

Subdívísíon Ordínance

Village of Winnebago, Illinois

Passed
April 4, 1977

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ORDINANCE NO. 77-4

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE SUBDIVISION OF LAND AND FOR THE INSTALLATION AND CONSTRUCTION OF UTILITIES, ROADWAYS AND OTHER IMPROVEMENTS ESSENTIAL TO SERVICE THE SUBDIVIDED LAND.

BE IT ORDAINED by the President and Board of Trustees of the Village of
Winnebago, Illinois.

ARTICLE I

TITLE and PURPOSE

Section 1.

This Ordinance shall hereafter be known, cited, and referred to as:

The Village of Winnebago Subdivision Regulations

Section 2.

Purpose: This Ordinance is adopted for the following purpose:

- A. To promote the public health, safety, and general welfare.
- B. To further the orderly layout and uses of land.
- C. To avoid undue concentration of population and overcrowding of land.
- D. To lessen congestion in the streets and highways.
- E. To establish adequate provision for transportation, water, sewerage, Schools, parks, playgrounds, and other public requirements.
- F. To facilitate the further resubdivision of larger tracts into smaller parcels of land.
- G. To secure safety from fire, panic, and other dangers.
- H. To ensure proper legal description and proper monumenting of subdivided land.
- I. To provide for proper ingress and egress to properties and neighborhoods.

J. Interpretation and effect of Ordinance:

- (1) The provisions of the Ordinance shall be held to be minimum requirements, adopted to promote the health, safety and the convenience of the public.
- (2) It is not intended by this Ordinance to repeal or impair any existing easement, covenant or agreement between parties, or permits previously adopted or issued pursuant to the Ordinances of the Village and statutes of the State; provided, however, that where this Ordinance imposes a greater restriction upon the development of land than required by other rules, regulations or permits, the provisions of this Ordinance shall govern.
- (3) Where this Ordinance imposes a greater restriction than imposed or required by the provisions of existing ordinances, resolutions, rules and regulations, this Ordinance shall control. Where provisions of existing ordinances, resolutions, rules or regulations impose greater restrictions than imposed or required by this Ordinance, such provisions shall control. All provisions in existing resolutions, rules or regulations in conflict with this Ordinance are hereby repealed.

Section 3

These regulations are established with reasonable consideration for the existing character of the Village with a view toward conserving the value of buildings upon the land and providing the best possible environment for human habitation. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and development standards contained in the Building Codes, Zoning Ordinance, and the Comprehensive Plan of the Village of Winnebago and provide for an orderly development conforming to and reflecting a continuity of the existing Village Plan.

ARTICLE II

GEOGRAPHIC JURISDICTION

The Village of Winnebago Subdivision Regulations shall apply to all subdivisions of land, as defined herein, located within the Village of Winnebago and within any unincorporated area which is located entirely or in part within one and one-half miles of the village limits, in accordance with Chapter 24, Illinois Revised Statutes as amended.

ARTICLE III

DEFINITIONS

- A. Alley - is a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- B. Block - is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or waterways, or boundary lines of the Village of Winnebago.
- C. Building - is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.
- D. Building Setback Line - is a line within a lot or other parcel of land so designated on the recorded plat, between which line and the adjacent boundary of the street the erection of a building is prohibited.
- E. Cul-de-sac - is a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- F. Easement - is a grant by a property owner of the use of land for a specific purpose.
- G. Final Plat - is a map and any accompanying material prepared by the subdivider and approved by the Village in accordance with the provision of Article V of this Ordinance to be recorded as a subdivision.
- H. 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.
- I. Grade - is the slope of a road, street, or other public way, specified in percent (%) and shown on street profile plans as required herein.
- J. Improvement, Public - is any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrianway, planting strip, off-street parking area, or other facility for which the Village of Winnebago may ultimately assume the responsibility for maintenance and operation.
- K. Lot - is a portion of a subdivision or other parcel of land with access to a public street intended for transfer of ownership or for building development.
- L. Lot Key - is a lot located between two corner lots which are fronting on other streets.

- M. Lot, Corner - is a lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
- N. Lot, Through - is an interior lot which has a pair of opposite lot lines extending between two substantially parallel streets. On a “through lot” both street lines shall be deemed front lot lines.
- O. 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 Ordinance.
- P. Pedestrian-way or Crosswalk - is a right-of-way across or within a block, for use by pedestrian traffic and may include utilities where necessary.
- Q. Preliminary Map - is a map showing the salient features of a proposed subdivision, submitted to the Zoning and Planning Commission for purposes of preliminary consideration.
- R. Right-of-way - is a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term “rights-of-way” for land platting purposes in Winnebago shall mean that every plat is to be separated and distinct from the lots or parcels adjoining such rights-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
- S. Roadway - is a surfaced portion of the street available for vehicular traffic.
- T. Sewage Disposal System, Individual - is a septic tank seepage tile sewage disposal system or any other sewage treatment device approved by the Village Engineer as being in accordance with the rules of the Winnebago County Health Department.
- U. Sidewalk - is that portion of a street or crosswalkway, paved or otherwise surfaced, and shall be for pedestrian use only.
- V. Street - is a public right-of-way which affords a primary means of vehicular access to abutting properties, whether designated a street, avenue, highway, road, boulevard, land throughway, or however otherwise designated, but excepting an alley or driveway to buildings.

W. Street, Half - is a street bordering one or more property lines of a tract of land in which the subdivider has only allocated a part of the ultimate right-of-way width which is not permitted by this Ordinance.

X. Subdivider - is any person or corporation or duly authorized agent who undertakes the subdivision of land as defined herein.

Y. Subdivision - is the division of any parcel of land into two or more parts, any of which parts is less than five (5) acres, for the purpose of ownership transfer or building development, or, if a new street is involved, any division of a parcel of land. The term includes any division of land that attempts to avoid the requirements of this Ordinance. Where appropriate to the context, the term shall relate to the process of subdividing or to the land subdivided.

Z. Subdivision Design Standards - refers to the Planning Commission report of that title, which report shall be considered a statement of principles of sound subdivision design by means of which subdividers may be guided and in terms of which each subdivision shall be judged insofar as such principles are reasonable and appropriate in their application to said subdivision.

AA. Water Supply, Individual - is a well and appurtenances supplying only one lot, and subject to the approval of the Village Engineer and the State Board of Health.

BB. Zoning Ordinance - is the Village of Winnebago Zoning Ordinance, and subsequent amendments thereto.

ARTICLE IV

CREATION OF OFFICE OF PLAT OFFICER

The office of plat officer is hereby created.

ARTICLE V

Sec. 1. Subdivision Approval Prior to Recording Plat:

(a) Subdivisions - Every intended subdivision of land within the platting jurisdiction of the Village shall be submitted to the plat officer designated by the Village for approval according to the provisions of this Ordinance prior to final recording of a map or plat of such subdivision, except where otherwise permitted by this Ordinance. No such map or plat of subdivision shall be entitled to record or have validity until it has been so approved, except when otherwise permitted by this Ordinance.

(b) Boundary Maps - Any parcel of land may be divided into two parts, either of which parts is less than five acres, for the purpose of ownership transfer or building development by recording with the County Recorder an adequate boundary map made thereof by a registered Illinois land surveyor. Such boundary map shall bear the signature of the County Clerk on the following certificate:

“I, _____ County Clerk of Winnebago County in the State of Illinois, do hereby certify that I find no delinquent general taxes, unpaid current general taxes, delinquent special assessments or unpaid current special assessments against the lands described in this boundary map.

“In witness whereof, I have hereunto set my hand and the seal of the County of Winnebago this ____ day of _____, A.D. 19____.”

Such boundary map shall bear the signature of the plat officer and shall be drawn with waterproof nonfading black ink on tracing cloth or good quality tracing paper, eight and one-half inches wide by fourteen inches long. No such boundary map shall be entitled to record or have validity until it has been signed by the plat officer. The plat officer shall keep a record and copy of such boundary maps. After two such boundary maps dividing a tract of land in one ownership at the time of passage of this Ordinance, have been signed by the plat officer, he shall not sign another boundary map diving such land. Further division of such land shall be recorded only by means of a map or plat of subdivision as provided in this Ordinance, which map or plat of subdivision shall include all parcels previously divided off by boundary map.

Sec. 2. Vacation of recorded plats or parts of recorded plats:

A. Procedure - The vacation of plats or parts of plats shall follow the procedure required for final plats of subdivision. Final approval of an instrument of vacation shall, however, be automatically referred to the Village Board.

The Plat Office shall transmit to the Village Board, along with his recommendation on the instrument of vacation: (1) A statement of fact explaining the grounds for his recommendation; and (2) a recommendation respecting the monetary remuneration to be paid to the Village Treasurer in consideration of any public property involved in the vacation.

Instruments of vacation not approved the plat officer shall, upon the request of the petitioner, be submitted by the plat officer to the Village Board with the reasons for disapproval. After reviewing the evidence, the Village Board may determine the monetary remuneration to be paid in consideration of public property, if any, involved in the vacation, and direct the plat officer to certify approval of the instrument of vacation.

B. Standards - A vacation shall not be approved that creates conditions that would not be permitted under the regulations of this Ordinance in newly created

subdivisions, unless such vacation would at the same time correct other and more serious conditions detrimental to the public health, safety, comfort, morals and the general welfare.

C. Form - The instrument of vacation shall consist of:

1. A written description referring to an attached copy of the recorded plat, of the plat or part thereof to be vacated, and a written statement declaring the same to be vacated.

2. An attached copy of the recorded plat, all or a part of which is to be vacated. If only a part of the plat is to be vacated, such part shall be shaded and outlined with a heavy line.

3. The following certificates duly executed:

a. Certification by the owners, which shall include all of the owners of land in the plat or all of the owners of land in and adjacent and contiguous to the part of the plat to be vacated: "As owner of the following described property, to-wit: (description by reference to attached plat) I (we) hereby petition the Winnebago Village Board of Trustees to approve the above described vacation".

(owner)

(parcel)

(date)

b. Certification by a notary public.

"I, _____, a Notary Public in and for the County of _____ in the State of _____, do hereby certify that _____ personally known to me to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, appeared before me this day in person and delivered said instrument and (severally) acknowledged that he (they) signed, sealed as his (their) free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this _____ day of _____, A.D. 19____."

c. Certification by the plat officer of the Village Board.

"I, the Plat Officer of the Village of Winnebago, Illinois, have examined this instrument of vacation, find the same to be in due and proper form, and recommend that the Village Board approve this vacation.

Dated this ____ day of _____, 19____."

d. Certification by the Village Clerk.

"This is to certify that the Board of Trustees of the Village of Winnebago, did, at its meeting of the _____ day of _____, 19____, approve the annexed vacation and direct the Plat Officer to certify final approval for and in the name of the Village of Winnebago and the State of Illinois, upon evidence of a receipt of the Village Treasurer in the amount of \$ _____."

Village Clerk

e. Certification by the Village Plat Officer.

"The annexed vacation is hereby approved this ____ day of _____, 19____."

Plat Officer

f. Form for certification of recording official.

"Filed for record this _____ day of _____, 19____, at _____ o'clock _____M. Recorded in Book _____ of Plats, Page _____ and examined."

County Recorder

Document Number _____

D. Fees - A fee for vacation of streets or alleys shall be paid by the petitioner, said fee to be paid for each square foot of land sought to be vacated, multiplied by the average of the full fair cash market value per square foot of the premises adjacent thereto. Said full fair cash market value shall be that currently used for tax assessment purposes. A fee of \$1.00 per lot or sub-lot shall be paid by the petitioner seeking vacation of lots or sub-lots. All such vacation fees shall be paid to the Village Treasurer before final approval is certified by the Plat Officer.

E. Resubdivision in Lieu of Vacation - It shall not be necessary to vacate a plat or part thereof in order to proceed with a resubdivision of such plat or part thereof. Resubdivision according to the procedure and standards for subdivision required by this chapter shall automatically constitute vacation of a prior plat or part thereof; provided, that monetary remuneration shall be paid to the Village Treasurer in consideration of the excess of public property vacated over that rededicated in the replat.

F. Cancellation of Bonded Contracts - Bonded contracts for the improvement of platted streets or alleys shall be automatically cancelled upon vacation of such platted streets or alleys.

Sec. 3. Procedure Generally for Subdivision Approval.

The procedure detailed in this section shall be followed by subdividers in order to gain official approval for, and recording of, a subdivision layout.

A. Declaration of Intent: The process of gaining subdivision approval shall be initiated by filing with the Village Clerk a declaration of intent to subdivide. Such declaration shall then be read before the Village Board and referred to the Village Planning and Zoning Commission. Such declaration shall take the following form:

“I, _____, owner./sponsor/optionee of a parcel of land described as follows: (General description by reference to roads and acreage) hereby formally announce my intention to subdivide said property and to submit a tentative plat of the subdivision to the Village Board of Trustees within six (6) months of this date.

Signed this _____ day of _____, 19__ A.D.

Signature _____.”

B. Zoning - Final approval shall not be granted to a subdivision unless it complies with all requirements of the Village Zoning Ordinance.

C. Preliminary Conference - The subdivider shall contact the Village Planning and Zoning Commission in order to have a preliminary conference about his particular intentions and problems. A rough sketch map showing the following information shall be brought to such conferences:

1. The boundaries of the property to be subdivided, existing easements and covenants affecting the property, land characteristics, such as natural drainage, swamp areas, wooded areas, and development characteristics such as

surrounding streets, existing buildings, available community sewer, water and other utilities.

2. The subdivider's intentions for dividing the land, including:
Proposed layout of streets, blocks and lots, location and extent of business areas, playgrounds, parks and other public areas.

D. Tentative Approval - Within six months of filing a declaration of intent, or such greater time as the Village Planning and Zoning Commission may designate, the subdivider may submit a tentative plat or map of subdivision and ten reproductions thereof to the Village Planning and Zoning Commission for conditional approval. The tentative plat shall show the proposed layout for the whole tract of land owned or controlled by the subdivider and for any adjacent land, the design of which is dependent upon such tract. The Village Planning and Zoning Commission shall submit the tentative plat to the Plat Officer, together with a recommendation concerning approval of the plat.

Conditional approval of a tentative plat shall be granted by the Plat Officer upon conformity with all pertinent laws, rules, regulations and particularly with technical requirements of this Ordinance. Conditional approval shall be construed to be an expression of approval of the general layout submitted on the tentative plat as a guide to the preparation of the final plat and to be assurance to the subdivider that his final plat will be approved if it conforms to the terms and conditions of the approved tentative plat.

The tentative plat shall be drawn or printed on paper twenty-four inches wide by thirty-six inches long at a scale of one hundred feet to one inch, unless otherwise approved by the Plat Officer. The tentative plat shall show or be accompanied by the following information:

1. Title and Certificates. Name under which proposed subdivision is to be recorded, location and position by quarter-quarter section, section, township, range, county and state; names and addresses of subdividers; notation stating scale, north arrow, and the following certificate:

“State of Illinois
County of Winnebago
Approved by _____
Village Plat Officer this _____ day of _____, 19__ A.D.

2. Topographic data and description of existing conditions.

a. Boundary lines. Approximate angles and distances with reference to a United States land survey corner.

b. Easements. Location, width and purpose of easements and other existing restrictions, reservations or covenants.

c. Streets on and adjacent to or extending from the tract. Name, and right-of-way widths and locations; walks, curbs, gutters, culverts, building setback lines.

d. Utilities existing on and adjacent to the tract. Location and size of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants and electric and telephone lines. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones.

e. Ground elevations on the tract. Elevations shall be based on a located concrete monument from which the datum plane is taken. For land that slopes less than approximately two per cent show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred feet apart in all directions. For land that slopes more than approximately two per cent show contours with an interval of not more than two feet.

f. Other conditions on the tract. Watercourses, marshes, areas subject to inundation, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, shacks and other significant features.

g. Other conditions on adjacent land. The approximate direction and gradient of ground slope, including any embankments or retaining walls (this can be shown on a small map at convenient scale or on the location map); character and location of buildings, railroads, power lines, towers, and other nearby non-residential land uses or adverse influences.

h. Proposed public improvements. Highways or other major improvements planned by public authorities for future construction on or near the tract according to the information received from the planning office at the preliminary conference.

i. Location map. A small scale drawing of the section in which the subdivision is situated, and showing the location of the subdivision. This map shall show any lake or stream or the portion thereof to which access is provided from the subdivision, indicating the relation of the subdivision thereto.

j. Subsurface conditions on the tract, if required. Location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth of ground water unless test pits are dry at a depth of five feet; location and results of soil percolation tests if individual sewage disposal systems

are proposed, as specified in this Ordinance or as required by the plat officer or Village Board.

3. All proposals of the subdivider, including:
 - a. Streets. Names; right-of-way and roadway widths; similar data for alleys, if any.
 - b. Rights-of-way of easements. Location, width and purpose.
 - c. Lot lines and approximate dimensions.
 - d. Sites, if any, for the following: Multi-family dwellings, shopping centers, churches, industry, other uses exclusive of single-family dwellings.
 - e. Minimum building setback lines.
 - f. Site data. Tabulation of gross area, street area, net subdivided area, total number of lots, average lot size, typical lot dimensions, lineal feet of streets.
 - g. Sites to be reserved or dedicated for parks, playgrounds or other public uses.
 - h. A draft of any protective covenants by which the subdivider may propose to regulate land use in the subdivision and otherwise to protect the proposed development.
4. Other Tentative Plans. When required by the Plat Officer and Village Engineer, the tentative plat should be accompanied by profiles showing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, typical cross sections of the proposed grade, roadway and sidewalk, and tentative plan of proposed water mains, sanitary and storm sewers with approximate grades and sizes indicated. All elevations shall be based on the elevation of the concrete monument from which the datum plane is taken.
 - a. Plat form and content. The final plat shall be drawn with waterproof nonfading black ink on tracing cloth measuring twenty-four inches by thirty-six inches or twenty-four inches by twenty-one and one-quarter inches at a scale of one hundred feet to one inch or larger. Variation in scale may be allowed when agreed to by the county recorder and where necessary for a proper exhibit of a subdivision. When more than one sheet is used for any one plat, they shall be numbered consecutively and each sheet shall contain a notation showing the whole number of sheets in the plat, and its relation to other sheets. Linear

dimensions shall be given in feet and decimals of a foot. The final plat shall show on the face thereof:

1. The name of the plat, such name not duplicating the name of any plat previously recorded in the county.
2. The location and position of the subdivision indicated in each of the following ways:
 - a. By quarter-quarter section, section, township, range, county and state.
 - b. By distances and bearing from true north or angles with reference to a corner or corners established in the United States Public Land Survey.
 - c. By a written legal description of the exterior boundaries of the land as surveyed and divided.
3. An arrow indicating north; a graphic scale; date of preparation.
4. Notations in their proper places of all monuments erected, corners and other points established in the field and the materials of which such monuments, corners and other points are composed.
5. Sufficient engineering data to close the survey and to reproduce any line on the ground. The error of linear closure shall be not more than one in five thousand.
6. A graphic presentation of all streets, alleys, blocks, lots, parcels and public grounds into which the land is divided, and of all easements and rights of way.
7. The length of boundary lines of all streets, alleys, blocks, lots, parcels, public grounds, easements and rights of way or enough information so that the length of these lines can be derived by simple calculation. Where a boundary line is an arc of a circle, the length of the chord shall be shown.
8. The widths of all streets, alleys, easements and rights of way.
9. A graphic presentation of the minimum building setback lines on all lots and parcels, and a notation of the distance between such lines and the street right-of-way line.
10. The area of each lot or parcel containing an area of one acre or more.

11. Consecutive letter on all blocks and consecutive numbers on all lots in each block; or, consecutive numbers on all lots throughout the plat.

12. The name of each street, printed on the graphic representation of each street, and an appropriate label designating all other easements, rights of way, setback lines and dedications.

13. The words "Private Road" clearly marked on all streets shown on the plat which are not dedicated to public use.

14. Abutting street lines of adjoining subdivisions, shown in their correct locations by dashed lines.

15. The water elevation of adjoining lakes or streams at the date of survey and a graphic presentation, as well as a notation of the high-water marks of such lakes or streams; all elevations referring to the located concrete monument from which the datum plane is taken.

E. Final Approval. Within one year of conditional approval, or such greater time as the Village board may designate, the subdivider may submit an intended final plat or map of subdivision and two reproductions thereof to the Village Planning and Zoning Commission. The final plat, which may constitute only that portion of the tentative plat which the subdivider proposes to record and develop at the time, shall be accompanied by a final approval fee of one dollar for each lot, subplot or tract of land shown upon such final plat, but in no case shall the minimum final approval fee so paid be less than ten dollars.

Final approval of a final plat shall be granted by the Village plat officer on the basis of its conformity with the tentative plat as approved, with all pertinent laws, rules, regulations and particularly with the technical requirements of this ordinance.

Sec.4. Certificates, etc. on Final Plat.

The following certificates and affidavits shall appear on the final plat. They must be duly signed by the appropriate person before the plat is entitled to record.

A. Certification by the Surveyor. "I hereby certify that, at the request of the owners, I have surveyed and subdivided according to the annexed Plat _____ of _____ Subdivision; a part of the _____ quarter of the _____ quarter of section _____, township _____ north, range _____ East of the _____ Principal Meridian, bounded and described as follows:

(Legal Description)

“Dimensions are given in feet and decimals of a foot. Iron pins $\frac{3}{4}$ inch in diameter and 4 feet long have been found or set at all points marked on the plat with a _____, and iron pins $\frac{5}{8}$ inch in diameter and 3 feet long have been found or set at all other lot corners.

Given under my hand and seal this _____ day of _____ A.D. 19____
at _____.”

Registered Land Surveyor No. _____

B. Certification of Dedication by the owner of the land.

“As owner, I hereby certify that I have caused the land described in the foregoing affidavit of the surveyor, to be surveyed, divided, and mapped as presented on this plat. All streets, alleys, walkways, parks, playgrounds and school sites shown on this plat are hereby dedicated to the public for public purposes, and all easements shown are subject to the easements provisions hereon.”

Owner

C. Certification by Notary Public

“I, _____, a Notary Public in and for the County of _____ in the State of _____, do hereby certify that _____ personally known to me to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, appeared before me this day in person and (severally) acknowledged that he (they) signed, sealed and delivered said instrument as his (their) free and voluntary act for the uses and purposes therein set forth.”

Give under my hand and Notarial Seal this _____ day of _____,
A.D. 19____.”

Notary Public

D. Certification by the County Clerk

“I, _____ County Clerk of Winnebago County in the State of Illinois, do hereby certify that I find no delinquent general taxes, unpaid current assessments against the lands embraced within the annexed plat of _____ Subdivision.”

“In witness whereof, I have hereunto set my hand and the seal of the County of Winnebago this _____ day of _____, A.D. 19_____”

E. Easement Provision.

“An easement is hereby reserved for and granted to the designated governmental bodies and public utilities, their respective successors and assigns, within the area shown by dotted lines on the plat and marked “Easement”, to install, lay, construct, renew, operate and maintain storm and sanitary sewers, pipes, conduits, cables, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other equipment for the purpose of serving the subdivision and other properties with telephone, electric and other utility service; also is hereby granted the right to use the streets for said purposes, the right to overhang all lots with aerial service wires to serve adjacent lots, the right to enter upon the lots at all times to install, lay, construct, renew, operate and maintain within said easement area said storm and sanitary sewers, pipes, conduits, poles, wires, braces, guys, anchors and other equipment; and finally the right is hereby granted to cut down and remove or trim and keep trimmed any trees, shrubs or saplings that interfere or threaten to interfere with any of the said public utility equipment installed on said easement. No permanent buildings or trees shall be placed on said easement, but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted.

“If the grade of the subdivision property must be so altered or if storm and sanitary sewer facilities require that the underground utility be moved or otherwise altered, the owners, their respective successors and assigns shall reimburse the utility company for the necessary expense involved.”

F. Certification by the Village Engineer.

“All streets shown herein have been graded, drained and surfaced and all drainage structures have been built, as required, or have been provided for by bonded contract to my approval.

Dated this _____ day of _____, A.D. 19_____”.

Village Engineer

G. Certification by the Village Plat Officer.

“Having reviewed the recommendations of the Village Planning and Zoning Commission and finding substantial conformity with all pertinent laws, rules and regulations including this Ordinance and the tentative plat of this subdivision as

conditionally approved, this plat is given final approval this _____ day of _____, A.D. 19____”.

Village Plat Officer.

H. Form for Certification of Recording Official.

“Filed for record this _____ day of _____, A.D. 19____, at _____ o’clock __.M., recorded in Book _____ of Plats, Page _____ and examined.”

County Recorder

Document Number _____.

I. Certification by lien holder. As lien holder(s) of record, I, (we), upon behalf of myself (ourselves), successors and assigns, hereby join in the dedication to the public for public purposes of all streets, alleys, walkways, parks, playgrounds and school sites shown on this plat, and further join in the dedication of all easements shown on this plat subject to the easement provisions hereon.”

Lien Holder

ARTICLE VI

Sec. 1. Required Improvements.

After conditional approval has been granted, but before the final plat is submitted for final approval, the subdivider shall install street and utility improvements, and other improvements indicated on the plat, as hereinafter provided. If such improvements are not installed as required at the time the final plat is submitted for approval the subdivider shall, before the recording of his plat, enter into a contract with the Village of Winnebago agreeing to install the required improvements. The subdivider shall file, with said contract, a performance bond, certified check, or an irrevocable Letter of Credit from a duly organized, authorized, and reputable financial institution, in an amount equal to the estimate of cost as approved by the Village Engineer. Such bond, check, or irrevocable Letter of Credit shall constitute a guarantee that such improvements shall be completed by the subdivider or his subcontractors not later than one year from the date of recording of the plat, and that repairs necessitated by defects in material or workmanship shall be made during the period not to exceed two years from and after completion of such improvements. The acceptability of any such bond, certified check, or Letter of Credit, as well as determination of the completeness, adequacy, and acceptability of the required improvements at any stage, and

approval of the same, shall be within the sole discretion of the Village of Winnebago Board of Trustees and/or any Village of Winnebago officials duly authorized by said Board.

(1) If the improvements are not completed or repairs are not made within the specified time periods, the Village Board may use all or any portion of the bond, certified check, or amount guaranteed by the irrevocable Letter of Credit, to complete or repair the same. However, the Village Board of Trustees may, upon proof of difficulty, extend the time period for completion of the required improvements.

(2) To ensure that such improvements have been installed in accordance with the approved final plat, upon completion of the required improvements guaranteed by the bond, certified check, or irrevocable Letter of Credit, a detailed “as-built” survey plat of the subdivision, indicating location, dimensions, construction materials, and any other information required by the Village Engineer, shall be submitted to the Board of Trustees by the developer of the subdivision for approval.

(3) The contractor and/or subcontractors who are to be engaged in the construction of improvements on dedicated street rights-of-way shall be approved by the Board of Trustees.

(4) Governmental units to which these performance guarantee and contract provisions apply, may in lieu of said contract or performance guarantee via a performance bond, certified check, or irrevocable Letter of Credit, file a letter from officers of said governmental unit(s) duly authorized to act in its/their behalf, agreeing to comply with the provisions of this Ordinance.

(5) In the event that a subdivider prior to the effective date of this Ordinance shall not have filed the required bond and/or certified check in the amount and form detailed herein, it shall be in the sole discretion of the Village of Winnebago Board of Trustees to retroactively apply this Ordinance to allow such subdivider to provide either a performance bond, certified check, or an Irrevocable Letter of Credit according to the terms and conditions as set forth in Section 1 hereinabove.

A. Monuments. Iron pins three-fourths of an inch in diameter and four feet long shall be placed at all block corners, angle points of streets and of exterior boundaries, points of tangency of curved lines, points at which street lines intersect the exterior lines of the subdivision, and at such intermediate points as are required by the Village Engineer.

Iron pins five-eighths of an inch in diameter and three feet long shall be placed at all lot corners and at such intermediate points as are required by the Village Engineer.

Monuments shall be placed at all lake or stream ends of lot lines. Such monuments shall be placed flush with the ground at the point of intersection of such lake or stream lot line with a line which is established along the shore not less than twenty feet back from the ordinary high water mark of such lake or banks of such stream.

B. Top Soil Protection. Top soil moved during the course of construction should be redistributed evenly, but need not provide more than four inches of cover.

C. Street and Utility Improvements. All street and utility improvements shall conform to the specifications and requirements of the Village Engineer and shall extend to the farthest extents of the development plat or public right-of-way. These improvements shall not be accepted for public maintenance until approved by the Village Engineer. Cross sections and profiles of streets showing grades acceptable to the Village Engineer and plans and profiles of storm and sanitary sewers, dry wells and water mains, where the installation of these improvements is contemplated, generally will be requested.

Street and utility improvements shall be provided in each new subdivision in accordance with the standards and requirements described in the following schedule for the type of development indicated:

1. For all residential lots with average lot areas of fifteen thousand square feet or less, or with average lot widths at the building line of one hundred and ten feet or less. STANDARD A, according to specifications and requirements of Village Engineer.
2. For residential lots with average lot area of more than fifteen thousand square feet or average lot width at the building line of more than one hundred and ten feet. STANDARD B, according to specifications and requirements of Village Engineer.
3. For commercial and industrial development: STANDARD B. Plus such increases in the standard and such additional standards as shall be required by the Village Engineer.

Sec. 2. Standard Requirements.

A. Minor Residential Streets.

1. Grading. All streets shall be graded to the full width of the right of way and the adjacent side slopes shall be graded to blend with the natural lay of the land and to provide reasonable access for vehicular traffic to each lot of the subdivision, to the satisfaction of the Village Engineer.

2. Pavement. Alternate #1. The center 32 feet or more of the roadway shall consist of a 14 inch thick minimum compacted Aggregate Type B

roadway base in 7 inch lifts (maximum), using 7 inches of new CA-2 in the bottom half and 7 inches of new CA-10 in the top half per the Standard Specifications for Road and Bridge Construction, Illinois Department of Transportation (IDOT), latest edition, and also a bituminous mat surface course at least 3 inches thick. The Binder Course shall be Class I, Bituminous Concrete and Bituminous Material AC 100-120, Type II, Mix B shall be used for the Surface Course, including a separate prime coat applied to the aggregate surface. A two and one-half foot minimum curb and gutter section of standard concrete construction shall be provided on both sides of the roadway. Proper grade and detailed standards of construction shall be approved by the Village Engineer. Frost-free bank run sand and gravel, or comparable granular material shall be used for all trench backfill, or all backfill shall be allowed to settle a minimum of one year, or such greater time as may be specified by the Village Engineer before an impervious surface is applied over a roadbed.

Alternate #2 (PCC): The center 32 feet or more of the roadway shall consist of Portland Cement Concrete (PCC) pavement at least nine inches in thickness, laid on a uniform, compacted subgrade. A two and one-half foot minimum curb and gutter section of standard concrete construction shall be provided on both sides of the roadway. Proper grade and detailed standards of construction shall be approved by the Village Engineer. Frostfree bank run sand and gravel, or comparable granular material shall be allowed to settle a minimum of one year, or such greater time as may be specified by the Village Engineer before an impervious surface is applied over the roadbed.

3. Ditches. Ditches shall be provided on each side of the roadbed for drainage of surface water. Side ditches shall be at least twelve inches deep below the shoulder edge. Side slopes on each side of the drainage ditch along the roadway shall be sloped at the rate of no more than one foot rise to three feet horizontal. Paved ditches may be substituted, at the discretion and to the standards of the Village Engineer.

4. Curb and Gutter. Curb and gutter shall be provided. They shall be built of integral concrete construction two feet in width to standard design, and shall be laid to the proper grade as approved by the Village Engineer.

B. Alleys.

Alleys shall be paved with concrete according to detailed standards of construction prescribed by the Village Engineer.

C. Sidewalks.

Prior to plat approval, the developer shall provide satisfactory to the Village Plat Officer that provisions have been made for the installation of sidewalks. Satisfactory letter of credit or actual construction, approved by the Village, shall

be construed as satisfactory evidence. Prior to issuance of a certificate of occupancy for any platted lot, the developer shall deposit with the Village funds totaling 110% of the anticipated costs for any sidewalks not yet constructed. Any such surety or deposit, excluding any interest earned, shall be released or refunded to the developer by the Village upon construction of the sidewalks, or may be used by the Village to construct the sidewalks after sufficient notice to construct sidewalks has been given to the developer.

Sidewalks shall be laid along both sides of the roadway within the public right of way one foot from the property line. Except under unusual conditions, sidewalks and interior block walkways shall be made of concrete five feet wide and not less than four and one-half inches thick. At crossings where sidewalks cross driveways, the sidewalk shall be six inches thick reinforced.

The developer shall install and pay for perimeter sidewalks and/or bike paths along all public routes as part of the required public improvements. The location, design and installation of perimeter sidewalks are to be approved by the Village. Perimeter sidewalks shall be either constructed of concrete five feet wide and not less than four and one-half inches thick, or of 2 inches of bituminous over a minimum of 8 inches of aggregate and ten feet wide. A cash equivalent, subject to acceptability and approval of the Village, may be substituted in lieu of the perimeter sidewalks.

D. Drainage.

1. Storm Generally. Storm drainage improvements consisting of storm sewers and/or open channels shall adequately drain the area being developed and also all of that area which naturally drains through the area being developed. The design of drainage improvements shall be coordinated with present and probable future improvements so as to form part of an integrated system. Appropriate grading may be required.

2. Storm Sewers. Storm sewers of adequate design shall be installed, as prescribed by the Village Engineer. No storm sewer over thirty-six inches in diameter shall be required. Appropriate grading of open channels of capacity to carry run-off from a rain of ten year frequency may be required in lieu thereof. In general, storm sewer capacity shall be sufficient to provide for the run-off from a storm of ten year frequency.

3. Storm Water Inlets. Storm water inlets of a standard design shall be installed. They shall be suitable as to type and capacity for the locations where installed.

4. Manholes. Manholes of standard design shall be installed to provide access to storm sewers.

5. Slope. Any storm sewers installed shall have a slope which shall provide a minimum velocity of three feet per second when flowing full.

E. Public Sanitary Sewers.

1. General Requirements. Sanitary sewers serving all lots shall be provided. They shall have sufficient capacity to serve the needs of the areas being developed and of all adjacent areas that would logically be served by extensions of such sewers. They shall be located and constructed so as to form part of an integrated system.

2. Material and Minimum Size. Sewer mains, eight inches; sewer service lines, four inches, if cast iron pipe; six inches, if clay tile; cast iron, class 22 wall, plastic, ASTM-D-3033 or vitrified clay ASTM C-200-59, with joints to ASTM C425-Type I or Type III.

3. Minimum Slope. Such as to give a velocity of at least two feet per second when flowing full.

4. Depth. Sanitary sewers shall be installed at such depth as to give not less than four feet of cover under street areas and three feet under sidewalks. They shall be deep enough to provide gravity drainage from basements where practicable.

5. Location. Sanitary sewers shall normally be located at or near the street center line. At the time the sewer mains are laid, sanitary sewer service lines serving each lot shall be located near the middle/center of the lot's front width. A 10 foot horizontal separation between the sanitary service line and the water service line shall be maintained from the sewer main to the back of the curb. On private property it shall be permissible to construct the lines in the same trench as long as a minimum 18 inch vertical separation is maintained. Each sanitary sewer service line shall extend three feet beyond the property line and shall be located at the middle/center of the lot's front width. They shall be laid at a minimum of one per cent slope, but not more than 9 per cent slope from the sanitary sewer main. All sewer service lines shall be installed with a plumbing back flow prevention valve. Back flow preventer valves shall be installed on sanitary sewer service lines for each lot by a properly licensed plumbing contractor. A clean-out shall be installed on the street-side of the valve. Also, no driveway shall be built over the sewer service lines.

6. Manholes. Manholes shall be of standard design. They shall be spaced not more than three hundred and fifty feet apart.

7. The developer will be required, at his/her own expense, to provide post-construction mandrel and pressure testing, and televising of all sanitary

sewer mains prior to final inspection and acceptance of sewer improvements by the Village.

F. Water Supply and Fire Hydrants.

Where public water supply is available, the facilities shall be designed and installed to connect to the public water system with approval by the Village Engineer in accordance with the following requirements, regardless of the size of the lots in the subdivision.

The developer is to install the water service line in the middle/center of the lot. A 10 foot horizontal separation between the sanitary service line and the water service line shall be maintained from the water main to the back of the curb. On private property it shall be permissible to construct the lines in the same trench as long as a minimum 18 inch vertical separation is maintained. No driveway shall be built over the water service lines. All valve boxes are to be located at the back of sidewalk and inside the property line, wherever possible, or at a location approved by the Village in advance of installation.

Water mains, fire hydrants and services shall be provided to serve all lots and to provide for reasonable expansion of the system.

Water mains shall be designed using the criterium of the State of Illinois Department of Public Health. All valves (except hydrant auxiliary valves) shall be enclosed in valve boxes. (Fire hydrants shall be located so as to be within two hundred (200) feet of all homes and shall be of manufacture approved by the Village with auxiliary vales (*sic*) and boxes.) All water mains shall correspond in size with Village mains and shall be cast iron, Class 150.

All piping and materials for sewer and water construction shall be according to specifications to be furnished by the Village Engineer, and all such piping materials and equipment, together with construction and/or installation, shall be approved by the Village Engineer.

G. Fences.

The subdivider shall place barricades, as required by the Village Engineer at the end of streets to be later extended.

H. Freeways, arterial highways, secondary highways, section line roads.

Where an arterial highway, secondary highway or section line road is to be improved at greater than minor residential streets standards, the subdivider's share in the costs of improvement shall be equal to the cost of a minor residential street in the same location.

I. Deferred Construction.

In the case of sidewalks and wherever else it is deemed necessary by the Village to defer the construction of any improvement required herein, the subdivider shall entrust his share of the cost of the future improvement with the Village Treasurer.

J. Half Streets.

In the case of streets along the edge of a subdivision, in lieu of the complete improvement of half of a street, the Village Engineer may specify the grading and preparation of the entire street width in place of other required improvements.

K. Storm Water Drainage and Detention Regulations.

The purpose of this section is to diminish threats to public health, safety and welfare caused by runoff of excessive storm water from new development and redevelopment. This excessive storm water could result in the inundation of damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and lake resources.

1. Compliance with Other Ordinances and Regulations. All drainage design shall be in compliance with applicable and current statutes of the State of Illinois and with the applicable and current ordinances of Winnebago County, Illinois. Where this section is more restrictive than those referenced in the above paragraphs, the requirements of this section shall govern.

2. Storm Sewer Design. The storm sewer system shall be separate and independent of the sanitary sewer system. All storm sewers shall be designed by the rational method on the basis of a minimum of a 10 year recurrence frequency storm and shall be sized to adequately carry flows from the tributary areas. Copies of the design computation, together with drawings showing the storm sewer layout and drainage areas shall be submitted to the Village Engineer for review.

3. Detention Pond Design. Inflow hydrograph: For tributary areas of less than or equal to 10 acres the rational method may be used. For tributary areas greater than 10 acres the Soil Conservation Services, Urban Hydrology for Small Watersheds (TR-55) or an equivalent technology approved by the Village Engineer shall be used. Rainfall data shall be taken from the Illinois State Water Survey, Bulletin 70, latest edition.

4. Storm Water Runoff Release Rate. The storm water release rate from all on-site land development shall be limited to 0.2 cfs/acre for the 100 year 24-hour storm event. The release rate for the 2 year 24-hour and 10 year 24-hour storm events shall be limited to the calculated peak discharge for the undeveloped

site condition for the 2 year 24-hour storm event, or to 0.2 cfs/acre, whichever release rate is less.

The pond outlet structure shall be designed to meet the criteria outlined above. A detailed drawing of the structure shall be provided. Routing calculations shall be provided to confirm the basis of design. The structure shall include a weir (or similar device) to allow flows up to and including the 100-year storm to be directed to the main outlet pipe to insure that the pond berm is not over-topped. The structure shall include orifices, weirs or similar devices to achieve the release rate requirements for the 2, 10, and 100 year storms as required above.

The pond berm shall have an emergency spillway designed to allow storm events in excess of the 100-year storm to be discharged without causing erosion to any part of the pond berm.

5. Off-Site Tributary Areas. The storm water drainage system for all off-site land development and improvements shall be designed with adequate bypass capacity to convey the storm water runoff flow from all tributary watershed areas through the land development area to the existing drainage outlet. When possible, storm water runoff from upstream tributary areas shall be routed around the detention facilities for the site being developed. The bypass transport systems shall be designed to carry the peak flow from the 100-year storm. An allowance will be made for upstream detention storage when such upstream storage and runoff release rate has previously been approved by the Village and has been constructed.

If it is necessary to route off-site storm flows into a detention pond it is acceptable to design the outlet structure to pass this incremental portion of the flow through the pond without reducing the calculated peak. That is, this peak flow can be added to the allowable release rates described above.

6. Detention Pond Design Details. Concrete low flow channels shall be provided from each inlet point to the outlet structure point.

The minimum pond bottom slope shall be 1% unless the Village Engineer determines that a lesser value is acceptable.

The emergency spillway and the downstream end of the outlet pipes and the inlet pipes shall have rip-rap or concrete aprons to prevent erosion.

ARTICLE VII

Technical Requirements.

The following standard requirements shall apply to all new subdivisions of land. These standards shall be interpreted, however, to encourage new and improved design techniques with the object of promoting better subdivisions.

A. Conformity to Community Plans. All subdivisions shall conform to the general and detailed specifications of plans or segments thereof, adopted pursuant to the authority contained in Chapter 24 of the Illinois Revised Statutes, to the Zoning Ordinance, and to any other adopted ordinances, resolutions, and plans of the Village of Winnebago.

B. Streets.

1. General Design. All Streets shall be designed in substantial relation to:

- a. Topographic conditions and drainage,
- b. Public convenience and safety,
- c. The proposed uses of the land to be served by such streets,
- d. Conformity with existing streets.

2. Publicly Planned Streets. Streets shall be laid out in conformity to street or highway plans officially adopted by the Village Board. Wherever such a planned street or highway runs through a proposed subdivision, it shall be provided for in the place and with the width indicated on such plan. However, no more than one hundred and twenty feet width of right-of-way dedication shall be required for any street. Any additional right of way specified on the plan shall be reserved for circulation purposes by easement provisions.

3. Section Line Roads. One hundred foot wide streets shall be laid out on section and half-section lines, where possible. Where physical obstructions occur, or where a more appropriate location can be found, such roads may deviate from section and half-section lines; provided, that the required width of one hundred feet is carried through to a suitable connection. Such deviations shall be made only with the consent and approval of the plat officer and the Village Engineer.

4. Alignment and Continuation. Where streets are not a part of the comprehensive plan or officially adopted street or highway plans, the arrangement of the streets in a subdivision shall either provide for the alignment and continuation or appropriate projection of existing principal streets in surrounding areas, or conform to an approved plan for the neighborhood which meets a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable.

5. Residential Streets. Minor residential streets shall be laid out so that their use by through traffic will be discouraged.

6. Marginal Access Streets. Where a subdivision borders on or contains a railroad right of way or limited access road right of way, a street shall be located approximately parallel to and at least one lot depth distance from each side of such right of way, or a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts, except where it is deemed necessary that a through street be continued without deflection, or that marginal access streets parallel and adjacent to such right of way be provided. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

7. Natural Features. Streets paralleling streams, rivers, ravines, bluffs or other similar natural features shall be located approximately one lot depth away from such natural feature, in order that the intervening land may be developed into private lots meeting the requirements of this Ordinance. The Village or other appropriate local governmental body shall have been given a sixty-day opportunity to acquire such intervening land for park or playground prior to final plat approval; provided, that approval of the final plat shall not be delayed more than sixty days after the date notice has been given to the Village for reason of their failure to take action.

However, streets paralleling such natural features and so close to them as to leave an intervening strip of land that cannot be developed into lots meeting the requirements of this Ordinance may be permitted; provided, that the intervening land is dedicated to and accepted by the Village of Winnebago, or other appropriate governmental body.

Lake and stream shore subdivisions shall provide one or more streets or right of way, running to the low water mark at one mile intervals as measured along the lake or stream shore, except where streets or right of way already exist at not more than one mile intervals. The subdivider may place use restrictions on these stub streets, to control until such time as a bridge is extended.

8. Reserve Strips. Reserve or “spite” strips controlling access to streets shall not be permitted. Streets shall be located on the edge of or one lot depth away from the edge of the tract.

9. Street Widths. Where not otherwise specified street right-of-way widths shall be not less than sixty-six feet.

10. Half Streets. Half streets shall not be permitted, except to provide right of way for officially adopted planned streets or highways located pursuant to

Village Plan or Ordinance. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract unless the existing half street shall have been vacated prior to final approval.

11. Dead-End Streets. Dead-end streets, as such, shall not be permitted. Temporary dead-end streets due to staged development may be permitted upon approval by the Village, and if approved, shall be provided with a sixty-foot hammerhead turnaround design, or other acceptable design approved by the Village. Cul-de-sacs, designed to be permanent shall not be longer than five hundred feet and shall be provided with a turn around not less than one hundred twenty feet in diameter at the closed end.

12. Street Names. Streets that are extensions of, or obviously in alignment with existing streets, shall bear the names of the existing streets; however, no other street shall bear names which duplicate, or so nearly duplicate as to be confused with the names of existing streets. The term 'boulevard' shall be reserved for streets with divided pavement.

13. Private Streets. Private streets serving more than one residential lot shall not be permitted. The only exception to this provision shall be when the subdivider submits satisfactory evidence that there can be no public interest in such private street.

14. Streets Signs. Street signs shall be paid for and installed by the developer, subject to approval by the Village as to design and location. Street signs shall be consistent with the current Village requirements and shall be of the same type throughout all phases of the subdivision, unless otherwise approved by the Village.

15. Street Lights. The developer shall install and pay for one streetlight at every intersection, and spaced not more than 400 feet apart. The design, location, and installation of all street lighting shall be consistent with current Village requirements, are subject to the approval of the Village, and shall be of the same type throughout all phases of the subdivision, unless otherwise approved by the Village. Any decorative street lighting proposed by developer shall be reviewed and approved by the Village prior to installation.

16. Roadside Mailboxes. Roadside mailboxes shall be grouped in sets of four or more and located on the same side of the street, preferably opposite that of water main or other utility installations. Mailboxes shall be placed per United States Postal Service requirements, and at locations approved by the Village.

C. Alleys.

1. Minimum Alley Width. Twenty Feet.

2. Residential Alleys. Alleys, service courts, and other similar ways shall not be permitted in residential areas, except twenty foot wide alleys will be permitted where the topography of the land prohibits conventional vehicular access, where garage driveways leading directly into heavy traffic are prohibited, or where lots are intended for row or group houses.

D. Blocks. Block lengths (sic) shall not exceed nineteen hundred feet. Excessively short blocks will be discouraged.

E. Lots. All lots shall meet the minimum width, depth and area requirements of the Zoning Ordinance.

Where utility sewer and utility water are not provided outside the corporate limits of the Village of Winnebago the minimum area of any residence lot shall be thirty thousand square feet, except that the minimum area of any lot may be reduced to twenty thousand square feet where the results of tests as prescribed below meet the minimum standards listed below. This minimum area may be further reduced to fifteen thousand square feet where either utility sewer or utility water is provided. The Village Board may further reduce the required minimum area for any subdivision where the developer establishes to the Board's satisfaction based upon the report of a registered professional engineer and the opinion of the health officer, that the public health will be in no way endangered and that the interests of the public will be preserved.

When the plat officer or the Village Board has reason to believe that a particular area should not be subdivided for reason of poor drainage and the possibility of creating health problems, they may require that soil tests be made. If the soil does not meet the minimum percolation rate requirements as specified below, the area in question shall not be subdivided until utility sewer or utility water is provided.

1. Soil Test Supervision.

Soil boring and percolation tests shall be made or be supervised by an engineer, architect or surveyor registered in the state or by a registered sanitarian or a person employed by the plat officer. The person supervising the tests shall certify as to results and correctness of procedure, as outlined in the Subdivision Guide. Blank forms for reporting results and providing certification shall be supplied by the planning commission.

2. Minimum Lot Area Per Percolation Tests.

Where topography and soil conditions permit, lot areas may be reduced according to the following table:

Minutes required for water to fall one inch

Shall (<i>sic</i>) Absorption	Deep Absorption	Lot Area
System Under 15 minutes	System Under 10 minutes	20,000 Square Feet
15 to 60 minutes	10 to 30 minutes	25,000 Square Feet
60 to 90 minutes	10 to 60 minutes	30,000 Square Feet
Over 90 minutes	Over 60 minutes	Utility Sewer Required

3. Business and Industrial Lots. Business and industrial areas shall be subdivided into lots of such size and shape as to meet business or industrial needs. Properties reserved or laid out for commercial and industrial purposes shall be large enough to provide for the off-street loading and parking facilities required by the type of use and development contemplated, and construction thereon shall conform to and be in compliance with the zoning and building code of the Village of Winnebago.

4. Remnants. Subdivisions shall contain no left-over pieces, corners or remnants of land.

5. Corner Lots. Corner lots shall be wide enough so that buildings can conform with building setback lines on both streets.

6. Street Access. Each lot shall be provided with satisfactory access to a public street by means of frontage on such street. No lot shall front on a street that has been designated by the Village Board as a "limited-access road."

7. Building Lines. Residential building setback lines shall be established in accordance with and as provided in the Zoning and Building Code of the Village of Winnebago.

F. Easements. Utility easements not less than five feet wide shall be provided on each side of all rear lot lines and where necessary, along side lot lines. An easement provision, as set forth in Section 4, E ART.V, shall appear on the face of each final plat, and shall extend the full width or length of the lot, as the case may be.

Where the character or topography of the land in a subdivision is such that it is impossible or impractical to place streets so that they carry off the surface

water, the appropriate easements along lot lines shall be provided and improved, where necessary, to carry off surface water in open channels or storm sewers.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, appropriate dedication or easement provisions, with adequate width or construction to accommodate storm water and drainage through and from the subdivision shall be made. Where a drainage way carries water from one hundred or more acres of land, such easement or dedication shall conform to the natural drainage channel. A preserved area no more than three hundred feet wide may be required where the drainage way carries water from five hundred or more acres of land.

Minimum vertical elevations for structures, in the form of vertical building lines, may be required in areas which are or may become subject to flooding by surface water.

G. Public Sites and Open Spaces. An area of at least three and one-half percent (3-1/2%) of the total and unimproved residential area to be subdivided shall be designated as Public Site or Open Space and indicated on the Tentative Plat of any residential subdivision. A detention pond shall not be considered as a public site or open space. A cash equivalent, subject to acceptability and approval of the Village, may be substituted in lieu of the land requirement.

Public grounds for schools, parks or playgrounds shown on any adopted plan are in whole or in part in a subdivision. Appropriate public agencies and governing bodies shall be given a sixty-day opportunity to acquire such property.

No land shall be subdivided which is unsuitable for subdivision by reason of flooding, bad drainage, adverse earth or rock formation or topography, or any other feature likely to be harmful to the health, safety or welfare of the future residents in the proposed subdivision or of the community. Such lands shall remain unsubdivided until such time as the conditions causing the unsuitability are corrected.

Natural features such as trees, brooks, hilltops and views shall be preserved wherever reasonable.

Parks situated in the interior of blocks shall have direct and public access to surrounding streets, and shall be covered by agreements as to maintenance.

ARTICLE VIII

Sec. 1 Enforcement of Ordinance.

Whenever it shall come to the knowledge of any officer or employee of the Village that any of the provisions of this Ordinance have been violated, it shall

be his duty to notify the Village Board of the fact, and the Village attorney shall immediately institute suit, and prosecute the same to final judgment against the person offending.

The building inspector of the Village shall defer granting permits for improvements on property until such time as the plat for such property has been approved and recorded in the manner provided by this Ordinance. No building permit shall be granted except for improvements on land for which a plat has been approved and recorded according to the requirements of this Ordinance or on those parcels of property platted or recorded as separate parcels of property prior to the effective date of this Ordinance.

Sec. 2 Penalties.

Whoever sells, offers for sale, improves by construction of buildings, or leases for any time exceeding five years, any lot, block, parcel, part or division of land in the Village before all the requirements of this Ordinance have been complied with, shall be fined twenty-five dollars for each lot, block, parcel, division or part thereof so disposed of, offered for sale, improved or leased.

Whoever shall lay out, locate, open, widen or extend or alter the location of any highway, road, street, alley, public ground, tollroad, railroad or canal and refuses or neglects to cause a plat thereof, showing the width, courses and extent thereof, and making such reference to known and established corners or monuments that the location thereof may be ascertained, to be made and recorded in the office of the recorder of deeds six months after such highway, road, street, alley, public ground, tollroad, railroad or canal is laid out, located, opened, widened or extended or the location thereof altered, shall forfeit twenty-five dollars, and the like sum for every month he shall continue in such refusal or neglect after conviction therefor.

ARTICLE IX

Validity.

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

ARTICLE X

Effective Date.

This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication, as is by law provided.

APPROVED:

Charles R. VanSickle
President of the Board of Trustees of
The Village of Winnebago, Illinois

ATTEST:

Thomas E. Avery
Village Clerk

PASSED: April 4, 1977
APPROVED: April 4, 1977
PUBLISHED: April 14, 1977