintendent of water and sewerage.

3. Upon completion of the construction in place of all such house service connections, an accurate map or maps showing the exact location of all such mains, together with manholes, shut-off valves, house service connections and other similar facilities being a part thereof, shall be filed by the Subdivider in the office of the planning director.

d) Street Improvements

1. The full width of the public right-of way shall be graded, including the subgrade of the areas to be paved. All stumps, trees, that cannot be saved, boulders and similar items, shall be removed.

2. All streets shall be improved with pavements to an overall width in accordance with the minimum dimensions as set forth in Section 16.302 of the Code (9" gravel plus A-3 surface).

3. All streets shall be improved to the specifications adopted by the Village as a part of the official map and to the specifications of the department of streets and public improvements and the building division of highways, State of Illinois, where applicable.

4. Curbs and gutters shall be constructed along the outside pavement line in accordance with the Village official map specifications.

5. Storm water inlets, in accordance with Village specifications shall be provided within the street improvements at points as required by the Village Engineer.

6. All curb corners shall have radii of not less than twenty-five feet (25 ft.). Where an angle of intersection of less than sixty degrees (60°) is permitted, curb radii shall be increased as necessary for safety.

7. All parkways within the dedicated street area shall be graded in an approved manner.

8. Where major streets, as shown on the official map, are located in a proposed subdivision, the Village may require the Subdivider to submit a cost estimate prepared by a registered professional engineer setting forth the estimated cost of construction of a minor street where the major street is shown. Said estimate shall be subject to the approval of the Village Engineer. The Village may construct the major street as shown on the official map at the Village's expense and require the Subdivider to pay the Village an amount equal to the estimated cost of the minor street:.

e) Sidewalks (Pedestrian Ways)

1. Concrete sidewalks shall be installed on at least one side of street in subdivision containing lots ten thousand square feet (10,000 sq. ft.) or less in area. However, concrete sidewalks shall be provided on peripheral streets of all subdivisions. In subdivisions containing lots of more than ten thousand square feet (10,000 sq. ft.) in area, the Village, upon recommendations of the Planning Commission, may require sidewalks only at selected locations. All sidewalks shall be four feet (4 ft.) in width and shall be installed in accordance with Village specification. In residential neighborhoods, sidewalks shall be in the street right-of-way. All residential sidewalks shall be four feet (4 ft.) from the curb line outward.

f) Street Lighting - Street lighting shall be installed in accordance with Village specifications. Such installation shall be completed within one year from the initiation of subdivision construction.

g) Trees (Planting) - Trees and plants, in accordance with Village specifications, may be planted along all streets at a time designated by the Planning Director.

h) Public Utilities-

1. All utility lines for telephone and electric service shall be placed in rear-line easements when carried on overhead poles.

2. Where telephone, electric and gas service lines are placed underground entirely throughout

a subdivision area, conduits or cables shall be placed within easements or dedicated public ways in a manner, which will not conflict with other, underground services. FURTHER, aboveground structures identified with said underground facilities shall be located so as not to be unsightly or hazardous to the public.

3. All drainage and utility installations, which traverse privately owned property shall be protected by easements.

i) Use of Existing Streets - The planning director shall designate the streets to be used for access to the subdivision by all equipment and trucks engaged in the construction of all public improvements, utility services and buildings.

j) Metal monuments three-fourth inch (3/4 inch) in diameter and three feet (3 ft.) in length shall be placed in the ground at all lot corners, intersections of streets, intersections of streets and alleys with platted boundary lines and at all points on street, alley and boundary lines where there is a change in direction or curvature. All federal, state, county, local or other benchmarks, monuments or triangulation stations in or adjacent to the development shall be presumed in precise position. All monuments shall be properly set in the ground before the streets and alleys are accepted by the Village.

**Sec. 16.304 Increased Facilities:** Where sanitary sewer or water facilities; are made larger than is immediately required to serve the land described in the final plat, due to the necessity of serving adjacent and/or presently vacant property as it shall be developed in the future by others, the Subdivider shall be reimbursed in such additional costs of the following terms and conditions:

a.) The Village Engineer shall determine the cost of such sanitary sewer and/or water facilities as are required to serve only the immediate needs of the property described in the plat. The engineer will also determine the cost of such facilities actually required to serve the plat in question and the adjacent land when developed.

b) The difference in cost in the above determinations shall be paid to the original developer by the developers of adjacent properties. At the time the adjacent properties are submitted for subdivision, the engineer shall apportion the benefit received by the adjacent property developed by reason of the increased facilities. The adjacent property developer shall pay the sum of money equal to his proportionate share of the cost of the increased facilities.

c) The Village may as determined by the Village Council, act as the collecting agent in regard to increased facility sharing. In such cases, an administrative handling charge of five percent (5%) shall be applied to the adjacent developer's share and retained by the Village. Upon receipt of such proportionate share payment by the adjacent property developer, the Village shall reimburse the developer who originally installed the increased facilities.

**Sec. 16.305 Inspection:** All required public improvements to be installed under the provisions of this Chapter shall be supervised and inspected during the course of construction by the Village Engineer and/or other qualified and authorized employees of the Village. Final acceptance by the Village will be contingent on the Subdivider's consulting engineer certifying in writing that this subdividing and improvements has been constructed in accordance with plans, specifications and Village ordinances and final approval by the Village Engineer.

**Sec. 16.306 Acceptance of Public Improvements:** If any plat of a subdivision contains public streets, or easements which are dedicated thereon as such, whether located within the corporate limits of the Village or in part outside thereof, or contains existing streets located outside of said corporate limits, the approval of the final plat by the Village Council or subsequent annexation of the property to the Village, shall not constitute an acceptance by the Village of such streets, or easements, nor of the public improvements constructed or installed thereon or therein irrespective of any act or acts by any officer, agent or employee of the Village with respect to such streets or improvements. The acceptance

of all public improvements shall be made only by the adoption of a Resolution by the Village Council after there has been filed with the Planning Director a certification by the Village Engineer stating that all, or individual, public improvements required to be constructed or installed have been fully, or individually, completed, and that the inspected construction or installation thereof has been approved by him. Such certification by the Engineer shall be made upon satisfactory completion of all, or individual, public improvements constructed and installed in accordance with applicable plans and specifications, The sub-grade, base course and surface course of a street, thoroughfare, alley or parking area shall be collectively considered as a single, or individual, public improvement. Acceptance of an individual public improvement shall constitute release of the applicable portion of the performance surety.

**Sec. 16.307 Guarantee of Improvement Completion:**

a) Before recording of the final plat of any subdivision, the owner, developer and/or Subdivider shall select, obtain, and submit one of the following performance guarantees to the Village Engineer for approval and acceptance. The amount of the completion guarantee in all options shall be based upon:

1. Total estimated construction costs and inspection fees for all required public improvements plus twenty-five percent (25%) of such total for contingencies. The estimated cost of such construction shall first be reviewed and approved by the engineer; or

2. Total contracted construction costs and inspection fees for all required public improvements plus ten percent (10%) of such total for contingencies. All construction contracts shall first be reviewed and approved by the engineer.

b) Guarantee of improvement completion options are as follows:

1. Cash escrow - A cash deposit or certified check in the total amount required by Sec. 16.307, placed with the Village Clerk and administered in accordance with the provisions of an Escrow Agreement to be negotiated by the Clerk and the owner, developer and/or Subdivider. Such Agreement shall contain provisions for specific application of such funds; partial contract payouts; contract retention percentages until completion; pro-rata reduction of deposit excess; final escrow settlement; and other pertinent administrative matters as may be required.

2. Letter of Credit - Negotiation of an irrevocable, straight, commercial letter of credit from any financial institution that is worded in a manner acceptable to the Village Clerk and Village Attorney providing the administration of such credit conforms to the provisions of the Escrow Agreement required by Option 1 and is in the amount required by Sec. 16.307.

3. Surety bond - A surety bond to insure the construction of the improvements in a satisfactory manner and within the period specified by the Village Board not to exceed two (2) years. The bond shall be payable to the Village in a sum at least equal to the amount specified in Sec. 16.307. If a bond is filed, it shall be in form with surety and conditions approved by the Village Attorney. Options 1, 2. or 3 will not be required by the Village for a subdivision, or that part of a subdivision which is located outside of the corporate limits of the Village if one of the above options has been filed with the County in which the land is located.

**Sec. 16.308 Damage and Nuisance Guarantee:**

a) The guarantee of completion of public improvements, to be executed by the Subdivider prior to the recordation of a final plat of subdivision, shall also provide for the repair of damages and the abatement of nuisances with respect to existing and subsequently installed landscaping, streets, sidewalks, curbs and gutters, lighting, parkways, water and sanitary sewerage facilities, culverts and catch basins The damage and nuisance guarantee herein referred to shall be in the total or pro-rated amount of one thousand dollars (\$1,000.00) per platted block and may be provided by:

1. Specific cash escrow agreement by the Subdivider with the Village in the amount required

upon commencement of land development;

2. The addition, in specific terms, of the amount required for this guarantee with any of the development options provided by Sec. 16.308 of this Chapter.

b) The damage and nuisance surety herein referred to shall be for the repair or damages and the abatement of nuisances created by subdivision activity regardless of the basis on which the surety amount was computed. The unused portion of such surety shall be returned on a pro-ratio basis as originally computed only upon completion of all building construction therein.

**Sec. 16.309 Building for Habitation:** No building for habitation shall be erected on any lot or parcel of land within the Village and no building permit shall be issued with respect thereto unless a highway, road, street, and public right-of-way for public service facilities, water mains and sanitary sewers are provided to serve said lot or parcel of land in the manner and in accordance with the public improvement design standards and standard specifications set forth in this Chapter, EXCEPT that building permits may be issued for habitable construction on all existing private roads when such permit is accompanied by properly recorded easements in lieu of public right-of-way dedication.

#### **Article 4 – Preliminary Subdivision Plan**

**Sec. 16.401 Preliminary Plan - Submission:** Every proposed subdivision or resubdivision of land shall be submitted to the Planning Director for transmittal to the Planning Commission for approval in the form of a tentative plan prior to the submission of a final record plat. The preliminary plan is not intended to be a final record plat and must be prepared in such form as not to be confused with a final record plat. Its purpose is to show graphically all facts needed to enable the commission and other public bodies to determine whether the proposed development of the land in question is satisfactory from the standpoint of the public interest. The preliminary plan shall be prepared by a qualified technician trained and experienced in the layout of subdivisions.

**Sec. 16.402 Same - Specifications:** The following graphic and descriptive items are normally required to be shown on the preliminary plans and the accompanying application for approval. The lack of information supplied by the applicant shall be cause for disapproval of a preliminary plan.

a) Application - Written application by the Subdivider, on forms furnished by the planning director, shall accompany each preliminary subdivision plan and contain the following information:

1. Name for file identification - The proposed development shall be given a name for identification purposes such name being unique to the Deer Creek area to avoid duplication and confusion with previously recorded plats.

2. Location and description of property - Location of property by township, section number, subdivision (with block and lot number), place or locality name as applicable shall be specified, and in case of unsubdivided properties, location on roads by which property is reached such as “on south side of Washington Avenue, 25 miles westerly from its intersection with ‘Oakwood’”.

3. Basis facts and proposals pertaining to the property -

A. Size of tract in acres or of existing lots, if any, in square feet.

B. Existing zoning classification of property under the Village or County Zoning Ordinance and any reply zoning proposed to be requested.

C. Number of lots proposed in subdivision.

D. Area of lots proposed; minimum, average, and maximum.

E. Any other proposals, such as parcels of land intended to be dedicated conveyed or reserved for public use, and the conditions proposed for such disposal and use.

4. Information as to ownership -

A. Name, address and telephone number of the legal owner or agent of property and

statement of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date and land records involved.

- B. Display of any existing legal right-of-way or easements affecting the property.
- C. Listing of any existing covenants on the property, if any.
- D. Name, address and telephone number of engineer, surveyor and/or technician responsible for surveys and for subdivision design shown on preliminary plan as submitted.

b) The Drawing -

1. Ten (10) prints or copies of the preliminary subdivision plan should be prepared and submitted to the planning director, If the proposed subdivision lies wholly or partly outside the corporate limits, one copy of the proposed plan shall also be filed with the County Zoning Officer in which the property is located.

2. The preliminary plan shall be drawn at a scale suitable to the project involved. For the average development, a scale of one hundred feet (100 ft.) to the inch is preferable. For very small areas a larger scale should be used. North-point and date shall also be shown.

3. Each separate sheet shall be titled according to its subject matter and identified with the development. Any other appropriate identification of the land, scale, contour intervals, north arrow, date of preparation, etc. shall be included.

4. The source of accuracy of the boundary outline and all data shown on the preliminary plan shall be certified by a qualified registered professional engineer or registered land surveyor in the State of Illinois.

5. A vicinity sketch or small-scale key map of the area surrounding the property to be developed shall be included.

c) Existing Features

1. Every preliminary plan shall show clearly the extent and condition of the property which is proposed to be subdivided, together with sufficient information with respect to existing conditions in adjoining properties which will enable proper determinations to be made as to the suitability of the proposed subdivision.

2. The boundary of the property shall be shown by bold lines. The bearing and distance of each course in the boundary outline shall be provided.

3. The true relationship between the boundary of the property and the right-of-way existing road upon which it may border, together with the location of existing improvements in such right-of-way shall also be provided.

d) Additional Information -

1. The location and name of all adjacent subdivisions, if any, and names of owners of adjacent unsubdivided property

2. The location, name, and present width of right-of-way and paving or improved surfacing for all adjacent roads, streets, and alleys, including those intersecting any road or street that bounds the property.

3. Identification by block and lot number of recorded lots or parcels immediately adjoining the subject property.

4. The location, width, and type of use of any existing roads, rights-of-way, easements or other special purpose areas within the property, or immediately adjacent thereto, together with the location of any towers, poles, other structures in connection with electric transmission lines.

5. Approximate location of any existing underground utilities, such as sewers, water mains, gas or oil transmission lines, etc., within the property or immediately adjacent thereto, with approximate pipe size and directions of slope.

6. Existing topography with suitable contour intervals, giving bench marks, not greater than five feet (5 ft.), except as otherwise may be allowed by the Commission, together with drainage

channels, streams, spring, swamps, flood zones, rock outcrops, buildings, wooded areas, or other features likely to affect the plan. The source and accuracy of the topographic details shown on the plan shall be in terms of U.S.G.S. data and field survey.

7. Contours may be omitted from plans of small subdivisions or resubdivisions which do not involve the opening of new streets; PROVIDED HOWEVER, that in any such case the Commission may require, in lieu thereof, spot elevations at the corners of each proposed lot.

**Sec 16.403 Same - Proposed Plan:** The preliminary plan shall show, superimposed upon the drawing of the property outlines and its existing features, a graphic representation of the subdivision, resubdivision or development which is being proposed for approval. The items to be shown, as applicable in each case, include the following:

a) Street Layout:

1. The right-of-way lines of all proposed streets, alleys, sidewalks or other rights-of-way to be dedicated for public use, including the widths thereof and the proposed use of special rights-of-way.

2. Where the subdivision borders on an existing road or street, which will require widening the same is to be indicated by a new right-of-way line appropriately, located to meet such requirement.

3. Any existing street, which are proposed to be abandoned shall be shown in shaded pattern, or otherwise distinctly indicated.

b) Street Grades - Each preliminary plan which includes proposed new streets, or new development along an existing road or street for which there is no established grade shall, in all cases, show proposed grades in the streets together with drainage arrows indicating direction of slope and elevations of intersections.

c) Lot and Block Layout:

1. Layout showing proposed lot lines scaled dimensions of lots, building restriction lines and any easement required. In re-subdivisions, the existing lot lines shall be shown by dashed lines and dotted lot numbers

2. Lots and blocks shall be numbered so as to avoid duplication.

d) Sites for public uses - All sites proposed for schools, parks playgrounds, water reservoirs or other public uses shall be so identified with scaled dimensions and approximate areas.

e) Sites for other than single-family dwellings:

1. All sites proposed for uses other than single-family dwellings, such as churches, public utilities, shopping centers, multiple family dwellings, general business or manufacturing, shall be so indicated with scaled dimensions and area for each such site, provided that the proposed use is in accordance with the uses for which the property is actually zoned.

2. When the property is included in more than one (1) zoning classification, the lines showing the limits of each zoning classification shall be clearly indicated.

3. A preliminary plan, or portion of such plan showing a proposed subdivision, resubdivision or a development intended for a use other than that permitted by the existing zoning classification may be conditionally approved subject to the rezoning of the property to the proper classification for such intended use in accord with the applicable Zoning Ordinance.

4. In the case of a preliminary plan showing a proposed single family residential development for a portion of a property with the remainder held for future development, possible with the intention of applying for more intensive zoning at a later date, it is required that the Street and block pattern for which approval is requested be extended in light dashed lines over the areas intended for future development in such a way as to indicate that such areas set aside can be satisfactorily subdivided for single family residential use if the future rezoning is not accomplished.

5. For any lots proposed for multiple family dwellings, the following items shall be shown:

A. Approximate location and shape of each structure.

B. Total number of dwelling units on each separate lot or parcel

- C. Gross and net residential acreage and density.
- D. Parking areas to be provided on each lot with number of spaces on each.

**Sec. 16.404 Same - Filing Fee:** A filing fee of seven dollars and fifty cents (\$7.50) for each lot contained in a proposed subdivision within the Village shall be paid to the Village at the time the preliminary plan is filed for approval. A filing fee of five dollars (\$5.00) for each lot contained in a proposed subdivision in the unincorporated area within the jurisdictional control of the Village shall be paid to the Village at the time the preliminary plan is filed for approval.

**Sec. 16.405 Same - Planning Commission Action:**

a) Recommendation to the Village Board - The Planning Commission shall, after receiving the preliminary plan, consider the proposed plan of subdivision as represented by such supporting documents, and shall thereupon, within sixty (60) days, recommend to the Village Council the approval or disapproval of same. If the proposed plan of subdivision is not satisfactory, the Planning Commission may permit the Subdivider to make the changes and additions required by the Commission to meet the requirements of this Chapter before submission of its recommendation to the Council.

b) Disapproval of Plan - If the recommendation of the Planning Commission on the proposed plan of subdivision is for disapproval, the original plan shall be returned by the Planning Commission to the Subdivider and a copy shall be given to the Village Council with a written statement of the reasons for such disapproval. Such disapproval does not constitute rejection.

c) Approval of Plan -

1. After approval of the preliminary plan by the Planning Commission, one (1) copy of the proposed plan, together with a copy of the findings of the Planning Commission upon hearing, shall be filed by the Planning Commission with the Village Clerk and by the Clerk submitted to the Village Council, for its approval or disapproval. After the Village Council has satisfied itself that the preliminary plan is substantially in accordance with the requirements Set forth in this Chapter and that the Planning Commission has inspected all phases of the improvement and made its recommendation, the Board shall then approve the preliminary plan, give conditional approval or reject it, as the case may be. If given conditional approval or rejection by the Planning Commission, a written statement as to the reason for not granting approval shall be transmitted to the Subdivider through the director of planning.

2. Upon rejection of the preliminary plan, the plan shall be returned to the Subdivider; such transmittal may include a written statement setting forth the reasons for said disapproval, If the proposed plan of subdivision as shown by said preliminary plan is approved by the Village Council the original plan and one (1) print or copy of the plan shall be endorsed by the Planning Commission as follows:

“This proposed plan of subdivision and accompanying documents, has received preliminary approval by the Planning Commission to the Village of Deer Creek and said Planning Commission is now ready to receive the final plat for consideration.

Dated \_\_\_\_\_

PLANNING COMMISSION OF THE VILLAGE OF DEER CREEK

By: \_\_\_\_\_

Chairman

The original of the preliminary plan so endorsed shall remain on file with the Planning

Commission and a copy of the plan so endorsed shall be returned to the Subdivider.

If the proposed subdivision shall lie wholly or partly outside of corporate limits of the Village, the Village Council's action on the preliminary plat shall not be final until the appropriate County has approved it."

d) Authority to Proceed with Final Plat - Receipt of the Subdivider of the copy of the preliminary plan, together with the approval of the Planning Commission, Village Council and County, when required, shall constitute authority for the Subdivider to proceed with final plans and specifications for the installation of the required improvements and preparation of the final Plat. Prior to the construction of any of the required improvements, the Subdivider shall submit such final plans and specifications to the Village Engineer. If the Village Engineer shall find such plans and specification to be in accordance with applicable policies and standards of the Village and this Chapter, he shall authorize construction and determine the amount of bond, if required, as provided for in Sections 16.305 through 16.308. Following the approval of the Village Engineer, construction may be started, or the bond filed, if required, or an assessment provided.

### **Article 5 – Final Subdivision Plat**

**Sec. 16.501 Final Plat - Submission:** After approval by the Planning Commission, the Village Council and County, when required, of the preliminary plan, the Subdivider shall, within twelve (12) months thereafter submit the final plat or section thereof, to the Planning Director for transmittal to the Planning Commission, together with one Van Dyke or sepia print and ten (10) prints or copies. If desired, the Subdivider may submit a final plat constituting only that portion of the approved preliminary plan which he proposed to record and develop at the time, provided such portion conforms in all respects to all matters and things included in the preliminary plan insofar as they appertain to the portion of the entire subdivision which is desired to be developed at that time.

**Sec. 16.502 Same - Requirements:** The final plat of a subdivision shall not be approved unless:

1. The Subdivider agrees with the Village Board that the Village, under the Local Improvement Act, may construct improvements and assess the cost thereof against the property benefited, or
2. The improvements have been installed properly as determined by the written statement from the Village Engineer or a satisfactory guarantee of improvement completion has been made according to Section 16.307.

**Sec. 16.503 Same - Specification:** The final plat shall be clearly and legibly drawn in black India ink upon dimensionally stabilized material. The final plat and accompanying application for approval shall contain the following graphic and descriptive items. The lack of information under any item specified herein, or improper information supplied by the applicant, may be cited by the Village Council as cause for disapproval of a final plat.

a) Application for Approval - Written application by the Subdivider for approval, on forms furnished by the planning director, shall accompany each final plat and contain the following information:

Verification and/or correction of all information provided with the preliminary plan of the proposed subdivision.

b) The Drawing -

1. The final plat of subdivision shall be drawn to a scale of not less than one (1) inch equals one hundred feet (100 ft.) and shall include all pertinent information as was shown and required on the preliminary plan. The final plat shall be drawn on one or more sheets whose maximum dimensions

shall not exceed twenty-four (24) inches by thirty-six inches. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the component areas shown on the other sheet or sheets. Linear dimensions are to be given on the final plat to the nearest one-one hundredth (1/100) of a foot.

2. All boundaries, street lines and lot lines, plus any other lines pertinent to the plat, except contour lines, shall be neatly and clearly shown, together with sufficient data, accurately calculated, so that each line and property corner may be located and reproduced upon the ground.

3. Other information to be shown on plat:

A. Location of all survey monuments and their description.

B. Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and, thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.

C. Calculations showing the error of closure, which error shall in no case be greater than one (1) in five thousand (5,000).

D. If parks or open spaces are dedicated to the public use in subdivisions located outside of the corporate limits of the Village, the owner(s) of the subdivision will by covenant provide for the maintenance of the park or open spaces until such time as the subdivision is annexed by the Village.

c) Street Profile Plan - Street profile plans for each new street in the proposed subdivision shall be submitted to the Village engineer for approval along with the final subdivision plat. In cases where the grades of the streets involved are already established, or in cases of small subdivisions or resubdivisions, such street profile may not be required as determined by the Village Engineer.

d) Statement of Tax Status -

1. The final plat shall have a statement thereon signed by the County Clerk showing that he finds no delinquent general taxes, unpaid current general taxes, delinquent special assessment taxes against land shown thereon.

2. The following certification by the Village Clerk shall also appear on the final plat:

"I hereby certify that there are no delinquent special assessments or unpaid current special assessments on the above-described property.

Date \_\_\_\_\_

\_\_\_\_\_  
Village Clerk

e) Certification by surveyor and owner -

1. Properly executed certification by the surveyor of the property shown on the plat is required in substantial conformance with typical examples as follows:

Surveyor's Certification

I hereby certify that the plat shown hereon is correct; that it is a subdivision of (part of or all of) the lands conveyed by (insert name of former owner) to (insert name of present owner) by deed dated \_\_\_\_\_, and recorded with the County Recorder of Deeds, Tazewell or Woodford County Illinois; and that stones, marked thus and iron pipes marked thus: 0, will be placed in the ground as indicated hereon, in accordance with provisions of applicable ordinances of the Village of Deer Creek, Illinois after the streets are graded and paved or within eighteen (18) months after recordation of this plat, whichever shall occur first. The total area

included on this plat is \_\_\_\_\_ acres and the area dedicated to roads and streets is acres.

Dated \_\_\_\_\_

(Signature)

Registered Land Surveyor

Illinois No. \_\_\_\_\_

If the subdivision involves more than one (1) conveyance to the markers of the plat, each such conveyance shall be cited and the quantity of land included on the plat out of each conveyance shall be stated in the certification. If the plat includes a resubdivision of any part of a subdivision previously recorded, the certification shall so state, giving the lot, block or other description and the previous plat reference.

Owner's Certification

We, \_\_\_\_\_ and \_\_\_\_\_, his wife, owners of the property shown and described hereon, hereby adopt this plat of subdivision; establish the minimum building restriction lines; dedicate the roads, streets, alleys, walks, and other areas indicated thereon to public use; and establish standard slope easements as required by the subdivision regulations, and addition to any other easements shown thereon.

There are no suits, actions at law, easements, restrictive covenants or rights-of-way affecting the property Included in this plat of subdivisions except the following:

\_\_\_\_\_  
(if none, so state)

and all parties is interest thereto have hereunto affixed their signatures, indicating their assent to this plat or subdivision.

Witnessed: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

We assent to this plat of Subdivision.

Witnessed: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

f) Official Approval –

1. When the Planning Commission has approved the final plat, the following certification shall be entered upon such plat:

“Approved by the Planning Commission of the Village of Deer Creek is \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_.

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Chairman

2. When and if the Village Council is satisfied with the final plat and with all improvements, deposits of money therefor, agreements, conditions and documents pertaining to the subdivision, the Village Council shall, by resolution, approve said plat and authorize and direct the Village President and Clerk to sign the plat for and in the name of the Village and attach thereto the corporate seal, similar to subparagraph (1) above.

**Sec. 16.504 Same – Recording:** The Planning Director shall retain such final plat, so approved, and shall cause such plat to be recorded in the office of the Recorder of Deeds, of the County in which the property is located, only upon satisfactory completion by the Subdivider of all administrative details required by this Chapter, said final plat, after recording, shall remain on file in the office of the Director. Copies of the final plat, as recorded by the Planning Director, shall be delivered to the Subdivider.

## **Article 6 – Flood Plain Regulations**

### **Sec. 16.601 Purpose.**

This ordinance is enacted pursuant to the police powers granted to this village by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2) in order to accomplish the following purposes:

- a. To prevent unwise developments from increasing flood or drainage hazards to others;
- b. protect new buildings and major improvements to buildings from flood damage;
- c. to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- d. to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- e. maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- f. make federally subsidized flood insurance available, and
- g. 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.

### **Sec. 16.602 Definitions.**

For the purposes of this ordinance, the following definitions are adopted:

“Base Flood” - The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 16.603 of this ordinance.

“Base Flood Elevation (BFE)” - The elevation in relation to mean sea level of the crest of the base flood.

“Basement” - That portion of a building having its floor sub-grade (below ground level) on all sides.

“Building” - A walled and roofed structure, including gas or liquid storage tank that is principally above ground including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

“Critical Facility” - Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

“Development” - Any man-made change to real estate including, but not necessarily limited to:

1. Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
2. substantial improvement of an existing building;
3. installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;
4. installation of utilities, construction of roads, bridges, culverts or similar projects;
5. construction or erection of levees, dams walls or fences;
6. drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
7. storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

“Existing Manufactured Home Park or Subdivision” - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an Existing Manufactured Home Park or Subdivision” - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“FEMA” - Federal Emergency Management Agency

“Flood” - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

“Flood Fringe” - That portion of the floodplain outside of the regulatory floodway.

“Flood Insurance Rate Map” - A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

“Flood Insurance Study” - An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

“Floodplain and Special Flood Hazard Area (SFHA)” - These two terms are synonymous. Those lands within the jurisdiction of the Village of Deer Creek, the extraterritorial jurisdiction of the village, or that may be annexed into the village, that are subject to inundation by the base flood. The floodplains of the Village of Deer Creek, are generally identified as such on panels 89 and 250 of the of the countywide Flood Insurance Rate Map of Tazewell prepared by the Federal Emergency Management Agency and dated February 17, 2017 and on panel 350 of the countywide Flood Insurance Rate Map of Woodford County prepared by the Federal Emergency Management Agency and dated September 17, 2010. Floodplain also includes those areas of known flooding as identified by the community. The floodplains of those parts of unincorporated Tazewell and Woodford Counties that are within the extraterritorial jurisdiction of the Village of Deer Creek, or that may be annexed into the Village of Deer Creek, are generally identified as such on the Flood Insurance Rate maps prepared by the Federal Emergency Management Agency for Tazewell County dated February 17, 2017 and Woodford County dated September 17, 2010.

“Floodproofing” - Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

“Floodproofing Certificate” - A form published by the Federal Emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

“Flood Protection Elevation (FPE)” - The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

“Floodway” - That portion of the floodplain required to store and convey the base flood. The floodway shall be according to the best data available from Federal, State, or other sources.

“Freeboard” - An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

“Historic Structure” - Any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

3. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
4. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

“IDNR/OWR” - Illinois Department of Natural Resources/Office of Water Resources.

“IDNR /OWR Jurisdictional Stream” - Illinois Department of Natural Resource Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department. (Ill Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in Section 16.606 of this ordinance.

“Lowest Floor” - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 16.607 of this ordinance.

“Manufactured Home” - A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

“Manufactured Home Park or Subdivision” - A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

“New Construction” - Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

“New Manufactured Home Park or Subdivision” - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

“NFIP”- National Flood Insurance Program.

“Recreational Vehicle or Travel Trailer” - A vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less in size;
3. designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

“Repetitive Loss” - Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

“SFHA” - See definition of floodplain.

“Start of Construction” - Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

“Structure” (see “Building”)

“Substantial Damage” - Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this ordinance equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes

“Repetitive Loss Buildings” (see definition).

“Substantial Improvement” - Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this ordinance in which the cumulative percentage of improvements:

- equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or
- increases the floor area by more than twenty percent (20%).

“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. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

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 the Illinois Register of Historic Places.

“Violation” - The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

**Sec. 16.603 Base Flood Elevation.**

This ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

- A. The base flood elevation for each of the floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Maps of Tazewell and Woodford Counties shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.
- B. The base flood elevation for the floodplains of those parts of unincorporated Tazewell and Woodford Counties that are within the extraterritorial jurisdiction of the Village of Deer Creek, or that may be annexed into the Village of Deer Creek, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Tazewell County prepared by the Federal Emergency Management Agency and dated February 17, 2017 and Woodford County dated September 17, 2010.

**Sec. 16.604 Duties of the Building Official.**

The Building Official shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the Village of Deer Creek meet the requirements of this ordinance. Specifically, the Building Official shall:

- A. Process development permits in accordance with Section 16.605;
- B. ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 16.606;
- C. ensure that the building protection requirements for all buildings subject to Section 16.607 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- D. assure that all subdivisions and annexations meet the requirements of Section 16.608;
- E. ensure that water supply and waste disposal systems meet the Public Health standards of Section 16.609;
- F. if a variance is requested, ensure that the requirements of Section 16.611 are met and maintain documentation of any variances granted;
- G. inspect all development projects and take any and all penalty actions outlined in Section 16.613 as a necessary to ensure compliance with this ordinance;
- H. assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- I. notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- J. provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

- K. cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;
- L. maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;
- M. perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and
- N. maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

**Sec. 16.605 Development Permit.**

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Building Official. The Building Official shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

- A. The application for development permit shall be accompanied by:
  - 1. drawings of the site, drawn to scale showing property line dimensions;
  - 2. existing grade elevations and all changes in grade resulting from excavation or filling;
  - 3. the location and dimensions of all buildings and additions to buildings;
  - 4. the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 16.607 of this ordinance, and
  - 5. cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- B. Upon receipt of an application for a development permit, the Building Official shall compare the elevation of the site to the base flood elevation. Any development located on land that is shown by survey elevation to be below the current base flood elevation is subject to the provisions of this ordinance. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the provisions 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.

The Building Official shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be

required for this type of activity. The Building Official shall not issue a permit unless all other federal, state, and local permits have been obtained.

**Sec. 16.606 Preventing Increased Flood Heights and Resulting Damages.**

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

A. Except as provided in Section 16.606(B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement\*:

1. Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:
2. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3:
3. Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4;
4. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:
5. Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6:
6. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:
7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:
8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:
9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:
10. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:
11. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:
12. Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:
13. Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

- B. Other development activities not listed in Section 16.606(A) may be permitted only if:
1. permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
  2. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

**Sec. 16.607 Protecting Buildings.**

- A. In addition to the state permit and damage prevention requirements of Section 16.606 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.
  2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively subsequent to the adoption of this ordinance. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
  3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this ordinance. If substantially damaged the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.
  4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
  5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
  6. Repetitive loss to an existing building as defined in Section 16.602.
- B. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
1. The building may be constructed on permanent land fill in accordance with the following:
    - a. The lowest floor (including basement) shall be at or above the flood protection elevation.
    - b. The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.
    - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.

- d. The fill shall be composed of rock or soil and not incorporated debris or refuse material, and
  - e. shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.
2. The building may be elevated on solid walls in accordance with the following:
- a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
  - b. All components located below the flood protection elevation shall be constructed of materials resistant to flood damage.
  - c. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
  - d. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, and
  - e. The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
    - i. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
    - ii. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
    - iii. in lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
- a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less

than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.

- c. The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
- d. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.
- e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
- f. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
- g. Utility systems within the crawlspace must be elevated above the flood protection elevation.

C. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

1. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
4. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

D. Manufactured homes or travel trailers to be permanently installed on site shall be:

1. Elevated to or above the flood protection elevation in accordance with Section 7(B), and
2. anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of Section 16.607(D) unless the following conditions are met:

1. The vehicle must be either self-propelled or towable by a light duty truck.
2. The hitch must remain on the vehicle at all times.
3. The vehicle must not be attached to external structures such as decks and porches
4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.

5. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.
6. The vehicle's wheels must remain on axles and inflated.
7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
8. Propane tanks as well as electrical and sewage connections must be quick-disconnect.
9. The vehicle must be licensed and titled as a recreational vehicle or park model, and
10. must either:
  - a. entirely be supported by jacks, or
  - b. have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.

F. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

1. The garage or shed must be non-habitable.
2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
3. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
4. The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.
5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
7. The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
8. The garage or shed must be less than fifteen thousand dollars (\$15,000) in market value or replacement cost whichever is greater or less than five hundred and seventy six (576) square feet (24'x24').
9. The structure shall be anchored to resist floatation and overturning.
10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.

11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

**Sec. 16.608 Subdivision Requirements.**

The Village of Deer Creek shall take into account 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, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 16.606 and 16.607 of this ordinance. Any proposal for such development shall include the following data:
  1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
  2. the boundary of the floodway when applicable, and
  3. a signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

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 floodplains shall be included within parks or other public grounds.

**Sec. 16.609 Public Health and Other Standards**

- A. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 16.606 and 16.607 of this ordinance the following standards apply:
  1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 16.607 of this ordinance.
  2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
  3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
  4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
  5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permitted within the floodplain only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall be elevated or structurally dry

floodproofed to the 500-year flood frequency elevation. In situations where a 500-year flood elevation has not been determined the flood protection elevation shall be three feet above the 100-year flood frequency elevation. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

- B. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

**Sec. 16.610 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 Village of Deer Creek shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

**Sec. 16.611 Variances.**

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the President and Village Board of Trustees. The President and Village Board of Deer Creek may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

- A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

1. The development activity cannot be located outside the floodplain.
2. An exceptional hardship would result if the variance were not granted.
3. The relief requested is the minimum necessary.
4. There will be no additional threat to public health, safety or creation of a nuisance.
5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
7. all other state and federal permits have been obtained.

- B. The Zoning board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 16.607 that would lessen the degree of protection to a building will:

1. Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;
2. increase the risk to life and property, and

3. require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

#### C. Historic Structures

1. Variances to the building protection requirements of Section 16.607 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 16.606 and 16.607 of this ordinance subject to the conditions that:
  - a. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
  - b. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

#### D. Agriculture:

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this ordinance. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

1. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farm houses, cannot be considered agricultural structures.
2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Section 16.607 of this ordinance.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Section 16.607 of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 16.607 of this ordinance.
6. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 16.607(B) this ordinance.

7. The agricultural structures must comply with the floodplain management floodway provisions of Section 16.606 of this ordinance. No variances may be issued for agricultural structures within any designated floodway.
8. Wet-floodproofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

**Sec. 16.612 Disclaimer of Liability.**

The degree of 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 floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the Village of Deer Creek or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

**Sec. 16.613 Penalty.**

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the Village Attorney may determine that a violation of the minimum standards of this ordinance exists. The Village Attorney shall notify the owner in writing of such violation.

A. If such owner fails after ten (10) days' notice to correct the violation:

1. The Village of Deer Creek shall 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.
2. Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty dollars (\$50) or more than seven hundred fifty (\$750) for each offense.
3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and
4. The Village of Deer Creek shall record a notice of violation on the title of the property.

B. The Village Attorney 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.

The Village Attorney is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:

1. The grounds for the complaint, reasons for suspension or revocation, and
2. the time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.

- C. Nothing herein shall prevent the Village of Deer Creek from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

#### **Sec 16.614 Abrogation and Greater Restrictions.**

This ordinance repeals and replaces other ordinances adopted by the Village of Deer Creek to fulfill the requirements of the National Flood Insurance Program including: April 18, 2000. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **Sec. 16.615 Severability.**

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

*Revised: January 2017 Ord. 635*

### **Article 7 – Storm Water Management**

**Sec. 16.701 Detention Facilities:** No development shall be authorized in the Village unless there is an adequate outlet or the Village has approved retention or detention facilities. The applicant shall show by his detailed calculations that the outlet is adequate, and the calculations must be acceptable to the Village. In the event the Village determines the outlet is not adequate, the developer shall construct retention or detention facilities. Such facilities shall be designed based on the Design Formula. In lieu of providing retention or detention facilities, the developer may be asked at the option of the Village to pay a fee.

In all developments not already served by an adequate existing or proposed storm water detention/retention facility, the developer shall provide a storm water detention/retention facility or, at the option of the Village, the developer shall pay a fee in lieu of providing said detention/retention facility. In those locations already served by an existing storm water detention/retention facility or where the Village is contemplating constructing a detention/retention facility to serve upstream watersheds not yet fully developed, or where the developer cannot provide adequate storage capacity in a detention/retention facility within his/her development, at the option of the Village, the developer shall pay a fee in lieu of providing said detention/retention facility, or the deficient volume thereof. Facilities shall be designed so that local storm sewer systems and drainage ways will discharge directly to proposed or existing detention/retention facilities, or to an adequate trunk line storm sewer and flood route, or drainage way feeding same, which discharges into a proposed or existing storm water detention/retention facility. Where adequate storm sewer or drainage way capacity is not available to convey design runoff to an existing downstream detention/retention facility, an on-site detention/retention facility shall be required.

**Sec. 16.702 Storm Water Detention Required:** A combination of storage and controlled release of storm water is required for all:

1. Nonresidential developments greater than two (2) acres in area; or less than two (2) acres with greater than 50% impervious area.
2. Residential developments greater than five (5) acres in area; or less than five (5) acres with greater than 50% impervious area.
3. An exception to this requirement will be granted by the Village only when run-off can be directed into a storm sewer, channel, or natural drainage way with sufficient capacity to transport storm water to an acceptable location.
4. The developer shall not be required to provide storage for run-off from land other than his own except where it can be proven that flow from adjacent land has historically crossed or inundated the land of the developer.
5. Where a subdivision plat or a Planned Unit Development involves new lots which are more than three (3) acres in size that are zoned for commercial or industrial purposes, the developer/owner/applicant may provide for storage and controlled release of storm water runoff for the developed lots by sufficient and enforceable covenants upon the individual lots. The covenant shall require construction of on-site storm water detention facilities upon each lot at the time of subsequent development of the lot. The form of covenant shall be approved by the Village Attorney, and the substance of the covenant shall require construction of on-site storm water runoff storage and controlled release of storm water runoff from each lot in a manner approved by the Village and in accordance with the provisions of this Ordinance.

**Sec. 16.703 Exceptions to Required Storm Water Management Plan:**

1. Traditional agricultural land uses: or
2. Improvement of existing roadways.
3. Modification of single family residential or two family residential structures which will continue to be used as single family or two family dwellings: or
4. Modification of existing structures or appurtenances, other than a single family dwelling or two family dwelling, which do not increase the amount of impervious area of the lot or parcel upon which it is constructed.

Sec. 16.704 Design Formulas: Unless otherwise approved by the Village, formulas to be used in connection with the calculation of runoff volumes and allowable release rates reasonably expected from the minimum design storm shall be the Rational Method for total contributing areas of twenty (20) acres or less and the Soil Conservation Hydrograph method for areas greater than twenty (20) acres.

Sec. 16.705 Runoff Coefficients and Overland Flow Coefficients: For post developed conditions, the amount of pervious and impervious land shall be determined and prorated using the following coefficients: Pervious ( $C = 0.30$ ,  $CN = 61$ ); Impervious ( $C = 0.90$ ,  $CN = 98$ ). The overland flow coefficient ( $n$ ) shall not be greater than 0.15.

For predeveloped conditions the runoff coefficients shall not be greater than  $C = 0.30$  or  $CN = 69$ . The overland flow coefficient ( $n$ ) shall not be less than 0.13.

**Sec. 16.706 Release Rate & Required Storage:** Allowable Release Rate will be determined by the Design Formula using a minimum design storm with an average rainfall intensity associated with an average recurrence interval of five (5) years for the storm period calculated by the Time of Concentration as outlined by the latest Technical Letters of the Illinois State Water Survey for rainfall frequencies. Runoff coefficients or CN numbers used shall reflect predeveloped condition of the watershed, as previously noted.

Storage Volume when using the Rational Method will be the volume generated by the difference between average runoffs of 50 year rainfall frequency in post-development condition and 5 year rainfall frequency in predevelopment condition, assuming such difference occurs for one hour. The average discharge being half of the peak discharge calculated by the Rational Method.

Storage Volume when using the Soil Conservation Hydrograph Method will be determined from inflow hydrographs generated by the Design Formula using a minimum design storm with a range of rainfall intensities associated with an average recurrence interval of fifty (50) years. The storage volume will be the difference between the inflow hydrograph and a designed outflow hydrograph that released no more than the allowable release rate.

**Sec. 16.707 Detention Basin Design:** Hydrologic design calculations shall be reviewed by the Village Engineer through one of the following:

1. Subdivision plan review
2. Grading and Drainage plan review
3. Construction Plan review (typically public improvements)

A. Hydrologic design calculations shall include contour map(s) clearly showing the design drainage area(s), storm water facilities, storm sewers, swales, ditches, culverts, bridges and receiving storm water facilities. Critical spot elevations, invert elevations, pervious and impervious areas shall be clearly indicated.

B. Submittals shall include design calculations, drainage basin area and surface types, rainfall data used.

C. Plans shall clearly indicate normal and high water elevations, design storage volume, minimum and maximum and typical slopes.

D. Detention basins shall release the 50 year storage volume within 24 to 48 hours.

E. Emergency overflow routes shall be clearly designated for runoff in excess of the 50 year storm.

F. Minimum outlet storm sewer size shall be 6 in.; smaller diameter restrictions (e.g. orifice plate or short pipe length) are acceptable.

G. Inlet and outlet pipes shall be provided with end sections and erosion protection.

H. Weirs, dams and specialized outflows shall be designed by a professional engineer registered in the State of Illinois.

I. Temporary erosion techniques shall be used as required to ensure a full stand of cover vegetation in minimum time.

J. Detention basin side slopes shall be 4:1 or flatter above normal pool, and shall be designated with permanent erosion protection consisting of grass, non-grass vegetation, or other permanent finish. Permanent erosion protection shall be aesthetically suitable to the development or existing surrounding land use.

K. Rooftop detention is not allowed.

L. A 20 ft. minimum setback shall be required from all property lines to the normal pool elevation.

M. Buildings within 100 ft. of a detention basin 50 year design high water shall have the lowest water entry point a minimum of 2 ft. above the 50 year design water elevation.

Earthen Dams: when dedicated to the public for ownership and maintenance by the Village, earthen dams shall meet the following criteria:

1. Side Slope: 4:1 or flatter
2. Minimum 10 foot wide flat crest for access by maintenance equipment.

All earthen dams, whether public or privately owned and maintained shall meet the following:

3. Freeboard: All earthen dams shall be constructed with a minimum of one foot of freeboard over the maximum anticipated water level in the emergency spillway.

4. All earthen dams shall include at a minimum, an impervious compacted clay core. The core shall be of sufficient width to allow for mechanical compaction and of sufficient depth to penetrate the overburden of topsoil, keying into the underlying strata of virgin clay.

5. The developer shall be responsible for obtaining all construction permits required by governmental agencies.

Emergency Spillway: all detention and retention facilities, whether publicly or privately owned and maintained shall include an emergency spillway.

1. Emergency spillways shall, wherever feasible, be constructed in virgin ground.

2. Erosion Protection: emergency spillways shall be protected from erosion with approved surface paving or vertical cutoff walls appropriate for the size of the impoundment and the height of the spillway crest.

3. Capacity: emergency spillways shall be sized for no less than 75% of the maximum peak inflow into the basin.

Dry Bottom Basins:

1. Side slopes shall be a maximum of 4H:1V. If retaining walls are used, their height is limited to 4 ft. Retaining wall design and material type shall be approved by the Village Engineer.

2. Dry bottom basins shall have 2% minimum bottom slopes or 0.5 minimum bottom slopes or 0.5 minimum-bottom slopes with under drain systems as approved by the Village Engineer.

3. Dry bottom basins shall include a low flow channel with some form of erosion protection, or a bypass sewer.

Wet Bottom Basins:

1. Above water side slopes shall be a maximum of 4H:1 V. to 1 foot below normal water surface elevation. If retaining walls are used, their height is limited to 4 ft. Retaining wall design and material type shall be approved by the Village Engineer.

2. Erosion protection shall be required at the water's edge on all residential developments. The protection shall extend from one foot below to one foot above the normal water level.

3. Wet bottom basin design shall include an evaluation of soil permeability. A basin liner shall be included in the design if needed to ensure water retention to normal pool elevation.

**Sec. 16.708 Standards:** All construction requirements shall conform to the applicable sections of the "Standard Specifications for Road and Bridge Construction, Department of Transportation".

Engineering Costs. The applicant will be responsible for all engineering costs for design of storm sewers, drainage ways and detention facilities within his/her development.

Detention basins may be maintained and owned by the applicant, the lot owner or by the developer or, by a homeowners association or by the Village. The decision on ownership will be made by the Village of Deer Creek at the time of submission of the preliminary plan.

**Sec. 16.709 Alternate Methods Allowed:** Alternate methods of detention will be allowed pending review of the Village of Deer Creek and its Village Engineer. The alternate methods may be, but are not limited to the following:

1. Swales

2. Parking lot detention

3. Subsurface detention or underground storage, as in buried pipes or structures.

**Sec. 16.710 Review Fee Required:** The applicant shall pay to the Village of Deer Creek:

- (A) A subdivision review fee equal to one and one-half percent (1 ½%) of the estimated cost of the detention facilities and all public improvements, or
- (B) A site plan review fee equal to one percent (1 %) of the estimated cost of the detention facilities and all site improvements, excluding buildings.

*Revised July 2003 Ord. #491*