

# KENDALL COUNTY

# ILLINOIS

## Subdivision Control Ordinance

Planning Building and Zoning  
Kendall County Office Building  
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THE KENDALL COUNTY SUBDIVISION CONTROL ORDINANCE

KENDALL COUNTY, ILLINOIS

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**REGULATIONS FOR  
THE DIVISION AND PLATTING OF LAND IN  
KENDALL COUNTY, ILLINOIS**

**SECTION 1.00 LEGAL FRAMEWORK**

- A. Title  
The official title of this ordinance is the "Kendall County Subdivision Control Ordinance" and shall be referred to as "Ordinance" throughout this document.
- B. Effective Date  
This Ordinance shall become effective upon date of execution by all necessary government entities
- C. Authority  
This Ordinance is adopted pursuant to the powers granted and limitations imposed by Illinois State law, expressly including the statutory authority conferred by Chapters 55 and 765 of the Illinois Compiled Statutes

**SECTION 2.00 PURPOSE**

This Ordinance is adopted to:

- A. Protect and promote the health, safety, morals and general welfare of the public.
- B. Implement adopted plans and policies including, but not limited to, the Kendall County Land Resource Management Plan.
- C. Enhance the quality of life for all residents within Kendall County.
- D. Promote environmentally responsible development practices.
- E. Conserve, protect, and enhance property values.
- F. Facilitate the provisions of adequate public facilities and improvements.
- G. Maintain a range of housing choices and options.
- H. Provide for orderly growth and development.

- I. Safeguard the public against flood damage, soil erosion, and sedimentation.
- J. Prescribe reasonable rules and regulations governing subdividing and platting.
- K. Establish clear and efficient procedures for the preparation, submission, approval and recordation of subdivision plats.
- L. Provide remedies for violations and reasonable means of enforcing.

**SECTION 3.00 APPLICATION OF ORDINANCE**

These regulations shall apply to subdivisions of land made within the borders of Kendall County and outside the corporate area of any municipality subsequent to the effective date of this Ordinance. Said subdivisions shall, in all respects, be in full compliance with the applicable regulations hereinafter set forth in this ordinance.

**SECTION 4.00 GENERAL PROVISIONS**

- A. Until preliminary plats and plan for the subdivision are approved:
  - 1. No lot, tract or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale, or option be made or given.
  - 2. No improvements, such as sidewalks, water supply, storm service, electric service, lighting, grading, paving or surfacing of streets shall hereafter be made by any owner or owners or his or their agent or by any public service corporation at the request of such owner or owners of his or their agent.

All offerings or dedications of land to the County for uses as streets, highways, alleys, schools, parks, playgrounds, or other public uses shall be referred to the Kendall County Regional Plan Commission for review and recommendation to the Planning, Building and Zoning Committee (PBZC) for review and recommendation to the County Board and to any other appropriate governing authority of Kendall County for acceptance. B. When a proposed subdivision involves a tract of land that is part of a larger property that has been previously subdivided and said larger property is a logical development, the Kendall County Regional Plan Commission may

require a plan for the entire larger subdivided property to be used as an aid in judging a proposed plat.

#### **SECTION 4.01 INTERPRETATION**

- A. In interpretation and application, the provision of this Ordinance shall be held to be the minimum requirements.
- B. Where the conditions imposed by any provision of this ordinance upon the use of land are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- C. This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements of this ordinance shall govern.

#### **SECTION 4.02 SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

#### **SECTION 5.00 ADMINISTRATION**

ORGANIZATION. Eight offices in the County of Kendall are concerned with the administration of this Ordinance. For purposes of clarity these offices along with their pertinent functions are listed below:

- 1. The Plat Officer. There is hereby created the Plat Officer who shall exercise the authority and have the responsibility provided in this Ordinance. The Plat Officer shall administer the provisions of this Ordinance and, in addition thereto, and in furtherance of said authority, shall:



- a. Maintain permanent and current records of this Ordinance including amendments thereto.
  - b. Receive and file all Preliminary and Final Plats.
  - c. Forward copies of the Preliminary Plats to other appropriate agencies for their recommendations and report.
  - d. Receive and file all Final Plats and check their compliance with the Preliminary Plat.
  - e. Make all other determinations required of him/her by the regulations herein.
  - f. Discourage the subdividing of lands that are far in advance of the needs of the development of the County; or which, by their locations, cannot be efficiently served by public utilities, fire protection, or other community services; or which are located in areas subject to flooding, or are topographically unsuitable for development; or which, for any other reason, are being unwisely or prematurely subdivided.
2. Township Highway Commissioner and County Engineer.
    - a. Review with Plat Officer all preliminary subdivision plans and make determinations concerning street and drainage design standards and engineering specifications as stipulated herein.
  3. Planning, Building, and Zoning Committee (PBZC). Shall review the preliminary plat and final plat and exercise the authority and have the responsibilities provided in this Ordinance.
  4. Kendall County Regional Plan Commission (KCRPC). Shall review the preliminary plat and exercise the authority and have the responsibilities provided in this Ordinance.
  5. Kendall County Soil and Water Conservation District. Shall review the preliminary plat and exercise the authority and have the responsibilities provided in this Ordinance.
  6. Kendall County Health Department. Shall review the preliminary plat and exercise the authority and have the responsibilities provided in this Ordinance.

7. Zoning and Platting Advisory Committee (ZPAC). Shall review the preliminary plat and exercise the authority and have the responsibilities provided in this Ordinance.
8. Sanitary and/or Water Reclamation Districts. Shall review the preliminary plat and exercise the authority and have the responsibilities provided in this Ordinance.

## **SECTION 6.00 RULES AND DEFINITIONS**

In the interpretation of this ordinance, the rules and definitions contained in this section (6.00-6.99) shall be observed and applied, except when the context clearly indicates otherwise.

### **SECTION 6.01 RULES**

- A. Words used in the present tense shall include in 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 word "lot" shall include the words "plot", and "piece", and "parcel".
- E. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

### **SECTION 6.02 DEFINITIONS**

ALLEY. A public right-of-way primarily for vehicular traffic along the side or in the rear of properties which affords only a secondary means of access to abutting properties.

BLOCK. A track of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-ways, bulkhead lines or shore lines of waterways, or corporate boundary lines in the County.

BUILDING. Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure, or protection of persons, animals, or chattels.

BUILDING SETBACK LINES. A line parallel to the street line at a distance from it, regulated by the front yard requirements of the Kendall County Zoning Ordinance.

COUNTY BOARD. "County Board" or "Board" shall mean the elected board members of Kendall County, Illinois.

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

CUL-DE-SAC. A local street having one open end and being permanently terminated by a vehicular turnaround.

EASEMENT. A grant by a property owner for the use of a portion of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

FLOOD PLAIN. Land adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation, including detached ponding areas, etc. The floodplain is also known as the Special Flood Hazard Area (SFHA).

FLOODWAY. The channel and that portion of the floodplain adjacent to a stream or watercourse which is needed to store and convey the anticipated existing and future 100-year frequency flood discharge with no more than a 0.1 foot increase in flood stage due to any loss of flood conveyance or storage and no more than a ten percent increase in velocities.

GROSS LAND AREA. The entire area of a development including lots, streets, and alleys, measured to the center line of any bounding streets.

GROUNDWATER. Water that collects or flows beneath the Earth's surface, filling the porous spaces in soil, sediment, and rocks.

LOT. A parcel of land legally described as a distinct portion or piece of land of record.

LOT, THROUGH. A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

NATIVE VEGETATION. Vegetation that originally occurred in northeastern Illinois prior to arrival of European settlers. Native plant species are identified in Plants of the Chicago Region (Swink and Wilhelm, 1994).

OPEN SPACE. Includes land and water areas retained for active or passive recreation uses and/or for resource protection and generally will be in an undeveloped state.

ORNAMENTAL PLANTINGS. Non-native landscape plant material such as shrubs, flowers, and turf grasses.

PARKWAY. A route intended to be used primarily by passenger vehicles and whose right-of-way is or is intended to be developed in a park-like character.

REGIONAL PLAN COMMISSION. The words, "Plan Commission" or "RPC" as used herein, refer to the Regional Plan Commission of Kendall County, Illinois.

PLANNED DEVELOPMENT. A parcel or tract of land, initially under single ownership or control, which contains two or more principal buildings and more than one principal use - planned and constructed as a unified development where specific regulations of a given zoning district are modified through the issuance of a special use permit.

Planning, Building, and Zoning Committee. "Committee" or "PBZC" shall mean the Planning, Building, and Zoning Committee, a subcommittee of the County Board, as appointed by the County Board.

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

PLAT, FINAL. The drawings and documents presented for final approval as described in this ordinance.

PLAT OFFICER. Unless otherwise appointed by the County Board, the powers and duties of the Plat Officer shall be vested in the Director of the Planning, Building, & Zoning Department of Kendall County, or his/her designees.

PLAT, PRELIMINARY. The drawings and documents presented for tentative approval as described in this ordinance.

PRAIRIE. An extensive area of flat to hilly, predominantly treeless grassland. Prairies comprise those native plant communities that are dominated by a diversity of perennial forbs, or wildflowers, growing in a perennial graminoid, or grass-like, matrix which forms a dry flammable turf in autumn.

RIPARIAN AREA. Land that borders a waterway and provides habitat for wildlife or vegetation dependant on the proximity of water.

ROADWAY. The total width of pavement and shoulders within a street right-of-way intended for vehicular traffic, including all curb and gutter facilities.

SAVANNA. Landscapes with between 10 and 50 percent native tree canopy, commonly dominated by oak trees. (Savanna structure was regularly affected by fires set by Native Americans prior to the arrival of European settlers.)

SIGNIFICANT TREES. Those existing trees on a development site that are worthy of preservation. Tree species, that are in good health, identified in Appendix (4) and having a diameter at 1' (one foot) above grade of 6" or more and 12" or more" or which are identified in Appendix (5) shall be considered worthy of preservation. These lists of significant native trees are derived primarily from "Plants of the Chicago Region" by Floyd Swink and Gerould Wilhelm of the Morton Arboretum and "Kane County Wild Plants & Natural Areas" by Richard Young of the Kane County Forest Preserve District.

STREET. A public way other than an alley, which affords a primary means of access to abutting property.

STREET, COMMERCIAL/INDUSTRIAL. A street or portion thereof which primarily serves commercial or industrial zoned lots.

STREET, LOCAL. A street that generally serves 50 residential lots or less and provides service to travel over relatively short distances. Local Streets include cul-de-sacs.

STREET, MAJOR COLLECTOR. A street of intracounty importance that serves traffic generators such as consolidated schools, shipping points, county parks, important mining or agricultural areas, etc. Major Collectors generally accept traffic from several Minor Collectors or Local Streets and have relatively large volumes of traffic.

STREET, MINOR COLLECTOR. A street, which normally serves greater than 50 residential lots or equivalent, that collects traffic from several Local Streets and connects with other Minor or Major Collectors.

STREET, PUBLIC. Any street which is shown on the subdivision plat and is or is proposed to be dedicated to public use.

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

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

SUBDIVISION. The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development; provided that a division of land which may be ordered or approved by a court or affected by testamentary or interstate provisions, shall not be deemed a subdivision. The term includes re-subdivision, and when appropriate to the context, shall relate to the process of subdividing the land subdivided. The term shall apply to any other development, whether an actual division of property is required or not, and regardless of whether the same is labeled a subdivision or not, including planned development. The term shall apply to a tract of land which has been or is to be developed which includes the installation of on-site public improvements which are intended to be accepted by a public agency for purposes of ownership and maintenance. The provisions of this Ordinance do not apply and no subdivision plat is required in any of the following instances:

- A. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements for access, public utility or drainage purposes.
- B. The division of lots or blocks of less than one (1) acre, if any recorded subdivision which does not involve any new streets or easements for access, public utility or drainage purposes.
- C. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- D. The conveyance of parcels of land or interest therein for use as right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access.
- E. The conveyance of land owned by railroad or other public utility which does not involve any new streets or easements of access.
- F. The conveyance of land for highway or other public purposes or grants of conveyances relating to the dedication of land for

public use or instruments relating to the vacation of land impressed with a public use.

- G. Conveyance made to correct descriptions in prior conveyances.
- H. The division of lots of record as of July 17, 1959, into no more than two (2) parts and not involving any new streets or easements of access, provided that the two (2) parts meet the requirements of the applicable zoning ordinance and all other ordinances of the County of Kendall.
- I. The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimension and configuration of the larger tract on October 1, 1973, and also providing the single lot and the larger parcel meet the requirements of the applicable zoning ordinance and all other ordinances of the County of Kendall.

(Adopted September 21, 1999)

SUBDIVISION, URBAN. Any subdivision in which the average lot size is less than thirty thousand (30,000) square feet, or in which the lot width averages one hundred (100) feet or less, or where the community sewer and water is available within one thousand (1,000) feet or which contains multi-family housing.

SUBDIVISION, RURAL. Any subdivision other than an urban subdivision.

UPLAND. The upland zone is the area immediately adjacent to riparian areas along a creek, wetland or detention/retention pond and can extend for hundreds of feet in width. This upland area provides an important buffer to the riparian habitat, allowing for filtration of pollutants.

VEGETATION ANALYSIS. An identification and mapping of site vegetation conditions according to their natural ecological communities (e.g., prairies, savannas, woodlands, and wetlands) and/or man-made state (e.g., old field, cropland, turf, etc.). For natural areas, a vegetation analysis also involves a concise, qualitative analysis of ecological quality.

WETLAND. An area inundated or saturated by surface water or ground water at a frequency or duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland is defined by COE in the 1987 Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1, U.S.

Army Engineers Waterways Experiment Station, Vicksburg, Mississippi (the "1987 Manual"), or other federally recognized methodology approved by the County;

WOODLANDS. Landscapes with native tree canopy covering more than 50 percent of the surface area. (Some portions of native woodlands were regularly affected by ground fires set by Native Americans prior to the arrival of European settlers.)

## **SECTION 7.00 PROCEDURE FOR APPROVAL AND REQUIREMENTS**

Any owner of land which is within Kendall County and not within the corporate area of any municipality wishing to divide the same into lots or to resubdivide for the purpose of sale or assessment, or both, or wishing to dedicate streets, alleys or other lands for public use, shall follow the procedures and requirements of this Ordinance. Any division, sale, exchange, or conveyance of land not considered a "subdivision" as defined in Section 6.02 of this Ordinance shall be exempt from following the procedures and requirements of this Ordinance.

## **SECTION 7.01 PRE-APPLICATION PROCEDURE**

Prior to filing an application for approval of the preliminary plat, the subdivider may submit to the Plat Officer plans and data as specified below. This step does not require formal application, fee or filing of plans with the County. The subdivider may request a meeting with the Plat Officer, other County Staff or affected Agencies, the Regional Plan Commission and/or the Planning, Building and Zoning Committee in order to discuss the proposed development.

Pre-Application information suggested is as follows:

- A. General Subdivision Information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the submitted plans. This information shall include data on existing covenants, land characteristics such as natural drainage, swamp areas, wooded areas, and ridges; a detailed soil analysis following guidelines described in section 7.03.A.7.c.; available community facilities and utilities; and information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, price range, business areas, school, playground and park areas, and other public areas, proposed protective covenants, and proposed utilities and street improvements.



- B. Sketch Plan on topographic survey shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a free hand pencil sketch made directly on a print of the topographic data and contours of not more than five (5) foot intervals.

#### **SECTION 7.02 PRELIMINARY PLAT OF SUBDIVISION PROCEDURE**

- A. The applicant shall prepare a preliminary plat, which shall include all of the property to be subdivided, properties that are adjacent and considered to be contiguous to the proposed subdivision, together with improvement plans and other supplementary material as specified.
- B. The applicant shall submit to the Plat Officer this Preliminary Plat accompanied with a completed application for a Preliminary Plat of subdivision with the appropriate filing fees.
- C. The application will be placed on the agenda for the next regularly scheduled meeting of the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation.
- D. At the same time, the Plat Officer and the County Engineer will collaborate with the subdivider in assembling plans for the design and construction of streets, drainage systems and other such improvements as may be required by ordinance.
- E. A copy of the application and preliminary plat shall also be submitted, by the applicant, to the plan commission of the township(s) in which the proposed subdivision is located and submit to the nearest municipality, if the corporate limits of the municipality are not more than 1.5 miles from the property lines of the proposed development.
- F. The application shall be reviewed by the ZPAC for compliance with the regulations of this Ordinance and all other ordinances of the County during a regularly scheduled meeting within thirty (30) days of the date of the submittal of the completed application of the preliminary plat.
- G. Following a recommendation by the ZPAC, the application shall be placed on the agenda of the next regularly scheduled meeting of the Kendall County Regional Plan Commission (KCRPC)
- H. The application shall be reviewed by KCRPC for compliance with the regulations of this Ordinance and all other ordinances of

the County within thirty (30) days of the recommendation made by ZPAC provided that all necessary revisions and/or supplemental information requested by ZPAC has been supplied to the Plat Officer.

- I. KCRPC, within a reasonable time after the first discussion of the proposal, shall:
  - 1. Recommend approval or disapproval of the proposed preliminary subdivision plat and record in the official minutes its recommendation, which may include the recommendations of the County Engineer, the County Engineering Consultant, other affected agencies and/or the Plat Officer.
  - 2. If the KCRPC finds that changes, additions or corrections are required on the preliminary plat prior to a recommendation being made by KCRPC, the KCRPC shall so advise the applicant. The applicant may resubmit the preliminary plat with revisions for its consideration at the next available regular meeting of said Commission.
  
- J. Upon recommended approval of the Preliminary Plat by the KCRPC, an application for the final plat of subdivision shall be filed within one (1) year, unless otherwise extended per the provisions of this ordinance per section 7.04.
  
- K. The following qualifications shall govern approval of the Preliminary Plat:
  - 1. Approval of a preliminary plat by the KCRPC is tentative only, involving merely the general acceptability of the layout as submitted. Final approval of the preliminary plat shall be granted by the County Board at the time of final plat approval. An applicant may seek approval from the KCRPC of the preliminary plat simultaneously with the final plat and/or rezoning petition at his/her choosing.
  - 2. The Commission shall require such changes or revisions as are deemed necessary in the interest of the needs of the County.
  - 3. Approval of the Preliminary Plat shall be effective for a maximum period of one (1) year, unless upon application of the developer, the Commission grants an extension. The application for said extension shall not require the submittal of additional copies of the plan of subdivision.

- L. The final approval of the Preliminary Plan is contingent upon payment of all fees for review and approval in accordance with Section 17.00 FEES.

### **SECTION 7.03 PLATS AND DATA REQUIREMENTS OF PRELIMINARY PLAN**

- A. Preliminary data required as a basis for the preliminary plan, in Subsection (B) below, shall include existing conditions as follows, except when otherwise specified by the Planning Commission.
  - 1. Boundary Lines: The exact length and bearing of the exterior boundaries of the subdivision as certified by an Illinois Professional Land Surveyor. (Distances shall be to 1/100 of 1 (one) foot and angles to be to one-half minute). If considered necessary the Plat Officer may require the surveyor to submit his calculations and field notes.
  - 2. Easements: Location, width and purpose.
  - 3. Streets on and adjacent to the tract: Name and right-of-way width and location; type, width and elevation of surfacing; any legally established centerline elevations; walks, curbs, gutters, culverts, etc.
  - 4. Utilities on and adjacent to the tract within 150' of subject property: Location, size of sanitary, storm and combined sewers are not on or adjacent to the tract, indicate the direction and distance to, and the size of the nearest usable facilities.
  - 5. Existing soil characteristics by soil classification conforming to the general soil classification established by the Soils Conservation Service, U.S. Department of Agriculture.
  - 6. If available, the surficial geology.
  - 7. The preliminary plan of subdivision shall be accompanied by:
    - a. A statement that the proposed subdivision (where contiguous) is or is not to be annexed to a municipality.
    - b. Either a preliminary plan for sewer, water and storm sewers and a written statement setting forth general plans for such improvements and indicating the method

to be employed to overcome particular problems that may be encountered with the development of the proposed subdivision.

- c. Where sanitary sewage facilities are proposed to be provided by individual septic systems or other County approved systems, soil mapping, based upon the on-site determination of soil characteristics, shall be conducted by a Certified Professional Soil Classifier. The soil map and report submitted by the soil classifier shall be used to determine the soil suitability for on-site waste water disposal systems as determined by section 10.00.H.2.c of this document and all applicable state and local ordinances. Soil mapping shall be done according to the following criteria:

- (1) There shall be a sufficient number of soil borings (or pits) throughout the proposed acreage to allow extensive mapping of soil characteristics and limiting factors related to suitability for on-site waste water disposal systems. The mapping and overlay of such characteristics shall be of sufficient detail to minimize the potential for inclusions and to determine the existence of suitable soils on each proposed lot. There shall be at least one (1) soil boring (or pit) on each acre of the proposed subdivision. The location of all soil borings (or pits) shall be shown on the soil map and each boring shall be numbered consecutively.
- (2) A two hundred (200) foot grid system will be established. At each grid point a boring (or pit) shall be created. In addition, sufficient additional borings (or pits) shall be required to adequately determine soil boundaries between soil mapping units.
- (3) Soil borings (or pits) shall be created to a minimum depth of five (5) feet. Pits shall be dug with a backhoe and to a minimum width of twenty-four (24) inches.
- (4) Alternative methods of soil investigation shall be at the discretion of the plat officer.
- (5) The Kendall County Departments of Planning, Building and Zoning; and Health

Department, (hereafter described as the Departments) shall be notified at least one (1) week before commencement of on-site investigations so that the department(s) may observe the soil borings (or pits) and sampling procedures, if they so desire. Any on-site investigation conducted without the departments being notified will not be accepted.

(6) A detailed soil map and the logs of each soil series mapped on the site shall be prepared by the soil classifier and submitted with the report. The owner-developer must prove to the satisfaction of the Departments that each lot on the preliminary plan has the required square footage of suitable soil in a continuous location (as determined by section 10.00.G.2.c of this document). Individual and intermediate boring (or pit) locations shall be logged and submitted with the following information:

- (a) date of investigation;
- (b) pit number;
- (c) sample method;
- (d) soil series, map symbol and classification (design group/loading rate);
- (e) parent material;
- (f) percent of slope;
- (g) seasonal water table (in.);
- (h) observed water table (in.);
- (i) depth of moderately slow to very slow permeability layer (in.);
- (j) horizon depth;
- (k) texture;
- (l) structure;
- (m) color and Munsell notation;
- (n) mottles;
- (o) coatings;
- (p) consistency;
- (q) estimated permeability (in./hr.)

(7) The date(s) of all field work shall be documented on the soil maps and report.

(8) The entire proposed subdivision area shall be mapped depicting the soil types present by their corresponding boundaries. This mapping shall be coordinated with site topography depicted at one

(1) or two (2) foot contour intervals at a minimum, and using a 1" = 100' scale.

(9) In addition, a map shall be submitted that depicts areas of seasonal high groundwater, limiting permeability, bedrock or other limiting layers as determined by the soil classifier's observations of the soil characteristics. Long-term monitoring wells, approved by the Departments, may be used to supplement this information. Boundaries of the following areas shall be defined and depicted on the soil map:

- (a) seasonal high groundwater or other limiting layers at less than 12";
- (b) seasonal high groundwater or other limiting layers at 12" to 30";
- (c) seasonal high groundwater or other limiting layers at 30" to 48";
- (d) seasonal high groundwater or other limiting layers at 48" to 60"; and
- (e) seasonal high groundwater or other limiting layers greater than 60".

8. Floodplain, floodways and wetlands within the tract to be subdivided and within 100 feet of the tract to be subdivided.
9. Other conditions on the tract: Water courses, marshes, rock outcrop, wooded areas, isolated preservable trees one (1) foot or more in caliper at one (1) foot above ground level, houses, barns, shacks, and other significant features.
10. Other conditions on adjacent land: Approximate direction and gradient of ground slope, including any embankments or retaining wall, character and location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences, and owner of adjacent unplatted land (for adjacent platted land refer to subdivision plat by name, recording date, and number and show approximate percent built-up, typical lot size and dwelling type).
11. Photographs, if required by the Plat Officer; Camera locations, directions of views and key numbers.

12. Proposed public improvements: Highway or other major improvements planned by public authorities for future construction on or near the tract.
  13. Key plan showing location of the tract.
  14. Title and certificates: Present tract designation according to official records in offices of the County recorder; title under which proposed subdivision is to be recorded with names and addresses of owners, notation stating acreage, scale, and north arrow.
  15. Ground elevation on the tract, based on the N.A.V.D. 88 Datum; show not less than one (1) foot contours
  16. Phasing plan for proposed improvements as applicable.
- B. Preliminary Plat shall be prepared in CAD format at a scale of one hundred feet to the inch (1"=100'). It shall show all existing conditions required in Paragraph A above, Preliminary Data, and shall show all proposals including the following:
1. Streets: Names, right-of-way and roadway widths, approximate grades and gradients, type of construction, similar data for alleys if any.
  2. Other rights-of-way or easements; location, width and purpose.
  3. Location and orientation of Septic System Envelopes on each individual residential lot (if individual lots to be served by private sewage disposal systems).
  4. Location of Well Envelopes on each individual residential lot (if individual lots to be served by a private water well).
  5. Location of proposed components of a community septic system (if applicable).
  6. Location of floodplain.
  7. Lot lines, lot dimensions, lot numbers and block numbers.
  8. Sufficient information to show the intent of surface drainage.
  9. Sites, if any, to be reserved or dedicated for schools, parks, playgrounds or other public uses.

10. Sites, if any for multi-family dwellings, shopping centers, churches, industry, or other non-public uses exclusive of single-family dwellings.
  11. Proposed building setback lines.
  12. Site data, including number of residential lots, typical lot size, acres in parks, etc.
  13. Proposed name of the subdivision.
  14. Location by government lot, section, township and range.
  15. Name and address of developer.
  16. Name and address of the land planner or engineer.
  17. Title, scale, north point and date.
  18. Legal Description.
- C. Other Preliminary Plans. When required by the Plat Officer, the preliminary plan shall be accompanied by profiles showing existing 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 grading, roadway, and sidewalks, and preliminary plan of proposed sanitary and storm water sewers with grades and sizes indicated. All elevations shall be based on the N.G.V.D. 88 Datum.
- D. Draft of Protective Covenants, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.
- E. The County may require the developer to pay for additional environmental, engineering, or planning studies needed to evaluate the impact of a proposed subdivision. Such studies may include, but are not limited to, traffic impact analysis, tree surveys, wetlands evaluation and delineation, flood and drainage studies and other features of the proposed subdivision regulated by the County. The Chairperson of the Planning, Building and Zoning Committee and/or the Kendall County Planning, Building and Zoning Department Plat Officer shall determine the need for additional studies and coordinate retention of qualified experts. The cost and fees for any such studies shall be the responsibility of the applicant in accordance with Section 17.00 FEES.



- F. A septic overlay prepared by a professional engaged in the practice of private sewage disposal system design (if applicable).

#### **SECTION 7.04 FINAL PLAT OF SUBDIVISION PROCEDURE**

- A. An application for the final plat of subdivision shall be filed within one (1) year of the recommended approval from the KCRPC of the preliminary plat.
1. If no application occurs within one (1) year of the recommended approval by KCRPC of the preliminary plat, such recommendation will lapse and be of no further effect unless an extension is authorized by the KCRPC. Such extension shall not exceed one (1) year from the date of expiration of the original (1) year period. Such an extension request shall be made in writing by the applicant and submitted to the Plat Officer to be forwarded to the KCRPC for consideration.
- B. The final plat shall substantially conform to the approved preliminary plat as approved by the KCRPC. If desired by the applicant and to conform to the required construction schedule under Section 10.00.A of this ordinance, the final plat may consist of only that portion of the approved preliminary plat which the applicant proposes to record and develop at the time provided, however, that such portion conforms to all requirements of these regulations.
- C. An application for approval of the final plat including all engineering drawings and specifications, shall be filed with the Planning, Building, and Zoning Department, and ten (10) copies of the petition shall be filed with the Plat Officer or his/her designee. Attached to each copy shall be copies of the supporting documents and exhibits provided for herein.
- D. Accompanying the copy of the application for approval of the final plat shall be four (4) copies of the final engineering plans and specifications prepared, stamped, and signed by an Illinois Registered Professional Engineer shall be prepared as specified, and shall be submitted to the Plat Officer within one (1) year after approval of the preliminary plat; otherwise such approval shall become null and void unless application for an extension of time is made to and granted by the Commission. Such extensions will not require an additional copy of the plat. Engineering plans and specifications must comply with all County Ordinances in addition to the design standards in Section 9 and the improvement standards in Section 10 of this ordinance. Following approval of the final

engineering plans, the applicant shall supply the County with a copy of the approved final version in electronic CAD format, NAD 1983 State Plane Illinois East projected coordinate system, as required by the County.

- E. The Plat Officer or his/her designee shall review the submission to ensure that it complies with the preliminary plat and any comments and conditions governing approval of the preliminary plat.
- F. The application will be placed on the agenda of the next ZPAC meeting.
- G. The application shall be reviewed by the ZPAC within thirty (30) days of the date of the complete original submission of the final plat. A recommendation shall be made by the ZPAC and the minutes of the ZPAC meeting containing such a recommendation shall be submitted to the KCRPC for review and recommendation.
- H. Following a recommendation by ZPAC, the application shall be placed on the agenda for the next regular meeting of KCRPC.
- I. The application shall be reviewed by the KCRPC within sixty (60) days of the ZPAC recommendation provided any necessary revisions or supplemental information requested by the ZPAC have been supplied prior to the KCRPC meeting.
- J. Upon completion of the KCRPC's review of the application, a recommendation shall be made and the minutes of the KCRPC meeting containing such recommendation shall be submitted to the PBZC of the County Board for review and recommendation to the County Board.
- K. After recommended approval of the final plat by KCRPC and the fulfillment of the requirements of these regulations, one tracing of the final plat of the subdivision, drawn in ink on tracing cloth or other suitable media not to exceed 24 inches by 36 inches in size, shall be submitted to the PBZC for review.
- L. The final plat and the preliminary plat previously recommended for approval by KCRPC shall be reviewed by the PBZC within thirty (30) days of the KCRPC recommendation of the final plat provided any necessary revisions or supplemental information requested by KCRPC have been supplied prior to the PBZC meeting.

- M. Upon completion of the review by PBZC of the final plat and preliminary plat, a recommendation shall be made and the minutes of the PBZC meeting containing such recommendation, as well as the recommendation and minutes of KCRPC, shall be submitted to the County Board.
- N. The County Board shall review the preliminary plat and final plat within thirty (30) days of the recommendation made by PBZC. Action shall be taken by the County Board within a reasonable time after the meeting at which the preliminary plat, final plat and all drawings, maps and other documents required have been submitted for the County Board's approval. The applicant and the County Board may mutually agree to extend the County Board's consideration of said plats.
- O. Upon approval of the preliminary and final plat by the County Board, the applicant shall record the final plat with the County Recorder within six (6) months. If the final plat has not been recorded within this amount of time, the approval shall become null & void unless an extension to the recording of the final plat has been granted by the County. Such a request shall be made in writing and submitted to the Plat Officer who will then forward the request to the PBZC for review and recommendation to the full County Board. Immediately after recording, the original tracing shall be filed with the County of Kendall.
- P. The final approval of the Final Plat and the Preliminary Plat is contingent upon payment of all fees for review and approval in accordance with Section 17.00 FEES.

#### **SECTION 7.05 APPLICATION REQUIREMENTS**

- A. The Final Plat shall be drawn in ink on tracing cloth or other suitable media on sheets not to exceed 24 inches by 36 inches and shall be at a scale of 100 feet to the inch (1"=100'). Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Plan Commission. A photostatic copy of the final plat reduced to a scale of four hundred feet to the inch (1"=400') will be submitted to the Commission. The final plat shall be accurately and legibly prepared by an Illinois Professional Land Surveyor, who shall certify that he/she has surveyed, subdivided and platted the land shown and legally described on such final plat. The surveyor shall further certify the number of acres being subdivided, and whether or not the tract is

within a special flood hazard area designated by the Federal Emergency Management Agency, and whether or not the tract is or is not within one and one-half (1 1/2) miles of the corporate limits of a municipality that has adopted an official plan. The final plat shall show the following:

1. Primary control points, approved by the Plat Officer, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
2. Tract boundary lines, right-of-way lines of streets, easements and other right-of-way, the property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radii, arcs, and central angles of all curves.
3. Positions of all lot corners, beginnings and ends of curves and all angle points shall be marked in the field. The material of which all markers are made shall be noted. The applicant shall conform with the following requirements concerning monuments:
  - a. All federal, state, county or official bench marks, monuments, or triangulation stations in or adjacent to the subdivision shall be preserved. When a proposed improvement in a subdivision makes necessary the moving of bench marks, monuments, or triangulation stations, the authority having jurisdiction shall be notified and given sufficient time to take appropriate action;
  - b. Permanent monuments shall be set flush with the adjacent ground, shall have a suitable mark in the center of the top, shall be set in such manner that they will not be moved by frost; and shall be either:
    1. Iron pipe not less than three-fourth inch in diameter and not less than twenty-two (22) inches in length;
    2. Solid square or round iron bars, five-eighths (5/8) inch thick and not less than twenty-two (22) inches in length;
    3. Stone or reinforced concrete, not less than thirty (30) inches long by four (4) inches square or five (5) inches in diameter.
  - c. Permanent monuments shall be erected at all corners or changes in direction of the exterior boundary; at points of curvature or points of tangency; at road intersections and block corners; at all lot corners

and angles in lot lines; and in all places and manner as otherwise prescribed by law.

State law reference -Monuments, Ill. Rev. Stat. Ch. 109, § 1.

1. The exact length and relative direction of all exterior boundary lines, with reference to the boundary controlling system most prevalent in the area of the land being subdivided. All distances shown on final plat shall be expressed in one one-hundredths of one foot and angles and shall be expressed in degrees, minutes, and seconds (if necessary). Sufficient geometrical data shall be given for all lots to enable retracement and restoration of all corner positions in the field. The plat officer may require the surveyor to submit rectangular coordinates of all positions represented on the final plat;
2. Name and right-of-way width of each street or other right-of-way.
3. Location, dimensions, and purpose of any easement.
4. Number to identify each lot or site and block.
5. Purpose for which sites other than residential lots, are dedicated or reserved.
6. Location of proposed components of a community septic system (if applicable).
7. A listing of each lot most likely subject to the installation and subsequent use of a non-conventional private sewage disposal system as a result of locating said lot(s) and associate private sewage disposal system construction envelop(s) over soil(s) deemed unsuitable for conventional private sewage disposal systems (reference section 10.00.H.2.c).
8. Proposed building setback lines on all lots and other sites.
9. Location and description of monuments.
10. Certificates to Accompany Plat: To entitle a Final Plat to be recorded, such certificates as are required by law shall be letter or printed legibly with black, durable ink, or types legibly with black ribbon on the plat. Appendix Two of this ordinance contains examples

of the various certificates. Applicable certificates may be used as they appear in the Appendix.

11. Statement by owner dedicating streets, right-of-way and any sites for public use.
  12. Name of subdivision.
  13. Location by section, township and range.
- B. Complete Final Engineering Improvement Plans including all calculations, studies, reports, models, permit applications and data supporting the adequacy of the final engineering plans. Including, but not limited to, cross sections and profiles of streets showing grades approved by the Plat Officer. The profiles shall be drawn to County standards. The scales and elevations shall be based on the N.G.V.D. 88 Datum.
- C. Protective Covenants in writing.
- D. Construction envelopes representing the locations within each lot in which onsite private sewage disposal systems, and/or private or community water supplies are to be installed, shall be depicted on the final engineering plans, and shall comply with all applicable setback requirements pertaining to the installation of said utilities.
- E. Other Data: Such other certificates, affidavits, endorsements, or dedications as may be required by the Commission, in the enforcement of these regulations.

#### **SECTION 7.06 OTHER PLAT (VACATION, DEDICATION, ETC.) PROCEDURE**

- A. The applicant shall prepare a plat, which shall include all of the property to be vacated or dedicate. County and Township roadways are exempt from this process as there is a separate process for those.
- B. The applicant shall submit to the Plat Officer the Plat accompanied with a completed application for an Other Plat (Vacation, Dedication, Etc.) with the appropriate filing fees.
- C. Plats must be prepared by a registered surveyor or engineer and must include all requirements below:
  - Title
  - Scale of Drawing
  - "North Arrow" showing north at top of the drawing

Location Map

Date of drawing (as well as dates of any and all revisions)

Names of Developer/Owner

Names of Designer/Surveyor

All existing structures on the property and all structures on adjacent properties within 100' of property line

**Utilities on the property and adjacent properties**

Existing easements (location, width and purpose)

Existing streets and other rights-of-way

Topography at 1 or 2 foot contours

Wooded areas (if present)

Natural drainage to, from and on the property

Base Flood Elevation (if present on the property)

Wetlands (if present on the property)

- D. If there are utilities already existing in the easement (any type of easement: drainage, utility, etc.) the petitioner is responsible for relocation, if necessary and must supply the Plat Officer with a relocation plan.
- E. Upon receiving the complete application and reviewed by the PBZ (Planning, Building & Zoning) staff for compliance with the regulations of this Ordinance and all other ordinances of the County the item will be placed on the agenda for the next regularly scheduled meeting of the Zoning, Platting and Advisory Committee (ZPAC) for review and recommendation to the Planning, Building & Zoning Committee (PBZC) of the County Board. After the ZPAC meeting this item will be placed on the agenda for the next regularly scheduled meeting of the PBZ for review and recommendation to the full County Board.
- F. Upon completion of the review by the PBZC a recommendation shall be made and the minutes of the ZPAC & PBZC meeting containing such recommendation shall be submitted to the full County Board.
- G. The County Board shall review the plat within thirty (30) days of the recommendation made by the PBZC. Action shall be taken by the County Board within a reasonable time and the applicant and the County Board may mutually agree to extend the County Board's consideration of said plat.
- H. Upon approval of the plat by the County Board, the application shall record the plat with the County Recorder within six (6) months. If the plat has not been recorded within this amount of time, the approval shall become null & void unless an extension to the recording of the plat has been granted by the County. Such a request shall be made in writing and submitted

to the Plat Officer who will then forward the request to the PBZC for review and recommendation to the full County Board.

#### **SECTION 8.00 AGREEMENTS**

- A. Before approval of any final plat, the developer shall supply the County with a written agreement detailing the specific improvements and obligations for which the developer will be responsible for completing and fulfilling as part of the actual development of the property. The improvements and obligations include the installation and construction of streets and right of way improvements, stormwater management facilities, utilities and all other public and/or private improvements as detailed in the approved final engineering and landscape plans. The agreement shall further address all required donations, contributions and applicable fees that the developer will be responsible for in accordance with the requirements of the ordinances of the County and all other such obligations and improvements required by the County Board in approving the subdivision of the property. The development agreement may state the approximate date when installation of public improvements will commence and a reasonable date for completion of said public improvements. If the development agreement does not otherwise provide a completion date, the improvements shall be completed within the time frames as specified in Section 10.00.A of this ordinance. The agreement shall generally be in the format consistent with Appendix 10 unless approved otherwise by the County Board.
- B. The development agreement shall be binding upon the successors, heirs and assigns of the subdivider and/or developer. The agreement shall be prepared in accordance with the form agreement supplied by the County and approved as to form by the Kendall County States Attorney, draft copies of which shall be required to be supplied as part of the plat application package. The agreement shall be submitted for review and approval to all applicable County or local jurisdictions for review and approval prior to forwarding the agreement and final plat to PBZC for review and recommendation to the County Board for final approval. Amendments to the agreement shall be subject to review and recommendation by the Planning, Building and Zoning Committee with final review and approval by the County Board. No amendment shall be valid and entitled to recording unless it is approved by the County Board.
- C. The land owner shall agree, as part of the development agreement, not to object to the formation of an SSA for the purpose of maintenance of any improvement or facility required



or proposed as a result of the final plat or final engineering plan. Such agreement shall be binding on successors, heirs and assigns.

#### **SECTION 9.00 DESIGN STANDARDS**

A. In laying out a subdivision, the subdivision plat and plans shall conform to:

1. All applicable ordinances and policies of the County of Kendall including Zoning, Soil Erosion, Flood Plain, Land-Cash, Stormwater, Private Sewage Disposal and Potable Water Supply.
2. Applicable laws, rules and regulations of the State of Illinois and duly constituted agencies thereof.
3. In all cases where a subdivision lies within one and one-half (1 ½) miles of the corporate limits of a city or village, the subdivision shall also conform to applicable subdivision ordinances and official plans of that city or village unless the city or village waive their right to impose their subdivision requirements in writing.

In all instances where a requirement of this ordinance, or other applicable ordinances of Kendall County, is similar to, or in conflict with, other provisions of the ordinances of that village or city, the most restrictive shall apply and prevail. The Plat Officer shall determine which requirements will be considered most restrictive.

4. The Kendall County Land Resource Management Plan, Transportation Plan, Fox River Corridor Plan, Wikaduke Corridor Plan, Water 2050 Northeastern Illinois Regional Water Supply/Demand Plan, Kendall County Trails and Greenways Plan and the currently version of the IDPH Private Sewage Code.

B. Subdivisions shall comply with the following design standards:

1. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features. Design of the development shall specifically conserve and enhance key natural environmental assets. The County

Board shall require that appropriate means be established to preserve such assets, including:

- a. Floodways and 100-year flood plains as defined by current Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA).
- b. Unique and/or fragile areas such as seeps, natural drainage ways and wetlands under U.S. Army Corps of Engineers jurisdiction, defined by the national Wetland Inventory Maps or as defined by this ordinance, areas designated by the Illinois Department of Natural Resources, the U.S. Army Corps of Engineers, or field verified by on-site inspection.
- c. Steep slopes in excess of 20% as measured over a 10-foot interval unless appropriate engineering measures concerning slope stability, erosion and resident safety are taken.
- d. Habitats for endangered species as identified on federal or Illinois Department of Natural Resource inventories.
- e. Historically significant structures and sites listed on federal or state lists of historic places. Existing structures reminiscent of Kendall County's agricultural heritage should also be conserved to the fullest extent practical.
- f. At least 70% of all significant trees located outside existing and proposed rights-of-ways and drainage and utility easements shall be protected from construction activity (see Appendix 4 & 5 for listing of Significant Trees). Significant trees required to be protected shall be appropriately marked and fenced (silt and construction) to prevent the intrusion of development activities, the accumulation of soil erosion sediment or any other destruction of such protection areas during construction. Those trees within the immediate construction area shall have fencing erected at a minimum of five (5) foot radius centered on the trunk of the tree.
- g. Septic fields shall not be located in floodplains.

2. Maintenance or creation of a buffer of native species vegetation of at least 25 feet in depth adjacent to wetlands under U.S. Army Corps of Engineers jurisdiction, defined by the national Wetland Inventory Maps or as defined by this ordinance and adjacent to the high water limit of surface waters, including creeks, streams, lakes and ponds.
  3. Design around existing hedgerows, treelines and large woodlands (greater than one acre), especially those containing many mature trees or a significant wildlife habitat. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development.
  4. Common open space areas shall generally abut existing or potential open space land on adjacent parcels. Such subdivision open space shall be designed as part of larger contiguous and integrated greenway systems, as per the policies in the Land Resource Management Plan.
  5. Protect rural road side character and maintain or create scenic views and vistas as seen from public thoroughfares. Except within a planned unit development or RPD, new primary structures shall be setback a minimum distance of 150 feet from the centerline or 100 feet from the edge of a road right-of-way which ever is greater, along any road designated as a scenic route on the Kendall County Transportation Plan. (Amended October 18, 2005 per Ordinance #2005-59)
  6. Trees shall be provided at retention/detention ponds and along both sides of new streets (outside of public rights-of-way). Trees along both sides of the streets should be 1 tree per 60 feet and plated before the certificate of occupancy is released.
- C. Appropriate means of stormwater management facilities and open space ownership and maintenance shall be provided consistent with the following standards:
1. Responsibility. Prior to the final approval of any Residential Planned Development, the public or private ownership and maintenance responsibilities for stormwater management facilities and all common open spaces shall be established by the developer and approved by the County. Public ownership shall be either the County, the Forest Preserve District, a Park District, Township, or State. Private ownership shall be a Property Owner's Association

duly established by articles of incorporation and bylaws, in or accordance with the Illinois Condominium Property Act, or an approved private conservation organization. The instrument of conveyance shall include covenants running with the land to guarantee the stormwater management facilities and common open space will be properly cared for and used only for purposes designated in approved final Residential Planned Developments. All projects that include stormwater management facilities or open spaces shall have a backup maintenance SSA established to provide a funding source for maintenance activities.

2. County Authority. In the event that any portion of the property shall be developed under the Illinois Statutes relating to condominiums, the covenants, conditions and restrictions shall include a provision whereby the County shall have the right, but not the obligation, to enforce covenants or obligations of the association or the owners of the units as defined and provided within the declaration of Condominium, and further shall have the right, upon thirty (30) days prior written notice specifying the nature of a default, to enter upon stormwater management facilities and common open spaces and cure such default, or cause the same to be cured at the cost and expense of the association or the owner(s) thereof. The County shall also have the right to charge or place a lien upon the property of the condominium association for the repayment of such costs and expenses, including reasonable attorney's fees, in enforcing such obligations. The declaration shall further provide that this provision may not be amended without County approval. Prior to recording, the finalized Declaration of Condominium shall be submitted to the County for their approval.
3. Management Plan. To insure appropriate long term maintenance of stormwater management facilities and common open spaces the developer shall submit a detailed open space management plan describing the method and schedule of maintenance prior to approval of the final plat for the first phase of development (Refer to Appendix 9 for Management Plan Requirements).
4. Dedication of Easements. The County may, but shall not be required to, accept easements for public use of any portion or portions of stormwater management facilities and common open space land, title of which is to remain

in ownership by condominium or homeowners' association, provided:

- Such land is accessible to County residents;
- There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
- A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association, and the County.

5. Transfer of Easements to a Private Conservation Organization. With the permission of the County, an owner may transfer easements to a private, nonprofit organization, among whose purposes is to conserve open space and/or natural resources, provided that:

- The organization is acceptable to the County, and is a recognized conservation organization with perpetual existence;
- The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its function; and
- A maintenance agreement acceptable to the County is entered into by the developer and the organization.

#### **SECTION 9.01 PUBLIC SITES AND OPEN SPACES**

- A. Where a proposed park, playground, school or other public use area is shown in whole or in part within a subdivision on the Land Resource Management Plan, on the municipal comprehensive plan or as otherwise required by the County, appropriate public agencies and governing bodies shall be given an opportunity to begin, within one (1) year from the date of recording the Final Plat, procedures to acquire said acreage.
- B. Where deemed essential by the County Board, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the County Board may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other neighborhood purposes.

- C. Suitability of land: The developer shall be responsible for improving the public site so that it is safe and useable for its public purpose.
- D. Interior Parks: Parks situated in the interior of blocks shall have direct and public access to surrounding streets by an easement at least 30 feet wide or through direct dedication of park land to a public entity.

## **SECTION 9.02 STREETS**

- A. All streets shall be considered in the relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their relation to the proposed uses of the land to be served by such streets.
- B. Streets shall be laid out and designed consistent with all standards set forth in Appendix 8 - Minimum Standards for Street Design.
- C. Where such is not shown as a part of officially adopted street or highway plans, the arrangement of streets in a subdivision shall either:
  - 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding area; or
  - 2. Conform to a plan for the area or neighborhood approved or adopted by the Plan Commission to meet a particular situation where topographical or other conditions make continuation or conformance to existing streets impractical.
- D. Where a subdivision abuts or contains an existing or proposed highway or major thoroughfare, the Plan Commission may require marginal access streets; double frontage with screen planting contained in a non-access reservation at least 10 feet wide, along the rear property line; deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- E. Reserve strips controlling access to public utilities, streets, or alleys shall be prohibited.
- F. All street intersections and confluences should encourage safe traffic flow.

- G. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.
- H. Tangents shall be introduced between reverse curves or same direction curves in accordance with IDOT design policies. Roadways with curves shall be superelevated in accordance with IDOT design policies.
- I. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure clear sight distances (see Appendix 8).
- J. Streets shall be laid out so as to intersect at right angles. Requests for intersection skew of less than ninety (90) degrees will be considered on a case by case basis. In no case shall a street intersect any other street at less than seventy (75) degrees.
- K. Street right-of-way width shall be as specified in Appendix 8.
- L. Half-streets shall be prohibited with the following exception. Wherever an existing half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- M. Cul-de-sac designed as a permanent facility, etc. Every effort should be made to minimize the number of cul-de-sacs. The length of a cul-de-sac shall normally not be longer than one thousand (1,000) feet. It shall be provided at the closed end with a paved turnaround having an outside pavement diameter of at least ninety (90) feet and a street property line diameter of at least one hundred and thirty six (136) feet for Local Streets. Cul-de-sacs on Commercial/Industrial Streets shall have an outside pavement diameter of one hundred (100) feet and a street property line diameter of at least one hundred forty six (146) feet.
- N. No street names shall be used which will duplicate or be confused with names of existing streets. Existing street names shall be projected wherever possible. Street names shall be subject to the approval of the Plat Officer.
- O. Street gradients and vertical curves shall be as specified in Appendix 8.
- P. Street grades shall provide proper relation between the street and the first floor elevation of the houses or buildings and

permit convenient and economical access to and drainage of the lots.

- Q. All roadway geometry (horizontal and vertical), intersections and access locations shall conform to sight distance requirements in accordance with IDOT policy.
- R. Refer to Section 10.H.1 for construction standards related to Streets.

### **SECTION 9.03 - ALLEYS**

- A. In commercial, business and industrial districts, definite and assured provisions shall be made for service access such as off-street loading, unloading, and parking consistent and adequate for the uses proposed. If, in the opinion of the Plan Commission such facilities are not adequate, the Plan Commission may permit or require the dedication and improvement of a public alley.
- B. Alleys in residential areas shall not be permitted, except where deemed necessary and on the recommendation of the Plan Commission.
- C. Width of an alley, where permitted or required, shall be twenty (20) feet in residential areas and thirty (30) feet in commercial and industrial districts.
- D. Alley intersections and sharp changes in alley alignment shall be avoided.
- E. Dead-end alleys shall be avoided where possible, but if unavoidable, they shall be provided with adequate turnaround facilities at the dead-end, as determined by the Plan Commission.
- F. Refer to Section 10.H.1 for construction standards related to Alleys.

### **SECTION 9.04 - EASEMENT**

- A. Utility and drainage easements shall be provided at the rear of all residential lots and along the side lot lines where required. Such utility easement shall be a minimum five (5) feet wide, ten (10) feet on the rear of each lot or a minimum to maintain the utility or drainage function of the property in accordance with the size and depth of utility or drainage route.



- B. Where a subdivision is traversed by a water course, drainageway, channel or stream, or other body of water, appropriate dedications or easement provisions, with adequate width or construction to accommodate observed, computed or anticipated storm water drainage through and from the subdivision, shall be made. The width of the easement or dedication shall be dependent on the area of land drained by the water course and to allow access for construction and maintenance equipment.
- C. A screen-planting easement may be required between residential and commercial or industrial lots, or along lot lines to discourage the undesirable development of residential lots fronting on traffic arteries (See section 11.02.F.8 of the Zoning Ordinance).
- D. Whenever any street planned to be continuous has been temporarily dead-end awaiting subdivision of adjacent land, a turnaround shall be provided by means of an easement which will terminate upon extension of said street. The dimensions of such turnaround shall meet the requirements of 10.00.H.1.c.
- E. Provide stormwater easements where needed in accordance with certificate number 18 in Appendix Two.

**SECTION 9.05 - BLOCKS**

- A. The lengths, widths, and shapes of blocks shall be determined with due regard to:
  - 1. Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
  - 2. Zoning requirements as to lot sizes and dimensions of Kendall County.
  - 3. Needs for convenient access, circulation, control and safety of street traffic.
- B. Block lengths shall not exceed fifteen hundred (1,500) feet in one general direction and should not be less than five hundred (500) feet.
- C. Pedestrian crosswalks not less than ten (10) feet wide shall be required where deemed necessary by the Zoning, Platting and Advisory Committee to provide for pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

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

**SECTION 9.06 - LOTS**

- A. The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- B. Lot dimensions and areas shall conform to the requirements of the Kendall County Zoning Ordinance. In addition to lot size requirements of the Zoning Ordinance, those lots intended to be served by individual septic systems shall be sized and designed to accommodate a required septic envelope (see Section 10.00.H.2.c).
- C. Lots abutting a water course, drainageway, channel or stream shall have a minimum width or depth as required to provide an adequate building site and to afford the minimum usable area required in this ordinance or Kendall County Zoning Ordinance for front, side and rear yards, and shall not infringe upon the character and utility of the stream.
- D. All corner lots shall be sufficiently larger than others so as to allow equal building lines on both streets. A minimum building setback line shall be maintained.
- E. All lots shall abut on a publicly dedicated street unless access by a private shared driveway or private roadway has been approved by the County and is in conformance with the Subdivision and Zoning Ordinances (see section 10.00.H for design standards).
- F. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from highways or arterial or collector thoroughfares or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of vehicular access, shall be provided along the rear lot lines of lots abutting such highways and major thoroughfares.
- G. Side lot lines shall be substantially at right angles or radial to street lines.

## **SECTION 9.07 - BUILDING SETBACK LINES**

Except as provided under Section 9.00.B.5, building setback lines in residential areas of new subdivisions shall conform to the yard provisions of the Kendall County Zoning Ordinance. (Amended October 18, 2005 per Ordinance #2005-59)

## **SECTION 10.00 - REQUIRED LAND IMPROVEMENTS**

### **PROCEDURE**

#### **A. Construction Schedule**

1. Prior to starting any work covered by the approved plans and specifications, written authority to start the work in the form of a Site Development Permit shall be obtained from the Plat Officer. Authorization to begin work will be given upon recording of the approved final plat, receipt of all necessary permits, and establishment of the required financial sureties to guarantee the satisfactory completion of the required improvements.
2. In addition, prior to the start of any work, the subdivider must schedule and coordinate a Preconstruction Meeting. (Refer to the Subdivision Pre-Construction Meeting Checklist in Appendix 6 of this ordinance).
3. Construction of all improvements required by this ordinance must be substantially complete within 24 months from the date of the Site Development Permit issued by the Plat Officer. Substantial completion shall be defined as all improvements completed with the exception of the final pavement surface, sidewalks adjacent to lots with a residential use and parkway trees or landscaping. Final restoration may also be deferred beyond 24 months if weather conditions do not allow for planting. However, temporary overseeding must be completed and erosion controls established and final restoration must be completed in accordance with National Pollution Discharge Elimination System (NPDES) requirements or County erosion control standards, whichever is more restrictive. In the event of an exceptional hardship, the time frames set forth herein may be extended, provided the developer supplies a written request to the plat officer detailing the specific circumstances that prevent compliance. Such request shall be reviewed by the Plat Officer, the County Engineer and Township Highway Commissioner for development of a recommendation to the PBZ Committee for action. After reviewing the

request, the PBZ Committee shall have the authority to grant or deny such extension.

4. The subdivider shall notify the Plat Officer in writing upon substantial completion at which time the County Engineer shall cause to be created a preliminary punchlist of deficiencies. Subdivider shall address all deficiencies prior to construction of the final pavement surface unless otherwise approved by the PBZC.
5. Subdivider shall be responsible for maintenance of the subdivision in accordance with this ordinance until final acceptance by the County Board. The County Engineer may cause to be issued additional lists of deficiencies to be addressed prior to final acceptance by the County Board.
6. Construction of the final pavement surface shall not commence until the roadway has been in place for one full winter season. For subdivisions with curb and gutter the final pavement surface shall be installed within 1 year after the date of issuance of the Site Development Permit. For Rural Subdivisions with country roads and ditches it is preferred that roadway final surface course not be placed until 50% of the building foundations are completed. However, the surface course shall be completed no later than 24 months after the date of issuance of the Site Development Permit, weather permitting and unless an extension is granted by the PBZ Committee as outlined under sub-paragraph 3 above. Construction of the final pavement surface shall not commence until written authorization is issued by the County Engineer that all previous deficiencies have been addressed by the subdivider unless otherwise approved by the PBZC.

B. Construction Surety

1. Prior to the start of any work, the subdivider shall post with the Clerk of the County of Kendall, a cash escrow, bond, irrevocable letter of credit, surety bond, or letter of commitment issued by a bank, savings and loan association, surety, or insurance company deemed acceptable to the State's Attorney of Kendall County in an amount equal to 125% of the full costs of the required improvements as estimated by a Registered Professional Engineer and approved by the Plat Officer or 110% of the full costs of the required improvements provided in line item format in a construction contract entered into between the subdivider and a contractor or contractors licensed in the State of Illinois. Such line item

contract shall be approved by the Plat Officer. (Amended 5.19.15)

C. Construction Observation

1. During the course of construction, at such times as shall be deemed necessary within customary good practices of engineering and construction, observation of work shall be made for compliance with the plans and specifications as approved.
2. Construction Observation shall include, but are not limited to:
  - a. Observation of established soil erosion and sediment controls and NPDES documentation compliance prior to start of earthwork on site.
  - b. Periodic observation of general earthwork and roadway subgrade preparation.
  - c. Daily observation of underground utility and drainage improvement installation.
  - d. Observation of roadway subgrade prior to construction of base course.
  - e. Observation of base course prior to construction of bituminous concrete or concrete curb and gutter where applicable.
  - f. Observation of placement of bituminous concrete binder and surface pavement.
  - g. Periodic observation of trail and/or walkway system construction.
  - h. Periodic observation of final restoration and landscaping.
  - i. Periodic observation of lighting appurtenances.
  - j. Periodic site observation as needed following substantial completion to verify maintenance of site and soil erosion controls.
  - k. Periodic observation to develop list of deficiencies as deemed necessary.
  - l. Final observation of all subdivision improvements to determine recommendation for final acceptance by County Board.
3. The Subdivider shall provide the County or their designated representative charged with construction observation 48 hour notice of start, suspension and/or re-commencement of actual construction operations.
4. The subdivider shall pay all costs of inspections in accordance with Section 17.00 FEES. The fee shall be the

actual cost to the County, Township or appropriate authority, of inspectors, engineers, and other parties necessary to insure satisfactory work.

D. As-Built Plans:

After completion of all public improvements, and prior to final acceptance of said improvements, the subdivider shall make, or cause to be made, final as-built record plans as described below. Four sets of full-size (22" by 34" minimum) paper format bearing the signature and seal of an Illinois Registered Professional Engineer shall be submitted for review purposes. Upon approval of the As-Built Plans one set of full-size (22" by 34" minimum) plans on mylar, or other suitable media as determined by the County, bearing the signature and seal of an Illinois Registered Professional Engineer, one electronic (CAD) format, NAD 1983 State Plane Illinois East projected coordinate system of as-built plans shall be filed with the plat officer and one pdf format of the as-built plans shall be filed with the Highway Department. The presentation of these as-built record plans shall be a condition of final acceptance of the improvements, and release of the financial guarantee assuring their completion. As-Built Plans shall be prepared in accordance with the following requirements and the checklist found in Appendix Eleven.

1. Stormwater Management Facilities: After completion of stormwater management facilities and prior to acceptance of said improvements (excepting final landscaping and short-term maintenance) the subdivider shall make or cause to be made, a detailed one foot contour topographic survey and engineering plans of said facilities to verify final dimensions and volumes required under the approved engineering plans and calculations have been provided. A comparison table of approved versus as-built volumes for each foot of detention volume elevation shall be provided. The presentation of these plans shall be a condition of final acceptance of the improvements, and release of the cash escrow, cash bond, irrevocable letter of credit, surety bond, or letter of commitment assuring their completion. (Amended 5.19.15)
2. Infrastructure Improvements: After completion of all public improvements, and prior to final acceptance of said improvements, the subdivider shall make, or cause to be made, engineering plans showing the actual location, size, and elevation of all structures and associated piping inverts; culvert location, size, and invert elevations; ditch line location and grade at maximum 100

foot intervals; vertical and horizontal alignment of roadway centerlines; street lighting locations and electrical cable routing; and electric, gas, telephone and other private utility locations and routing. The presentation of these plans shall be a condition of final acceptance of the improvements, and release of the cash escrow, cash bond, irrevocable letter of credit, surety bond, or letter of commitment assuring their completion. The as-built plans shall be filed with the Plat Officer. (Amended 5.19.15)

E. Survey Monuments: All permanent and other monuments required under Section 10.00.J of this Ordinance shall be placed prior to the approval of the Final Plat.

F. Acceptance of Dedication, Improvements

1. Final acceptance of the dedication of an open space or other public area shall be the responsibility of the County Board or other governing body and shall only be accepted by resolution of the Board as a whole. Prior to final acceptance, the subdivider shall be responsible for the maintenance of all roadways, including snow plowing, and shall be held responsible for all other subdivision improvements.
2. Final acceptance of the subdivision improvements shall require the submission of a written recommendation to the Plat Officer from the County Engineer, County Consulting Engineer and any governmental entities responsible for the acceptance and future maintenance of said improvements certifying that all of the required improvements have been inspected and found to be satisfactorily completed. Such recommendations and approval shall be dependent on presentation of proof of responsibility for the maintenance and operating costs of all community improvements.
3. Upon receipt of such documentation, the Plat Officer shall be authorized to notify the developer and arrange for the posting of the required maintenance surety in the appropriate format and amount necessary to cover the one year maintenance period as specified in Section 10.00.G of this ordinance.
4. The Acceptance of any Public Improvement is contingent upon payment of all fees for review and construction observation in accordance with Section 17.00 FEES.

G. Maintenance Guarantee

Upon completion of the improvements acceptance thereof by all relevant authorities the improvements shall thereafter be maintained by the appropriate corporate authorities, providing however, for a period of 12 months following the acceptance as above provided the subdivider shall be responsible for the continued condition of said improvements as accepted. In the event failure occurs in the improvements the subdivider shall restore the improvements to the criteria specified in this Ordinance. To assure responsibility the subdivider shall, prior to acceptance of the improvements as outlined in Section 10.00.F of this ordinance, deposit with the Clerk of the County of Kendall a cash escrow or cash escrow, cash bond, irrevocable letter of credit, surety bond, or letter of commitment acceptable to the State's Attorney's office of Kendall County in an amount not less than ten percent (10%) of the total cost of all improvements, which deposit may be used by the County to restore the improvements in the event such are not addressed by the subdivider within 12 months following acceptance of the improvements by all relevant authorities. Upon receipt of said maintenance surety, the Plat Officer shall be authorized to return the original financial surety(ies) posted to guarantee the satisfactory completion of the required improvements to the developer or issuing financial institution. (Amended 5.19.15)

H. Design Standards

For the purposes of this Section there shall be two (2) classifications of subdivision, urban and rural, as defined in Section 6.02. The improvements which will be required will be dependent on the type of subdivision as herein described, except that the Plat Officer may, at any time, recommend the requirement of additional improvements, or the waiving of the requirement of certain improvements provided his recommendations be submitted in writing, based on the peculiar circumstances of the subdivision under consideration.

The following table indicates the improvements required in each of the two types of subdivision. However, this table is intended only as a general guide, and the remainder of this Section should be examined carefully to determine the exact improvements and their design:

Improvements

<u>Subdivision</u>	<u>Urban Subdivision</u>	<u>Rural</u>
I-11	X	X
Curbs	X	O



Gutters	X	O
Public Sanitary Sewer Systems	X	O
Storm Sewers / Culverts	X	X
Public Water Supply Systems	X	O
Street Lights	X	X
(located at every intersection for a Rural Subdivision)		
Sidewalks	X	O
Street Signs, Guard Rails, etc.	X	X
Grass Storm Water Drainage Ditches	O	X
Stormwater Management	X	X

(X)= Required

(O)= May be required

Design Standards specified in this Section are also the minimum considered necessary for the general health, welfare, safety, and convenience of the public. Any improvements may be built to equal or better standards of quality than these set forth in this Ordinance. All construction activities shall comply with Kendall County Soil Erosion and Sediment Control Ordinance and National Pollution Discharge Elimination System (NPDES) requirements.

#### 1. Streets

- a. Permanent R.O.W. widths and pavement widths shall be as established in the Table of Minimum Standards for Street Design (Appendix 8), or as directed by the County Engineer.
- b. Bituminous materials for all streets shall comply with the latest edition of Illinois Department of Transportation, Standard Specifications for Road and Bridge Construction. Hot Mix Asphalt Surface and Binder courses shall conform to section 406 of the Standard Specifications. Full depth Hot Mix Asphalt Pavement shall conform to section 407 of the Standard Specifications. Aggregate sub-base, base course, and surface course shall be 100% crushed limestone, Type B. All materials and mix designs shall be approved by the County Engineer prior to construction.
- c. Cul-de-sacs shall meet all the requirements for a Local Street and shall conform to the requirements of 9.02.M. In Rural Subdivisions where a street is to be extended, a "T" may be used, the "cross" of which shall be a right angle to the street, twenty (20) feet in width, and paved all the way to the

R.O.W. line on each side of the street. The T-turnaround shall consist of the same pavement section as the local street. The T-turnaround shall be removed by the subdivider when the street is extended.

- d. Alleys: Alleys provided to serve business, commercial, or industrial uses shall be constructed in accordance with the Commercial/Industrial Street specifications; however, the paved surface may be only twenty-four (24) feet of the thirty (30) foot right-of-way.
- e. Curb and Gutter: Concrete curb and gutter shall be provided along the outside edge of all street pavements in Urban Subdivisions, and in Rural Subdivisions where the degree of slope exceeds six (6) percent. Curb and gutters shall be built in accordance with IDOT Highway Standards.
- f. Refer to Sections 9.02 and 9.03 for design standards related to Streets and Alleys.

## 2. Sanitary Sewage System

- A. There shall be provided a complete sanitary sewer system including a service connection for each lot and a sewage treatment plant or disposal facilities, which services the subdivision in an Urban Subdivision.
- B. All community sanitary sewer systems shall be designed and constructed in accordance with the master plan of sanitary sewers for the county or municipality.
- C. In any subdivision not meeting the conditions of an Urban Subdivision, individual sewage disposal systems may be installed provided;
  - (1) A septic envelope shall be accounted for on each lot to be served by a private sewage disposal system. These envelopes shall be sized based on the soil reports prepared by a Certified Professional Soil Classifier as per section 7.03.A.8.c of this document.

Each soil boring in the report shall be broken into horizons that describe different features

of soil at varying depths. Each soil horizon is categorized by a "design group" and/or a "loading rate". Either category may be used to predict soil permeability. Soil design groups shall be expressed in Roman numerals I-XII or in Loading Rates 1-0. The soil reports shall be read on the premise of the worst case scenario (highest design Roman numeral or lowest loading rate number) down to a minimum of 42" below grade. This soil design group or loading rate number is then considered to represent the soil boring. Using this information, the applicant shall identify trends throughout the proposed subdivision and design lots sized accordingly to accommodate the varying septic field envelope sizes. The relationship between the soil design group or loading rate data and the appropriate septic envelope size is depicted in the chart below\*.

SOIL GROUP/ LOADING RATE	LAND AREA REQUIRED FOR SEPTIC SYSTEM		
	3 BEDROOMS	4 BEDROOMS	5 BEDROOMS
XI / 0.27	20,000 ft <sup>2</sup>	22,000 ft <sup>2</sup>	24,000 ft <sup>2</sup>
X / 0.40	13,513 ft <sup>2</sup>	14,864 ft <sup>2</sup>	16,216 ft <sup>2</sup>
IX / 0.45	12,027 ft <sup>2</sup>	13,229 ft <sup>2</sup>	14,432 ft <sup>2</sup>
VIII / 0.52	10,405 ft <sup>2</sup>	11,356 ft <sup>2</sup>	12,486 ft <sup>2</sup>
VII / 0.62	8,783 ft <sup>2</sup>	9,662 ft <sup>2</sup>	10,541 ft <sup>2</sup>
VI , 0.69	7,838 ft <sup>2</sup>	8,621 ft <sup>2</sup>	9,405 ft <sup>2</sup>
V / 0.75	7,162 ft <sup>2</sup>	7,878 ft <sup>2</sup>	8,595 ft <sup>2</sup>
IV / 0.84	6,486 ft <sup>2</sup>	7,135 ft <sup>2</sup>	7,784 ft <sup>2</sup>
III / 0.91	5,946 ft <sup>2</sup>	6,541 ft <sup>2</sup>	7,135 ft <sup>2</sup>
II / 1.0	5,405 ft <sup>2</sup>	5,946 ft <sup>2</sup>	6,486 ft <sup>2</sup>

\*The above referenced figures do not account for additional envelope space required to accommodate onsite sewage disposal system(s) designed and intended to receive wastewater produced by kitchen garbage grinders and hot tubs.

- (2) Private restrictions are filed with the Final Plat and incorporated in each deed requiring that as soon as public sewers are available, connections to the public sewers shall be made within one (1) year at the property owner's expense, and that owners shall bear their fair proportionate share of the cost of the public sewer as determined by agreement, special assessment proceedings, or other means

authorized to finance construction of sewer systems.

- (3) A construction envelope intended to accommodate the installation of an onsite sewage disposal system, positioned over one or more of the following listed unsuitable soil(s), may necessitate the installation of a [non-conventional] onsite sewage disposal system. Therefore, any and all lots positioned and to be platted over said soil(s) shall be called out on the Final Plat in a format or manner that provides future lot owner(s) advanced notification of the potential existence of said limitation(s), and the potential need to install a [non-conventional] onsite sewage disposal system (see section 7.05 A.8.).

<u>MAP SYMBOL</u>	<u>MAP UNIT NAME</u>	<u>REASON TO BE AVOIDED</u>
44A	Pella silty clay loam	Bedrock
67A	Harpster silty clay loam	Wet
69A	Milford silty clay loam	Wet
88D	Sparta loamy sand (6 to 12% slopes)	Sandy
103A	Haughton muck	Wet, organic
152A	Drummer silty clay loam	Wet
191A	Knight silt loam	Wet
206A	Thorp silt loam	Wet
210A	Lena muck	Wet, organic
232A	Ashkum silty clay loam	Wet
235A	Bryce silty clay	Wet
318C2, D2	Lorenzo loam	Gravel
324B, C2	Ripon silt loam	Bedrock
325A, B	Dresden silt loam	Gravel

327B,C2	Fox silt loam	Gravel
330A	Peotone silty clay loam	Wet
356A	Elpaso silty clay loam	Wet
802B	Orthents, loamy, undulating	Manipulated, fill
820E,G	Hennepin-Casco complex	Gravel
864	Pits, quarry	Rock
865	Pits, gravel	Gravel
969E2,F	Casco-Rodman complex	Gravel
3082A	Millington silt loam	Frequently flooded
3107A	Sawmill silty clay loam	Frequently flooded
8082A	Millington silt loam	Occasionally flooded
8304A	Landes fine sandy loam	Occasionally flooded
8321A	DuPage silt loam	Occasionally flooded

\*Soils prone to shallow seasonal high and/or observed water tables (i.e., less than 48 inches below original grade) may necessitate a form of groundwater table management.

- (4) Prior to the commencement of any earthwork on the premises and prior to the construction of the related subdivision improvements as shown on the approved final engineering plans, the OWNERS/DEVELOPER shall cause all proposed primary and secondary septic absorption field areas to be fenced off to protect them from the encroachment of equipment and materials during all phases of construction up to and including the construction of individual homes on each lot.
- (5) Encroachment for the purposes of this agreement shall be defined as including the stockpiling and/or storage of any excavated or transported spoil or fill materials as well as the driving or parking of vehicles (including but not

limited to construction equipment), on or over any such septic absorption field area.

- (6) Protection measures shall consist of, at minimum, four foot-high (4'), vibrantly colored, plastic snow fencing (or other comparable fencing approved by the Kendall County Health Department), installed around the limits of the septic absorption field area(s) prior to and through the completion of all earthwork and heavy construction.
- (7) Failure to supply and maintain such septic absorption field protection measures in accordance with the requirements specified herein shall result in the issuance of a stop work order by the County and/or the withholding of permits until such time as the required protection measures have been established or re-established as the case may be.
- (8) A subdivider may elect to establish a community-wide onsite sewage disposal system (i.e. a single system designed to serve two or more dwellings) in lieu of private individual onsite sewage disposal systems. A community-wide onsite sewage disposal system shall adhere to the following standards:
  - (a) All community sewage systems shall be designed and constructed in accordance with applicable State, County, and Local regulations, and in accordance with accepted modern sanitary engineering practices.
  - (b) Disposal facilities shall be designed to treat adequately the anticipated sewage load, facilities shall meet the approval of State, County and local agencies.
  - (c) Provisions shall be made for the maintenance and operation of such treatment plant of facility, and shall be stated on the Final Plat and incorporated in the deed if charges are to be made to the owners of the property.

3. Storm Water: There shall be provided storm water sewer or a surface drainage system to serve adequately the area being platted, considering, but not limited to the following:
  - a. The results and recommendations of the Illinois Department of Natural Resources Office of Water Resources, the U.S. Army Corps of Engineers, the Kendall County Soil and Water Conservation District and drainage district if applicable.
  - b. The balancing of surface runoff and groundwater recharge.
  - c. The design of the drainage system shall be compliant with County Ordinances related to Floodplain Protection, Stormwater Management and Soil Erosion and Sediment Control. At a minimum the design of the drainage system shall consider and show:
    - (1) Storm drainage area of which the subdivision is a part.
    - (2) Calculations as to volume and frequency of water to be handled after extreme rain storms.
    - (3) A system of culverts sufficient in size to eliminate flooding or ponding of water.
    - (5) Existing water courses.
    - (6) A plan of the subdivision's grading to prevent ponding of storm water and to eliminate problems of item 3 (4).
    - (7) At a minimum the sizes of all drainage systems shall be computed by the rational method utilizing a 10 year design event for run-off.
  - d. In any subdivision qualifying as an Urban Subdivision, or meeting conditions of Item 3 (4), storm sewers are required to meet the following minimum specifications:
    - (1) The sewers shall not be less than twelve (12) inches inside diameter.

- (2) The sewers shall be designed in such a way as to ensure a minimum velocity flow of two (2) feet per second, and a maximum velocity flow of eight (8) feet per second.
  - (3) Manholes shall be provided at all changes in direction of pipe, and shall conform to Illinois Department of Transportation Standards. Inlets shall be located not more than four hundred (400) feet apart and shall conform to Illinois Department of Transportation Standards. All storm sewer pipe shall be new, RCCP conforming to Section 550 of the Standard Specifications for Road and Bridge Construction. All manhole and catch basin materials shall conform with Section 602 of the Standard Specifications for Road and Bridge Construction.
  - (4) Storm sewers shall be located in the parkway opposite the sanitary sewer or as approved based on subdivision specific design requirements.
  - (5) All sump pump connections shall be made at a manhole or junction chamber where flow function can be determined and maintenance can be provided. No blind ties are allowed.
  - (6) Must conform to the Standard Specifications for Sewer & Water in Illinois.
- e. In any subdivision not qualifying as an Urban Subdivision ditches meeting the following standards may be used.
- (1) With grades to four (4) percent, ditches may have sod bottoms and banks.
  - (2) With grades from four (4) to eight (8) percent, ditches should have ditch checks.
  - (3) With greater than eight (8) percent grades, ditches should have rip-rap or be paved.
  - (4) Culverts must be provided at all street or driveway intersections sized to eliminate flooding or ponding of water, and with a minimum flooding or ponding of water, and with



a minimum cover of twelve (12) inches. The location of culverts is to be determined by the County Engineer or the Township Road Commissioner.

4. Water Supply and Distribution

- a. In any subdivision qualifying as an Urban Subdivision there shall be provided a complete public water supply and distribution system including all appurtenances and stubs to each lot.
- b. In any subdivision not qualifying as an Urban Subdivision individual water supplies may be permitted providing:
  - (1) All requirements of the State and County regulations are fully met.
  - (2) Private restrictions are filed with the Final Plat and incorporated in each deed so that as soon as public water supply system will be made available connections to the system will be made at the property owner's expense within a reasonable period of time and so that owners shall bear their fair, proportionate share of the cost of the public water main as determined by agreement, special assessment proceedings, or other means authorized by law to finance construction of water systems.
- c. All community water supply and distribution systems shall be designed and constructed in accordance with the Master Plan of water supply and distribution for the County or municipality and also must conform to the Standard Specifications for Sewer & Water in Illinois.

5. Street Lighting

- a. Residential street lighting facilities shall be provided at all street intersections unless the proposed maintaining authority waves this requirement.
  - (1) The subdivider shall arrange for and pay any installation costs required by the public service company for the erections of the required street lights.

- b. Commercial street lighting facilities shall be of the high level, high intensity type, and shall be placed on alternate sides of the street and also fully shielded.
- c. Specifications. Lighting standards shall be of concrete, metal or fiberglass in accordance with the following:
- (1) Concrete Standards: Concrete standards shall be pre-stressed and centrifugally cast concrete complete with butt base, and shall have a water polish finish and be complete with bracket and hand hole.
  - (2) Metal Standards: Metal standards shall be of one piece steel or aluminum construction with no extrusion or vertical butt welds and furnished with hand hole openings covered flush with the pole surface. Shoe bases shall be welded to standards and shall be designed to permit fastening standards to a level foundation.
  - (3) Mounting: Mounting of all standards shall be in accordance with manufacturer's recommendations and all mounting systems and standards shall be designed to properly withstand a 100 mile per hour wind force.
  - (4) Metal Parts: Standards, brackets, and other fittings shall have integral finishes that do not require painting or other surface treatment.
  - (5) Heights of Standards and Length of Brackets: Heights of standards and length of brackets shall be as follows:
    - Residential Areas: Standards shall be not less than twenty-five (25) feet, nor greater than thirty (30) feet in height; bracket arms shall not be greater than eight (8) feet.
  - (6) Electrical Luminaries. Electrical luminaries shall be of the high pressure sodium type or

other approved lighting and fully shielded. Sizes shall be as follows:

- Residential Areas: One hundred and fifty (150) watt.
- Non-Residential Areas: Two hundred and fifty (250) watt.

6. Sidewalks and Hike/Bike Trails shall be provided in the following areas:

- a. Residential Districts: Sidewalks, when required upon a specific site plan approval, shall be located outside but adjacent to the limits of the right-of-way in a permanent easement. The developer shall be responsible for installing sidewalks when and where required by the County Board. Each lot owner shall be responsible for maintaining the sidewalk. Sidewalks shall be a minimum of five (5) feet wide, five (5) inches thick, and shall be constructed of class X concrete on a minimum 4 inch CA-6 crushed limestone base. Where sidewalks cross driveways, they shall be six (6) inches thick. Sidewalks shall be extended to the street pavement including handicapped ramps where curbs are otherwise present or required. All public walks shall be fully compliant with the Americans with Disability Act.
- b. Commercial/Industrial Districts: Sidewalks shall be located as in commercial/industrial districts, when required upon a specific site plan approval, shall be five (5) feet wide and five (5) inches thick, and shall be constructed of class X concrete on a minimum 4 inch CA-6 crushed limestone base. Where sidewalks cross driveways, they shall be six (6) inches thick. Sidewalks shall be extended to the street pavement including handicapped ramps where curbs are otherwise present or required. All public walks shall be fully compliant with the Americans with Disability Act.
- c. Hike/Bike Trails: Hike/bike trails designated on the County Transportation Plan (contained in the Land Resource Management Plan) and County Open Space and Trail Plan and must be built or paid for by the developer. Trails must be designed according to the Design Program as published by the Oswegoland Park District. The timing of trail construction shall be

determined by the County based on connections to other trails or availability of the Forest Preserve or other entity to maintain said trail.

7. Street Signs, Guard Rails, Landscaping, etc.
  - a. Street signs of the type approved by the County Engineer shall be installed on the northeast corner of each intersection and shall indicate the street names as shown on the Final Plat.
  - b. Guard rails or warning posts shall be placed along the shoulder of any street where the street construction has resulted in an embankment greater than six (6) feet.
  - c. Wherever possible existing trees shall be preserved in the installation of subdivision improvements, however, no trees will be allowed to remain on the foreslopes or ditch lines of any road or within ten (10) feet of the back of curb.
8. Oversize Design: Where required in the overall utility planning, as evidenced by the Master Plans for water and sanitary sewers, any subdivision improvement shall be larger than necessary to serve the immediate subdivision adequately, and an agreement may be made to repay the subdivider the construction costs resulting from the increased design. This shall apply, but not limited to, collector sewers, lift stations, disposal facilities, wells, pumping stations, water mains, storage tanks, culverts, storm sewers, etc.
9. Distribution Lines: All telephone and power distribution lines shall be installed in the utility easement provided along the rear lot lines of the property developed wherever possible.
10. All private driveways shall conform to the following:
  - a. The pavement shall be at twelve inches (12") of crushed limestone, the top six inches (6") of which shall be grade CA6 with a suitable subgrade or the equivalent.
  - b. The pavement shall be ten feet (10') wide per lane. Individual driveways which provide access to one lot only may be one lane. Shared driveways shall be two lanes.

- c. All trees and bushes shall be kept at least six feet (6') away from edge of pavement and the lowest limb should be ten feet (10') above the pavement.
- d. The maximum grade shall be 10%.
- e. Shared private driveways that provide access to three or more lots shall conform to the following:

Shall not be approved by the County unless there is some desirable condition on the site that could not otherwise be preserved if a public road was provided such as significant trees, topography, water features, historic sites, rural character, etc. Connections to two public streets which would allow through traffic shall not be allowed.

- f. Length from the public street - 500 feet maximum.
- g. Pavement horizontal alignment radius on centerline - 100 feet minimum.
- h. Pavement vertical curve - 10 times the difference in grade, minimum.
- i. Pavement gradient - 10% maximum.
- j. Pavement return radius - 25 feet minimum.
- k. Where turnarounds are required, they shall have an inside radius of 20 feet and outside radius of 45 feet.
- l. The ownership, maintenance responsibility, covenants, and signage requirements are specified in the Appendix of the Subdivision Ordinance.
- m. The private shared driveway shall not be named. The County shall assign addresses on the nearest public street with the suffix A, B, C, etc. corresponding to each lot.

- 11. Off-site and Perimeter Road Improvements: Off-site and perimeter road improvements that are needed to provide adequate access must be built or paid for by the developer. The County may require the developer to pay for qualified engineering studies to advise on improvements needed.

- I. Material Standards: All construction of improvements covered by this Ordinance shall be in accord with, and materials used shall be in compliance with, the methods and materials required in the appropriate sections of Standard Specifications for Road and Bridge Construction, as amended from time to time, published by the Division of Highways, State of Illinois.
  
- J. Monuments and Markers: Monuments shall be placed at all corners and angle points of the outside boundary by no further than one quarter (1/4) mile apart. The monuments shall be of iron pins, three quarter (3/4) inches in diameter and forty-eight (48) inches deep. Iron pipe or steel bars not less than five-eighths (5/8) inches in diameter and thirty-six (36) inches long shall be set at the intersection of street centerlines and at all corners of lots not marked by monuments. The monuments and markers shall be set level with the finish grade. The subdivider shall replace all or verify the existence of the iron pipes at all lot corners and all bends in property lines after the completion of all construction and before final acceptance of the subdivision by the County Board.

## **SECTION 11.00 EXCEPTIONS**

- A. Hardships
  - 1. Where the Plat Officer finds that extraordinary hardships or particular difficulties may result from the strict compliance with this Ordinance he/she may, after written application by the subdivider, recommend in writing to the Planning, Building, and Zoning Committee (hereinafter referenced as PBZ) variations or exceptions to the regulations, subject to specified conditions, so that substantial justice may be done and the public interest secure, provided that such variations or exceptions shall not have the effect of nullifying the intent and purpose of this Ordinance.  
  
The recommendations shall be communicated to the County Board in writing with the reasons therefore. The County Board may approve the variations from these regulations in specific cases which in their opinion, do not affect the general plan or the spirit of the Ordinance.
  - 2. The Plat Officer shall not recommend variations or exceptions to the regulations of this Ordinance unless he

shall make findings based on the evidence presented to him in each specific case, that:

- a. Because of the particular physical surroundings, shape or topography conditions of the specific property involved a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.
- b. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally to other property, and have not been created by any person having an interest in the property.
- c. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
- d. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

B. Large Scale Development: The standards and requirements of this Ordinance may be modified in the case of large scale developments when the Plan Commission recommends and the County Board confirms by a 2/3 vote that a plan and program for a new village, complete community, shopping center, industrial park, or neighborhood unit provides adequate public open spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed, and which also provides such covenants or other legal provisions as will assure conformity and achievement of the plan.

#### **SECTION 12.00 BUILDING PERMIT**

No building permit shall be issued by any governing official for the construction of any building, structure or improvement to the land or any lot within a subdivision as defined herein, which has been approved for platting, or replatting, until all requirements of this ordinance, The County Building Code and the County Zoning Ordinance have been complied with. No building permit shall be issued until roadways are constructed suitable for access by emergency vehicles and which are being maintained, as determined by

the Plat Officer and County Engineer. Additionally, where public water supplies are planned they shall be constructed to the extent where they are operable to facilitate emergency use as determined by the Plat Officer and County Engineer.

#### **SECTION 13.00 OCCUPANCY PERMIT**

No occupancy permit shall be granted by any governing official for the use of any structure, within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and until roadways providing access to the subject lot or lots have been substantially constructed as determined by the Plat Officer and County Engineer.

#### **SECTION 14.00 BLASTING**

No blasting shall take place in connection with any work in a subdivision until appropriate county and municipal authorities have been notified and the applicable ordinances complied with.

#### **SECTION 15.00 ENFORCEMENT**

No plat of any subdivision shall be entitled to record in the County Recorder's Office or have validity until it shall have been approved in the manner prescribed herein.

#### **SECTION 16.00 VIOLATION PENALTY**

Violations of this ordinance shall be processed in the manner prescribed for all other ordinance violations as established by the County Board. Any person, firm, corporation or trust who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this ordinance shall be fined not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00). Each day such a violation continues after notification shall constitute a separate offense.

#### **SECTION 17.00 FEES**

The following schedule of fees is established for the filling of applications and review of all subdivision and PUD plans and plats, and for the inspection of subdivision and PUD construction:



A. Filing Fees (payable when application is filed):

Filing Fees are intended to cover the cost of providing information to the public about an application, distributing plans to County departments and other agencies, preparing agendas packets and minutes for the Plan Commission, County Board, and other applicable review bodies, and other administrative tasks.

The Subdivider shall pay the full filing fee for each category of petition or plan submitted as set forth in the Zoning Fee Schedule as amended. Filing fees are payable upon filing of the application or petition.

B. Reimbursement of Costs and Fees; Deposit Required

In addition to the filing fees provided for herein, each Subdivider shall enter into a reimbursement of fees agreement with the County. The reimbursement of fees agreement shall encompass all applications or petitions pending with the County. The reimbursement of fees agreement shall be in the form specified in Appendix Twelve.

At the time the Subdivider submits an Application or Petition to the County requesting action from the County, he shall deposit the amounts specified by the County to collateralize his obligation for reimbursement of costs for review from our outside consultant services and miscellaneous expenses, as described herein. A Subdivider who withdraws his petition or application may apply in writing to the Plat Officer for a refund of his initial deposit. The County Administrator may, at his sole discretion, approve such refund less any actual fees and costs, which the County has already paid or incurred relative to the Petition or Application.

C. Reimbursement for Outside Consultant Services

The Subdivider shall reimburse the County for the direct cost of the following:

1. Fees for landscape architect's review and consultation in connection with review of the petitioner or application, and inspection of construction, including meetings and associated tasks.
2. Fees for traffic study and analysis performed by a registered professional engineer and approved by the County Engineer, when such traffic study and analysis is requested by the County.
3. Fees for County Attorney's review and negotiations in connection with the petition or application.

4. Fees for professional engineering consultant's review of plans and documents, including meetings and associated tasks.
5. Fees for planning consultant's review and consultation in connection with review of the petition or application, including meetings and associated tasks.
6. Fees for other professional consultants as may be necessary to review and evaluate the proposed applications, plans and documents.

D. Reimbursement for Miscellaneous Expenses

The applicant shall reimburse the County for miscellaneous costs incurred relative to any application or petition including, but not limited to:

1. Publication of legal notices.
2. Court reporter and transcript fees.
3. Mailing (postage) costs.
4. Recording fees.

E. Reimbursement for Engineering Inspection of Construction

The applicant shall reimburse the County for the cost per work hour of the County Engineer and each staff member involved in inspections, plan review, meetings and associated tasks relative to inspection of construction.

F. Exemption for Governmental Agencies

**SECTION 18.00 APPEAL**

Notwithstanding any language in Section 13.01.A.3 of the Kendall County Zoning Ordinance, as may be amended from time to time, any person or corporation may appeal within sixty (60) days to the Planning, Building, and Zoning Committee (hereinafter referenced as PBZ) of the County Board any decision made by the plat officer. Appeals of any decision made by PBZ may be made to the full County Board. The County Board shall act as a Board of Appeals and shall hear and decide appeals from and review any final order, requirement, decision or determination made by PBZ, under this Subdivision Control Ordinance. The concurring vote of two thirds (2/3<sup>rd</sup>'s) of the members of the County Board, whether present or absent, shall be necessary to reverse any final order of the PBZ under this ordinance.

**SECTION 19.00 REPEAL**

All resolutions and ordinances heretofore enacted prescribing and adopting rules and regulations governing the platting and

subdividing of land in Kendall County are hereby expressly repealed.

**SECTION 20.00 PUBLICATION**

This ordinance shall become effective upon its adoption and publication in pamphlet form.

**SECTION 21.00 ADOPTION**

Approved and adopted this 15<sup>th</sup> day of March, 2011 and amended on February 20, 2013, July 16, 2013, May 19, 2015, and May 16, 2023. See signed approved ordinances.

**APPENDIX ONE**  
**REQUIRED CERTIFICATES**

The Final Plat shall show thereon the following, except item 13:

1. Certification by a licensed surveyor, to the effect that the plat represents a survey made by him, and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct; and that he has complied withal of the rules contained herein governing plats, noting exceptions if any.
2. Certification by owner, and if require, by any mortgage holder of record, of the adoption of the plat and dedication of streets and other public areas.
3. Certification of owner's signatures before a Notary Public.
4. Certification by Township Highway Commissioner that all matters pertaining to the Highway requirements have been complied with.
5. Certification by County Engineer that the annexed plat was examined and complies with the highway requirements.
6. Certification by the Kendall County Clerk that all taxes and special assessments have been paid to date.
7. Easement provisions of the appropriate public utilities.
8. Certification that approval of City or Village has been obtained where required by law.
9. Certification of approval of the Plat and Zoning Committee.
10. Certification of approval of the Plat Officer.
11. Certification of approval of the Kendall County Board.
12. Kendall County Recorder's data.
13. \*Registered Professional Engineer and owner statement.

14. Illinois Department of Transportation. (Only when subdivision has access to a state highway.)
15. Kendall County Health Department.
16. Land Cash Ordinance data, if applicable. Notice of Fees.
17. Right To Farm Clause
18. Stormwater Management Easements

In accordance with the resolution passed and adopted by the Kendall County Board on December 13, 1977, the only required signatures on a plat of 4 lots or less will be: 1, 2, 3, 6, 7, 9, 10, 12, 13, 15 and 16. (If applicable 8, 14 & 18).

\*To be submitted separately with the plat - a transparent overlay with the statement and the signatures, but not recorded on the plat.

Sample forms of the above certificates may be found in Appendix Two of this Ordinance.

**APPENDIX TWO  
PLAT CERTIFICATES**

1. SURVEYORS

This is to certify that I, \_\_\_\_\_, an Illinois Registered Land Surveyor, have surveyed and platted the following described property (legal description) \_\_\_\_\_

As shown by the attached plat, which is a correct representation of said survey and subdivision. All distances shown in feet and decimal parts thereof. I further certify that all regulations enacted by the County Board relative to plats and subdivisions have been complied within the preparation of this plat.

I also certify that no part of the property covered by this plat, or subdivision, is situated within five hundred (500) feet of any surface drain or water course serving a tributary area of six hundred and forty (640) acres or more and that none of the above described property is within 1.5 miles of the corporate limit of any city or village which has adapted and properly filed an official plan.

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

\_\_\_\_\_  
Illinois Registered Land Surveyor  
No. \_\_\_\_\_

2. OWNER

STATE OF ILLINOIS;  
SS

COUNTY OF KENDALL:  
THIS IS TO CERTIFY THAT I/WE \_\_\_\_\_  
am/are the owner(s) of the land described in the above surveyor's certificate, and that I/we have caused the same to be surveyed, and subdivided and platted as shown by the annexed plat for the uses and purposes therein set forth as allowed and provided by Statute, and Subdivision to be known as:  
" \_\_\_\_\_ "

And I/we hereby acknowledge and adopt the same under the style and title aforesaid.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(owner) (owner)  
3. NOTARY PUBLIC

STATE OF ILLINOIS:  
SS  
COUNTY OF KENDALL:

I, \_\_\_\_\_, Notary Public in and for the State and County aforesaid, do hereby certify that, \_\_\_\_\_ personally known to me to be the same persons whose names are subscribed to the foregoing certificate, appeared before me this day in person and acknowledged the execution of the annexed plat and accompanying instruments for the uses and purposes therein set forth as his or their free voluntary act. Given under my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

4. TOWNSHIP HIGHWAY COMMISSIONER

STATE OF ILLINOIS:  
SS  
COUNTY OF KENDALL:

I, \_\_\_\_\_ do hereby certify that all matters pertaining to the Highway requirements as described in the regulations governing plats adopted by the County Board of Kendall County, insofar as they pertain to the annexed plat, have been complied with.

DATED THIS \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Township Highway Commissioner

5. COUNTY ENGINEER

STATE OF ILLINOIS:  
SS  
COUNTY OF KENDALL:

I, \_\_\_\_\_ County Engineer of Kendall County, do hereby certify that the annexed plat has been examined by me and found to comply with the highway requirements as set forth in the

regulations governing plats of subdivided land adopted by the County Board of Kendall County, Illinois.

DATED THIS \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

6. COUNTY CLERK

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL:

This is to certify that I, \_\_\_\_\_ County Clerk for the County aforesaid, do hereby certify that there are no delinquent general taxes, no unpaid current taxes, no unpaid forfeiture taxes and no redeemable tax sales against any of the real estate described in the foregoing certificates.

DATED THIS \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

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

7. EASEMENT PROVISIONS

PUBLIC UTILITY & DRAINAGE EASEMENT PROVISIONS

A permanent non-exclusive easement is hereby granted to KENDALL COUNTY and to all public utility companies of any kind operating under franchise granting them easement rights from said COUNTY including but not limited to, A T & T and NICOR and to their successors and assigns, in, upon, across, over, under, and through the areas shown by dashed lines and labeled "PUBLIC UTILITY & DRAINAGE EASEMENT" on the plat of subdivision hereon drawn for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, enlarging, removing, repairing, cleaning, and maintaining underground electrical, cable television, communication, gas, telephone or other utility lines or appurtenances, sanitary and storm sewers, drainage ways, storm water detention and retention, water mains and any and all manholes, hydrants, pipes, connections, catch basins, buffalo boxes and without limitation, such other installations as may be required to furnish public utility service and to facilitate drainage to adjacent areas together with the right of access across the real estate platted herein for the necessary personnel and equipment to make any or all of the above work (herein collectively referred to as "grantees"). The right is also hereby granted to said grantees to cut down, trim, or remove any trees, shrubs, or other plants that interfere with the operation of or access to said sewers, or, without limitation, utility installations in, on, upon or across, under, or through said easements. In the event utility maintenance



is performed within the utility easement, the COUNTY will have no obligation with respect to surface restoration including, but not limited to, the restoration, repair, or replacement of any landscaping provided, however, the grantees shall be obligated following any such work, to backfill and mound so as to retain suitable drainage, remove debris, and leave the area in generally clean and workmanlike condition. No permanent buildings or trees shall be placed on said easements, but the easement areas may be used for gardens, shrubs, landscaping, paving, fences, sidewalks, curbing, and other purposes that do not interfere with the aforesaid uses and rights and are fully permitted under County Ordinances. Where an easement is used for storm or sanitary sewers, other utility installations shall be subject to the prior approval of said COUNTY so as not to interfere with the gravity flow in said sewer or sewers. Utility installations, other than those managed by the COUNTY shall be subject to the approval of the COUNTY as to design and location, and all other installations are subject to the ordinances of the COUNTY.

8. The following certificates should be used where statutory authority has been granted, within one and one-half (1 ½) mile radius of municipal limits or as agreed to be local ordinance.

A. CITY OF VILLAGE PLAN COMMISSION

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL:

Approved by the \_\_\_\_\_ Plan Commission, this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chairman

B. CITY COUNCIL OR VILLAGE BOARD

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL:

Approved by the City Council (Village Board) of the City  
(Village) of \_\_\_\_\_ Kendall County, Illinois.

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

ATTEST: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor or President

9. PLAT AND ZONING COMMITTEE

STATE OF ILLINOIS:  
SS  
COUNTY OF KENDALL:

Approved by the Plat and Zoning Committee, this \_\_\_day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Plat & Zoning Committee, Chairman

10. PLAT OFFICER

STATE OF ILLINOIS:  
SS  
COUNTY OF KENDALL:

Approved this \_\_\_\_day of \_\_\_\_\_, 20\_\_.

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

11. COUNTY BOARD

STATE OF ILLINOIS:  
SS  
COUNTY OF KENDALL:

Approved by the County Board of Kendall County, Illinois this \_\_\_day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
County Clerk                      \_\_\_\_\_  
Chairman of County Board

12. COUNTY RECORDER

STATE OF ILLINOIS:  
SS  
COUNTY OF KENDALL:

This instrument No. \_\_\_\_\_ was filed for record in the recorder's office of Kendall County aforesaid on the \_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_ o'clock \_\_\_m. in the book

\_\_\_\_\_ of plats of page \_\_\_\_\_.

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

13. REGISTERED PROFESSIONAL ENGINEER

STATE OF ILLINOIS:

SS

COUNTY OF KENDALL:

We, \_\_\_\_\_, Registered Professional Engineer and \_\_\_\_\_, owner (or his attorney) submit the topographical and profile studies and to the best of our knowledge and belief the drainage of surface waters will not be changed by the construction of this subdivision or any part thereof, or that if such surface water drainage will be changed, reasonable provisions have been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of this subdivision.

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Owner (or duly authorized attorney)      Registered Professional Engineer  
No. \_\_\_\_\_

14. ILLINOIS DEPARTMENT OF TRANSPORTATION. (Use only when subdivision has access to a state highway.)

STATE OF ILLINOIS:

SS

\_\_\_\_\_ COUNTY:

I do hereby certify that the annexed plat has been examined by me with respect to roadway access on to a state highway.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Illinois Department of Transportation

15. COUNTY HEALTH DEPARTMENT

a) **For Plats with Individual Private Sewage Disposal Systems**

COUNTY HEALTH DEPARTMENT  
STATE OF ILLINOIS:  
SS  
COUNTY OF KENDALL

Issuance of building permits shall be subject to lot by lot soil testing and site evaluation, demonstrating the ability to construct and operate a sewage disposal system capable of meeting or exceeding all applicable State and local rules and regulations.

Approved this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Kendall County Health Department

b) **For Plats with Community Wastewater Treatment System  
(Subsurface Disposal)**

COUNTY HEALTH DEPARTMENT  
STATE OF ILLINOIS:  
SS  
COUNTY OF KENDALL

Issuance of building permits shall be subject to the issuance of a general permit to construct, and subsequent approval to operate, a community wastewater treatment system capable of meeting or exceeding all applicable State and local rules and regulations; and adherence to all conditions set forth in the Experimental Use Authorization for a Community Wastewater Treatment System, a copy of which has been recorded with the Final Plat.

Approved this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ 20\_\_.

c) **Community Wastewater Treatment System (Surface Discharge/Disposal)**

COUNTY HEALTH DEPARTMENT  
STATE OF ILLINOIS:  
SS  
COUNTY OF KENDALL

Issuance of building permits shall be subject the issuance of a permit to construct and subsequent approval to operate a community wastewater treatment system in accordance with the Illinois Environmental Protection agency and Act.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

16. NOTICE OF FEES

All Lots as delineated in the above plat are subject to payments of fees pursuant to the Land Cash Ordinance of Kendall County as administered by the Kendall County Planning, Building & Zoning Office, and is a covenant running with the land. A recordable release will be issued upon payment of such fees.

17. RIGHT TO FARM CLAUSE

NOTICE:

Kendall County has a long, rich tradition in agriculture and respects the role that farming continues to play in shaping the economic viability of the county. Property that supports this industry is indicated by a zoning indicator -- A-1 or Ag Special Use. Anyone constructing a residence or facility near this zoning should be aware that normal agricultural practices may result in occasional smells, dust, sights, noise, and unique hours of operations that are ARE NOT TYPICAL IN OTHER ZONING AREAS.

18. STORMWATER MANAGEMENT EASEMENTS

- a) For facilities to be maintained by a Homeowner or Property Owner's Association

STORM WATER MANAGEMENT EASEMENT AND COVENANT PROVISIONS

PERPETUAL PUBLIC STORMWATER AND DRAINAGE EASEMENTS ARE HEREBY GRANTED, OVER, ON, ACROSS AND UNDER ALL OF THE AREAS MARKED "STORMWATER MANAGEMENT EASEMENT " OR (S.M.E.) ON THE PLAT FOR THE RIGHT PRIVILAGE AND AUTHORITY FOR THE PURPOSES OF:

1. SURVEYING, CONSTRUCTING, RECONSTRUCTING, REPAIRING, INSPECTING, MAINTAINING, AND OPERATING ALL STORMWATER MANAGEMENT FACILITIES, STRUCTURES, GRADES, AND SLOPES ON THE STORMWATER MANAGEMENT EASEMENT AREAS.
2. ENTERING ONTO SAID STORMWATER MANAGEMENT EASEMENT AREAS OR ANY ADJOINING LOT TO PERFORM THE WORK SPECIFIED IN PARAGRAPH 1 TOGETHER WITH THE RIGHT OF ACCESS FOR NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE REQUIRED WORK.
3. REQUIRED MAINTENANCE OF ALL LANDSCAPING IN ACCORDACNE WITH THE APPROVED LANDSCAPE AND LANSCAPE MAINTENANCE PLAN AND OTHER REQUIRED MAINTENANCE ACTIVITIES INCLUDING BUT NOT LIMITED TO THE CONDUCT OF CONTROLLED BURNS, TRIMMING OR REMOVING TREES, SHRUBS, PLANTS, MULCH, LANDSCAPING STRUCTURES, RETAINING WALLS OR ANY OTHER MATERIALS ON SAID STORMWATER MANAGEMENT EASEMENT AREAS WHICH INTERFERE WITH THE OPERATIONS OF THE STORMWATER FUNCTIONS.

OWNER AND DEVELOPER SHALL HAVE FULL RESPONSIBILITY FOR THE MAINTENANCE OF THE STORMWATER MANAGEMENT EASEMENT AREAS AS SHOWN ON PLAT OR DESIGNATED AS LOTS \_\_\_\_\_ UNTIL SUCH TIME (IF ANY) AS SAID EASEMENT AREAS ARE CONVEYED TO A PROPERTY OWNERS ASSOCIATION (THE "ASSOCIATION"). THE COUNTY OF KENDALL, ITS AGENTS, SUCCESSORS AND ASSIGNS, ARE HEREBY GRANTED RIGHTS OF ENFORCEMENT TO INSURE THAT THE OBLIGATIONS AS SPECIFIED IN ITEMS 1, 2 & 3 ABOVE ARE FULLY COMPLIED WITH.

THE OWNER AND DEVELOPER OR, UPON CONVEYANCE TO THE ASSOCIATION, THE ASSOCIATION SHALL HAVE PERPETUAL DUTY AND OBLIGATION TO PERFORM OR HAVE PERFORMED ALL MAINTENANCE ON SAID EASEMENT AREAS AND ALL MAINTENANCE OF SAID STORMWATER MANAGEMENT EASEMENT AREAS SO THAT THEY FUNCTION AS HYDRAULICALLY AND HYDROLOGICALLY PLANNED IN ACCORDANCE WITH ALL APPLICABLE STATUES, ORDINANCES, RULES AND REGULATIONS.

THE OWNER AND DEVELOPER OR, UPON CONVEYANCE TO THE ASSOCIATION, THE ASSOCIATION, THEIR AGENTS OR CONTRACTORS, SHALL NOT DESTROY OR MODIFY THE GRADES OR SLOPES WITHOUT THE PRIOR WRITTEN APPROVAL OF KENDALL COUNTY OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER SAID DRAINAGE OR STORMWATER FACILITIES.

THE ASSOCIATION SHALL HAVE THE PERPETUAL DUTY AND OBLIGATION TO ASSESS ITS MEMBERS ON NO LESS THAN AN ANNUAL BASIS FOR A PRORATED SHARE OF THE COST TO MAINTAIN THE STORMWATER MANAGEMENT EASEMENT AREAS CONVEYED TO THE ASSOCIATION AS WELL AS FOR PRORATED PORTION OF THE REAL ESTATE PROPERTY TAXES TO BECOME DUE AND PAYBLE ON SUCH STORMWATER MANAGEMENT EASEMENT AREAS CONVEYED TO THE ASSOCIATION.

NO PERMANENT BUILDINGS, STRUCTURES OR UTILITY FACILITIES SHALL BE CONSTRUCTED ON SAID STORMWATER MANAGEMENT EASEMENT AREAS, BY THE OWNER, DEVELOPER, ASSOCIATION, OR ANY OF THEIR SUCCESSORS IN INTEREST, BUT SAID EASEMENT AREAS MAY BE USED FOR OTHER PURPOSES, INCLUDING PEDESTRIAN PATHS, THAT DO NOT NOW OR LATER INTERFERE OR CONFLICT WITH THE AFORESAID USES OR RIGHTS OR IN ANY WAY AFFECT OR IMPEDE THE STORAGE OR FREE FLOW OR TREATMENT OF STORMWATER ON AND OVER SAID EASEMENT AREAS.

IF THE OWNER AND DEVELOPER OR THE ASSOCIATION (AS APPLICABLE) FAILS TO MAINTAIN THE STORMWATER MANAGEMENT EASEMENT AREAS AS REQUIRED, THE COUNTY OF KENDALL OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES ON SAID EASEMENT AREAS SHALL GIVE WRITTEN NOTICE TO THE OWNER AND DEVELOPER OR ASSOCIATION (AS APPLICABLE) TO REPAIR OR OTHERWISE MAINTAIN THE STORMWATER MANAGEMENT EASEMENT AREAS WITH A REASONABLE PERIOD TO COMPLETE THE WORK. IF THE OWNER AND DEVELOPER OR ASSOCIATION (AS APPLICABLE) FAILS TO MAKE NECESSARY REPAIRS OR TO DO NECESSARY MAINTENANCE IN A TIMELY MANNER, THEN THE COUNTY OF KENDALL, ITS AGENTS OR CONTRACTORS, OR OTHER GOVERNMENTAL ENTITY HAVING SUCH JURISDICTION SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ENTER THE PROPERTY TO PERFORM MAINTENANCE, REPAIR, CONSTRUCTION OR RECONSTRUCTION NECESSARY TO MAINTAIN STORMWATER STORAGE, TREATMENT, OR FLOW ON SAID EASEMENTS.

THE OWNER AND DEVELOPER, FOR STORMWATER MANAGEMENT EASEMENT AREAS OWNED BY IT, AND THE INDIVIDUAL OWNERS OF THE LOTS CREATED BY THE FINAL PLAT OF SUBDIVISION FOR STORMWATER MANAGEMENT EASEMENT AREAS OWNED BY THE ASSOCIATION, OR THEIR HEIRS, LEGATEES, ASSIGNS, OR SUCCESSORS IN INTEREST, SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ALL COSTS INCURRED BY THE COUNTY OF KENDALL OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES ON SAID

EASEMENT AREAS IN PERFORMING SUCH WORK, PLUS AN ADDITIONAL TEN PERCENT (10%) AND ANY REASONABLE ATTORNEY'S FEES, INCLUDING THE COSTS OF IN-HOUSE COUNSEL, CONNECTED WITH THE COLLECTION OF SUCH COSTS.

TO INSURE THE COUNTY OF KENDALL IS REIMBURSED FOR ANY AND ALL COSTS ASSOCIATED WITH THE MAINTAINENACE OF THE STORMWATER MANAGEMENT EASEMENT AREAS IN THE EVENT THE OWNER AND DEVELOPER OR THE PROPERTY OWNER'S ASSOCIATION FAIL TO MAINTAIN AND REPAIR THE STORMWATER MANAGAMENT AREAS AS REQUIRED, A BACK-UP SPECIAL SERVICE AREA (SSA) SHALL BEEN ESTABLISHED AGAINST ANY OR ALL OF THE LOTS CREATED BY THE PLAT.

THE PROVISIONS OF THESE COVENANTS AND DECLARATIONS RELATING TO STORMWATER OBLIGATIONS SHALL NOT BE AMENDED, MODIFIED, OR ABROGATED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE COUNTY OF KENDALL OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES ON THE STORMWATER MANAGEMENT EASEMENT AREAS.

ALL OF THE ABOVE STATED OBLIGATIONS SHALL ALSO BE CLEARLY REFERENCED IN ANY COVENANTS, CONDITIONS, DECLARATIONS AND RESTRICTIONS RECORDED AGAINST ANY OF THE LOTS CREATED BY THIS FINAL PLAT OF SUBDIVISION, AND IN ANY DEEDS OR TITLE DOCUMENTATION REQUIRED FOR THE CONVEYANCE OF ANY OF SUCH INDIVIDUAL LOTS.

b) For facilities located on private property

STORM WATER MANAGEMENT EASEMENT AND COVENANT PROVISIONS

PERPETUAL PUBLIC STORMWATER AND DRAINAGE EASEMENTS ARE HEREBY GRANTED, OVER, ON, ACROSS AND UNDER ALL OF THE AREAS MARKED " STORMWATER MANAGEMENT EASEMENT " OR (S.M.E.) ON THE PLAT FOR THE RIGHT PRIVILAGE AND AUTHORITY FOR THE PURPOSES OF:

1. SURVEYING, CONSTRUCTING, RECONSTRUCTING, REPAIRING, INSPECTING, MAINTAINING, AND OPERATING ALL STORMWATER MANAGEMENT FACILITIES, STRUCTURES, GRADES, AND SLOPES ON THE STORMWATER MANAGEMENT EASEMENT AREAS.
2. ENTERING ONTO SAID STORMWATER MANAGEMENT EASEMENT AREAS OR ANY ADJOINING LOT TO PERFORM THE WORK SPECIFIED IN PARAGRAPH 1 TOGETHER WITH THE RIGHT OF ACCESS FOR NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE REQUIRED WORK.



3. REQUIRED MAINTENANCE OF ALL LANDSCAPING IN ACCORDANCE WITH THE APPROVED LANDSCAPE AND LANDSCAPE MAINTENANCE PLAN AND OTHER REQUIRED MAINTENANCE ACTIVITIES INCLUDING BUT NOT LIMITED TO THE CONDUCT OF CONTROLLED BURNS, TRIMMING OR REMOVING TREES, SHRUBS, PLANTS, MULCH, LANDSCAPING STRUCTURES, RETAINING WALLS OR ANY OTHER MATERIALS ON SAID STORMWATER MANAGEMENT EASEMENT AREAS WHICH INTERFERE WITH THE OPERATIONS OF THE STORMWATER FUNCTIONS.

OWNER OR ANY OF THEIR SUCCESSORS IN INTEREST SHALL HAVE FULL RESPONSIBILITY FOR THE MAINTENANCE OF THE STORMWATER MANAGEMENT EASEMENT AREAS AS SHOWN ON THIS PLAT. THE COUNTY OF KENDALL, ITS AGENTS, SUCCESSORS AND ASSIGNS, ARE HEREBY GRANTED RIGHTS OF ENFORCEMENT TO INSURE THAT THE OBLIGATIONS AS SPECIFIED IN ITEMS 1, 2 & 3 ABOVE ARE FULLY COMPLIED WITH.

THE OWNER OR ANY OF THEIR SUCCESSORS IN INTEREST SHALL HAVE THE PERPETUAL DUTY AND OBLIGATION TO PERFORM OR HAVE PERFORMED ALL MAINTENANCE ON SAID EASEMENT AREAS AND ALL MAINTENANCE OF SAID STORMWATER MANAGEMENT EASEMENT AREAS SO THAT THEY FUNCTION AS HYDRAULICALLY AND HYDROLOGICALLY PLANNED IN ACCORDANCE WITH ALL APPLICABLE STATUTES, ORDINANCES, RULES AND REGULATIONS.

THE OWNER OR ANY OF THEIR SUCCESSORS IN INTEREST, SHALL NOT DESTROY OR MODIFY THE GRADES OR SLOPES WITHOUT THE PRIOR WRITTEN APPROVAL OF KENDALL COUNTY OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER SAID DRAINAGE OR STORMWATER FACILITIES.

NO PERMANENT BUILDINGS, STRUCTURES OR UTILITY FACILITIES SHALL BE CONSTRUCTED ON SAID STORMWATER MANAGEMENT EASEMENT AREAS, BY THE OWNER, OR ANY OF THEIR SUCCESSORS IN INTEREST, BUT SAID EASEMENT AREAS MAY BE USED FOR OTHER PURPOSES, INCLUDING PEDESTRIAN PATHS, THAT DO NOT NOW OR LATER INTERFERE OR CONFLICT WITH THE AFORESAID USES OR RIGHTS OR IN ANY WAY AFFECT OR IMPEDE THE STORAGE OR FREE FLOW OR TREATMENT OF STORMWATER ON AND OVER SAID EASEMENT AREAS.

IF THE OWNER OR ANY OF THEIR SUCCESSORS IN INTEREST FAILS TO MAINTAIN THE STORMWATER MANAGEMENT EASEMENT AREAS AS REQUIRED, THE COUNTY OF KENDALL OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES ON SAID EASEMENT AREAS SHALL GIVE WRITTEN NOTICE TO THE OWNER AND DEVELOPER OR ANY OF THEIR SUCCESSORS IN INTEREST (AS APPLICABLE) TO REPAIR OR OTHERWISE MAINTAIN THE STORMWATER MANAGEMENT EASEMENT AREAS WITH A REASONABLE PERIOD TO COMPLETE THE WORK. IF THE OWNER OR ANY OF THEIR SUCCESSORS IN

INTEREST, FAILS TO MAKE NECESSARY REPAIRS OR TO DO NECESSARY MAINTENANCE IN A TIMELY MANNER, THEN THE COUNTY OF KENDALL, ITS AGENTS OR CONTRACTORS, OR OTHER GOVERNMENTAL ENTITY HAVING SUCH JURISDICTION SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ENTER THE PROPERTY TO PERFORM MAINTENANCE, REPAIR, CONSTRUCTION OR RECONSTRUCTION NECESSARY TO MAINTAIN STORMWATER STORAGE, TREATMENT, OR FLOW ON SAID EASEMENTS.

THE OWNER OR ANY OF THEIR SUCCESSORS IN INTEREST, SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ALL COSTS INCURRED BY THE COUNTY OF KENDALL OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES ON SAID EASEMENT AREAS IN PERFORMING SUCH WORK, PLUS AN ADDITIONAL TEN PERCENT (10%) AND ANY REASONABLE ATTORNEY'S FEES, INCLUDING THE COSTS OF IN-HOUSE COUNSEL, CONNECTED WITH THE COLLECTION OF SUCH COSTS.

THE PROVISIONS OF THESE COVENANTS AND DECLARATIONS RELATING TO STORMWATER OBLIGATIONS SHALL NOT BE AMENDED, MODIFIED, OR ABROGATED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE COUNTY OF KENDALL OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES ON THE STORMWATER MANAGEMENT EASEMENT AREAS.

ALL OF THE ABOVE STATED OBLIGATIONS SHALL ALSO BE CLEARLY REFERENCED IN ANY COVENANTS, CONDITIONS, DECLARATIONS AND RESTRICTIONS RECORDED AGAINST THE PROPERTY AND IN ANY DEEDS OR TITLE DOCUMENTATION REQUIRED FOR THE CONVEYANCE OF SUCH PROPERTY.

**APPENDIX THREE  
PRIVATE STREET COVENANT**

The following shall be referenced as specified below in any homeowners association or other covenants and on the final plat supplied for recording to alert purchasers of the rights, obligations and limitations affecting private streets in any subdivision approved by the County Board:

Language to be included in any Declaration of Covenants or Homeowners Association Covenants Regarding Private Streets:

That a private street approved by the Kendall County Board is so designated and delineated on plat of subdivision. That said road is hereafter subject to the following conditions:

1. The street is not publicly maintained and is subject to maintenance by all lot owners hereunder in the manner provided herein.
2. That a sign shall be continuously maintained and conspicuously located at the beginning of such street.
3. That the roadway be initially constructed in the accordance with the plans and specifications as identified on the final engineering plans prepared by dated and last revised as approved by the County.
4. That the terms and conditions of this section are for the benefit of allot owners as well as the public at large and are binding on all lot owners and may not be altered by future amendment.

The following language shall also appear on all final plats submitted for recording in which a private street has been approved by the County Board:

The area designated heron as "Private Roadway" is an easement for ingress and egress hereby granted to the individual lot owners which abut said easement and their invitees, guests, heirs and assigns, etc. The roadway is NOT PUBLICLY MAINTAINED and is subject to maintenance by the lot owners in accordance with the recorded Covenants Conditions and Restrictions binding all such lot owners to the maintenance thereof.

**APPENDIX FOUR (A)**

**KENDALL COUNTY SIGNIFICANT NATIVE TREES [6" or more]**

<b>Scientific Name</b>	<b>Common Name</b>
Acer nigra	Black Maple
Aesseulus glbra	Ohio Buckeye
Carya ovata	Shagbark Hickory
Fraxinus nigra *	Black Ash
Fraxinus pennsylvanica *	Red Ash
Fraxinus quadrangulata*	Blue Ash
Gymnocladus dioicus	Kentucky Coffee Tree
Juglans nigra	Black Walnut
Ostrya virginiana	Hophornbeam or Ironwood
Platanus occidentalis	Sycamore
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus macrocarpa	Bur Oak
Quercus muhlenbergii	Chinquapin Oak
Quercus rubra	Red Oak
Quercus velutina	Black Oak
Quercus spp.	Other Oak species

**APPENDIX FOUR (B)**

**KENDALL COUNTY SIGNIFICANT NATIVE TREES (12" or more)**

<b>Scientific Name</b>	<b>Common Name</b>
Acer saccharum	Sugar Maple
Celtis occidentalis	Common Hackberry
Fraxinus americana *	White Ash
Fraxinus pennsylvanica var. subintegerrima*	Green Ash
Juglans nigra	Black Walnut
Populus deltoides*	Eastern Cottonwood
Prunus serotina	Wild Black Cherry
Tilia americana	Basswood, Linden
Ulmus Americana	American Elm
Ulmus rubra	Slippery Elm

\*These trees are not appropriate for new plantings due to disease and insect concerns. However, existing trees are still considered significant and should be preserved or replaced with other appropriate species.

**APPENDIX FIVE**

**KENDALL COUNTY SIGNIFICANT NATIVE TREES [any size]**

<b>Scientific Name</b>	<b>Common Name</b>
Asimina triloba	Paw Paw
Carpinus caroliniana	Blue Beech
Cercis canadensis	Redbud
Cornus alternifolia	Pagoda Dogwood
Corylus Americana	American Hazelnut
Juglans cinerea	Butternut
Morus rubra	Red Mulberry
Rhamnus alnifolia	Alder Buckthorn
Rhamnus lanceolata	Lance-Leaved Buckthorn
Ulmus thomasi*	Rock Elm

**APPENDIX SIX  
KENDALL COUNTY APPROVED TREE LIST**

All native trees listed in Appendix (4) and (5) are appropriate, and preferred for new tree plantings (except noted Ash and Elm trees due to disease concerns). In addition, the following trees are also considered appropriate for planting in the County.

<b>Canopy/Shade Trees</b>	
<b>Scientific Names</b>	<b>Common Name</b>
Aesculus flava	Yellow Buckeye
Aesculus hippocastamum	Common Horsechestnut
Acer miyabei 'Morton'	State Street® Miaybe Maple*
Acer platanoides, spp. 'Deborah' Emerald Lustre® 'Summershade' 'Superform'	Norway Maple 'Deborah' Norway Maple* Emerald Lustre®* 'Summershade' * 'Superform' *
Acer rubrum, spp. Autumn Flame® 'Brandywine' 'Franksred'	Red Maple Autumn Flame®* 'Brandywine' * Red Sunset®*
Acer saccharum, spp. Legacy® 'Morton' 'PNI 0285'	Sugar Maple Legacy®* Crescendo™* Green Mountain®*
Cercidiphyllum japonicum	Katsuratree
Cladastris kentukea	American Yellowwood*
Corylus colurna	Turkish Filbert*
Fagus sylvatica	European Beech
'Riversii'	Rivers Purple Leaf Beech
Ginkgo biloba, spp. (Male only) 'Autumn Gold' 'Magyar' 'PN 22720'	Ginkgo 'Autumn Gold' * 'Magyar' * 'Princeton Sentry' *
Gleditsia tricanothos var. inermis, spp. 'Skyline' 'Shademaster' 'Suncole'	Thornless Honey Locust*  Skyline®* Shademaster®* Suncole®*
Liquidambar styraciflua	American Sweetgum
Liriodendron tulipifera	Tuliptree
Nyssa sylvatica	Black Tupelo
Phellodendron amursnse 'Macho'	Amur Corktree
Phellodendron lavalley 'Longnecker'	Eyestopper™Lavalley Corktree
Phellodendron sachalinense 'His Majesty'	Sakhalin Corktree

Platanus x acerfolia 'Bloodgood' 'Exclamation'	London Planetree Bloodgood London Planetree Exclamation Planetree
Pyrus calleryana, spp. 'Cleveland Select' Aristocrat® 'Redspire'	Callery Pear* 'Chanticleer'* Aristocrat®* 'Redspire'*
Quercus coccinea	Scarlet Oak
Quercus imbricaria	Shingle Oak
Quercus x macdenielli 'Clemon's"	Heritage® Oak*
Taxodium distichum	Baldcypress
Tilia cordata, spp.	Littleleaf Linden*
Tilia tomentosa, spp.	Silver Linden*
Tilia 'Redmond'	Redmond Linden*
Tilia x flavescens 'Glenleven'	Glenleven Linden*
Ulmus Americana, spp. 'Valley Forge' 'Princeton' 'New Harmony'	American Elm 'Valley Forge'* 'Princeton'* 'New Harmony'*
Ulmus 'Morton'	Accolade®Elm
Ulmus 'Morton Glossy'	Triumph™Elm*
Ulmus 'Frontier'	'Frontier' Elm*
Ulmus 'Patriot'	'Patriot' Elm*
Ulmus wilsoniana	'Prospector' Elm*
Ulmus x Homestead	'Homestead' Elm*
Ulmus x Regal	'Regal' Elm*

\*Acceptable parkway tree.

<b>Ornamental Trees</b>	
<b>Scientific Names</b>	<b>Common Name</b>
Acer campestre	Hedge Maple
Acer tataricum, spp. 'GarAnn' 'Patdell' 'Summer Splendor'	Tatarian Maple 'GarAnn' 'Patdell' 'Summer Splendor'
Acer tataricum subsp. Ginnaloo, spp.	Amur Maple
Alnus glutinosa	Alder
Amelanchier Canadensis	Shadblow Serviceberry
Amelanchier x grandiflora, spp.	Apple Serviceberry
Amelanchier laevis, spp.	Allegheny Serviceberry
Betula nigra, spp. 'Cully'	River Birch Heritage®
Betula papyrifera, spp. 'Varen' 'Whitespire'	Paper Birch Prairie Dream® Whitespire White Birch
Carpinus betulus 'Fastigiata'	Hornbeam Columnar Hornbeam
Caarpinus caroliniana	Ironwood
Cornus mas	Corneliancherry Dogwood
Crataegus crus-galli var. inermis 'Cruzam'	Thornless Cockspur Hawthorn Crusader®
Crataegus mollis	Downy Hawthorn
Crataegus phaenopyrum	Washington Hawthorn
Crataegus virdis 'Winter King'	Winter King Hawthorn

Maackia amurensis, spp. 'Starburst' Summertime	Amur maackia 'Starburst' Summertime
Magnolia stellata, spp.	Star Magnolia
Malus spp.**	Flowering Crabapple**
Prunus maackii	Amur Chokecherry
Prunus sargentii	Sargent Cherry
Prunus 'Accolade'	Accolade Cherry
Syringa pekinensis, spp.	Peking Lilac
Syringa reticulate, spp.	Japanese Tree Lilac

\*\*Species selected must be primarily disease resistant with small fruits.

\*\* Other species as determined and approved by staff.

## **APPENDIX SEVEN**

### **Subdivision Pre-Construction Meeting Checklist**

Following approval of a final plat of subdivision and the related civil engineering (public improvement and grading) plans and prior to the commencement of the subdivision improvements, the developer will need to schedule a pre-construction meeting. Meeting space will be supplied by the County and reservations for meeting rooms should be coordinated through the Planning Representative in the County PBZ Department. The developer will be responsible for scheduling the meeting and will need to contact the following individuals to attend:

#### **Developer Representatives:**

*Owner/Developer*

*Developer's Engineer*

*Developer's Contractors* - (project manager, earthwork, underground, paving, tree specialist, etc.)

#### **Local Government Representatives:**

Please refer to the Kendall County website for contact information for the following organizations:

***Kendall County Planning, Building & Zoning Department***

***County Highway Department***

***Kendall County Consulting Engineer***

***Township Highway Department*** - Contact the corresponding department for the township in which the project is located. If the project is split between more than one township, a representative from each of the affected townships will need to attend.

Little Rock Township Hwy. Department  
 Bristol Township Hwy. Department  
 Oswego Township Hwy. Department  
 Fox Township Hwy. Department



Kendall Township Hwy. Department  
Na-Au-Say Township Hwy. Department  
Big Grove Township Hwy. Department  
Lisbon Township Hwy. Department  
Seward Township Hwy. Department

***Kendall County Health Department*** - Environmental Health

**Optional**

***Kendall County Soil & Water Conservation District***

Additional individuals may be invited to attend at the developer's discretion and may include utility companies, school, park or open space agency representatives (if project involves regional trails or land donations), local Fire Department or others as may be appropriate.

**APPENDIX EIGHT**  
**TABLE OF MINIMUM STANDARDS FOR RURAL STREET DESIGN**

**MINIMUM STANDARDS FOR RURAL STREET DESIGN**

**KENDALL COUNTY**

Street Type	Min. Design Speed	Minimum R.O.W. Width		Minimum Pavement Width w/curb	Minimum Shoulder Width	Horizontal Alignment Min. Radius	Vertical Alignment Minimum K Value		Maximum Gradient	Minimum Pavement Structure			
		w/curb	w/o curb				Crest	Sag		Agg.	Blinder Surface		
Local Street	30 mph	60'	70'	30'	24'	6'	±275'	30	40	8%	12"	2 1/2"	1 1/2"
Local Subcollector	35 mph	70'	80'	32'	24'	6'	±415'	40	50	6%	12"	2 1/2"	1 1/2"
Minor Collector	45 mph	80'	90'	36'	26'	7'	±830'	80	70	5%	12"	3 1/2"	1 1/2"
Major Collector	55 mph	-	120'	-	28'	8'	1200'	150	100	4%	12"	4 1/2"	1 1/2"
Commercial/Industrial	55 mph	80'	90'	36'	28'	8'	±415'	40	50	5%	12"	4 1/2"	1 1/2"
Arterial	60 mph	-	±150'	-	28'	8'	1500'	†	†	4%	†	†	†

\* Assuming no superelevation

† Use Design Controls for Stopping Sight Distance as required by IDOT's BLUE Manual

‡ Use IDOT's Pavement Design Guidelines

**NOTES**

- The above standards are minimum requirements. Additional R.O.W., modified pavement widths, etc. may be required depending on specific circumstances for each development. If design elements are not specifically addressed above, then AASHTO guidelines shall apply.
- Shoulders shall be constructed of 8" of aggregate surface course (CA-6) from a state-approved source. Shoulders around intersection radius returns shall be constructed of 8" of bituminous concrete to a point not less than 10' past the point of tangency.
- Curb and gutter shall be M-3.12 unless otherwise specified.
- In addition to the pavement structure requirements listed above for commercial / industrial streets, a geogrid equivalent to Triax TX160 shall be placed below the aggregate base course. The geogrid shall be approved by the County Engineer and shall be installed in accordance with manufacturer's recommendations.
- In general, roadways without curbs shall have ditch slopes of at least 1% unless otherwise approved by the County.
- Full-depth concrete pavement may be used in lieu of bituminous concrete. Minimum standard for concrete pavement includes 8" of unreinforced concrete pavement with at least 4" of sub-base granular material.

**APPENDIX NINE (A)**  
**STANDARDS AND REQUIREMENTS FOR RESTORATION, PLANTING, MAINTENANCE,**  
**AND MONITORING OF NATURAL OPEN SPACE**

The purpose of these standards is to ensure that the overall design intent for naturalized open space areas - including wetlands, prairies, woodlands, savannas, naturalized detention basins, drainage swales, and buffers -- is achieved and maintained, particularly during the initial restoration and plant establishment phase. Such areas are intended to provide an aesthetic, healthy, diverse community of native vegetation to meet the objectives of wildlife habitat, soil stabilization, groundwater recharge, and water quality protection. This is accomplished by complying with the following requirements:

1. The development and implementation of a landscape/planting/monitoring and maintenance plan.
2. Routine monitoring of planting success.
3. Follow-up repair, re-seeding, and/or replanting to meet performance criteria.
4. Preparation of annual reports summarizing monitoring data, documenting maintenance and remedial activities in comparison to stated performance criteria.
5. Preparation of a long term monitoring and management plan to maintain the areas in perpetuity.
6. Sign-off and acceptance of initial restoration and planting at the end of a three-year monitoring and management period.

The establishment of native vegetation communities shall be carefully planned and executed to ensure long term success. Restoration and native planting efforts should be considered on an equal basis with other major infrastructure improvements of a development, such as roads, utilities, and building standards. Without performance standards, open space restoration and native plant establishment has the potential to fail, leaving future home owner associations or the County with major management problems that they may not have the expertise or resources to address. Therefore, it is important to provide reasonable performance standards to regulate the planning, establishment, and monitoring success of restoration and native plantings within developments.

## **Landscape Restoration and Planting Plan**

A site specific restoration and planting plan shall be submitted to the Kendall County Planning, Building and Zoning Department (KCPBZ) with required final plat or plan approval for all Residential Planned Developments. The plan shall be prepared by a qualified professional in the field of ecological restoration and/or natural landscaping. At a minimum the plan shall include:

- A map drawn to scale and depicting all proposed restoration and planting areas. Identification of proposed management units based on remnant natural areas, soil types, topography, hydrology, and pre-settlement vegetation. Management unit mapping will also show the overall layout of the development to demonstrate that naturalized areas are adequately set-back from homes and other infrastructure so that the potential for fire hazards during controlled or accidental burns is reduced. Where applicable, fire breaks, including those in the form of mowed paths, should also be identified.
- A list of all plants, seeds, and/or plugs to be used within each management unit. All plantings will consist of species native to Kendall County, of a local genotype, and appropriate for the proposed habitat (see Appendix Nine-A for references to local plant species and habitat). The number of plants and plugs to be used and the amount/weight of seed per species shall also be included, along with seeding rates per acre for each species.
- For detention and retention facilities, provide a minimum of one canopy/shade tree equivalent per 75 feet of high water line. A minimum of 25% of the required canopy/shade tree equivalent shall be ornamental trees. Trees shall be clustered in natural groupings. Species diversity should be provided within each development. Trees should be selected from the County's current tree planting list (see Appendix Four, Five and Six).
- For remnant wetland, prairie, savanna, and woodland communities, a schedule of management and enhancement activities for areas proposed for restoration. This schedule shall address methods of weed and brush removal, including herbicide, cutting, and hand pulling; replanting necessary to restore native plant diversity and where appropriate, sediment removal, regrading, stabilization and related measures necessary to restore degraded wetlands and aquatic systems.
- A three-year management schedule which includes proposed timing and description of the following: site preparation, application of herbicides, seeding activity, mowing, controlled burns, and similar activities. Areas being restored to native communities

should be protected by silt fencing or construction fencing to prevent unnecessary disruption or destruction due to nearby construction activity.

Five printed copies and one electronic copy (PDF) of all required submittals shall be provided to the KCPBZ, who shall forward copies to the Director of the Kendall County Forest Preserve District, the Kendall County Soil and Water Conservation District, and the County Engineer or consultant engineer. Each organization receiving a copy of the plans shall have twenty-one (21) days to provide written comments to the KCPBZ office. The KCPBZ office shall then compile all comments and inform the applicant if the plans are approved, or what changes are needed to receive approval. Within twenty-one (21) days of approval of the landscape/planting plan, the applicant shall provide the KCPBZ office a written cost estimate by a qualified contractor or contractors, including separate estimates for trees, ornamental plantings, and natural areas.

### **Plant Monitoring**

The following tasks shall be performed within each management unit identified in the landscape/planting plan during the first 3 years:

- Plant inventory of all naturally landscaped areas. This inventory shall determine overall vegetative cover, the total number of species, and the prevalence of undesirable/invasive species, consistent with specified performance criteria. This inventory is used to determine where follow-up seeding or planting is needed and to identify, locate, and remove undesirable "weedy" species on a timely basis. Permanent transect vegetation sampling techniques should be used within each management unit to adequately document and monitor plant community establishment over the initial 3 year period. The presence of any plant species observed outside of a transect and not documented by sampling along such transect shall also be noted. Sampling techniques and summaries shall be compiled consistent with methods described in *Plants of the Chicago Region* by Floyd Swink and Gerould Wilhelm, 1994.
- Establishment of permanent photographic monitoring locations: Photographs will be taken to document the establishment of vegetative cover, erosion problems, and other relevant maintenance concerns within each management unit identified in the landscape/planting plan. Photographs must be of satisfactory quality and resolution to accomplish the intent of the performance standards and shall be taken from the same locations during each monitoring event. A detailed description of the camera/photo location based on distance from a permanent

structure, the orientation of the photo, and the vegetation zone being photographed shall be provided. Additional photos should be taken of problem areas and remedial activities.

- Monitoring is required annually for a minimum of three full growing seasons during and following restoration and planting. Under circumstances where the minimum performance standards cannot be achieved, alternative performance standards must be presented to the County Planning, Building and Zoning Committee for review and approval.
- Required tree plantings shall also be monitored annually for the first 3 years. Dead trees, or trees with dead central leaders and 50% or more dead branches, shall be replaced within six months of identification. After the first three years, dead trees identified in the long-term annual monitoring program must also be replaced.

### **Performance Criteria**

In order to ensure adequate diversity of plants, to respond to varying environmental and hydrologic conditions, to ensure the establishment of native landscapes that are functional, aesthetic, and cost-effective, and to provide reasonable variety to meet aesthetic expectations, a minimum of 10 species of native plants are required within any naturalized stormwater facility, such as naturalized detention basins or swales. A minimum of 40 native species will be established in any upland landscapes.

The success of natural landscaping can be affected by the appropriateness of the plant species selected, the effectiveness of the grading and seedbed preparation, the quality of the seed and plant material used, the timing of the planting, and attention to early maintenance. With upland prairie, savanna, and woodland restoration or establishment (see definitions), it generally is appropriate to leave soils undisturbed since mass grading will result in compacted soils and may lead to serious weed problems. Land currently under agricultural row crop production should remain undisturbed if possible until prairie seeding can be accomplished. This will contribute to the success of the native landscape by preventing the establishment of weeds and minimizing the corruption of the seed bank. The success of the project will be formally evaluated by the following vegetation performance standards monitored over time.

- By the end of the first full growing season, planted areas should have 90 percent vegetation cover and no area greater than 1.0 meter square shall be devoid of vegetation. A cover crop of annual rye or oats may be used to help achieve this goal. At

least 75 percent of the plugs, root stock, and tubers, and 50 percent of the seeded species should be present and alive. If an area is designed as an aquatic or emergent system, it is anticipated that portions of the submerged area will be periodically exposed and without vegetation cover due to fluctuating water levels. If, by the end of the first full growing season, the basin emergent zones and/or side slopes fail to support the establishment of sufficient vegetation, then corrective measures regarding the fundamental design of the area and/or planting plan shall be required.

- During the second growing season at least 60 percent of the permanent species planted in seed form should be evident. Ninety percent or more of species planted as plugs, root stock, and tubers, shall also have persisted into the second season. If this fails to occur, a determination must be made as to why and remedial action shall be necessary. Remediation may include overseeding and/or plugging of appropriate species. Finally, undesirable, invasive plant species shall not be prevalent in any of the management units. No invasive, weedy species, including any of the following, shall be among the five most dominant plant species in the overall vegetative cover.

- Reed canary grass (*Phalaris arundinacea*)
- Common reed (*Phragmites australis*)
- Purple loosestrife (*Lythrum salicaria*)
- Non-native thistle (*Cirsium spp.*, *Carduus spp.*)
- Sweet clover (*Melilotus spp.*)
- Crown vetch (*Coronilla varia*)
- Wild parsnip (*Pastinaca sativa*)
- Burdock (*Arctium spp.*)
- Garlic mustard (*Alliaria petiolata*)
- Teasel (*Dipsacus spp.*)
- Ragweed (*Ambrosia spp.*)
- Kentucky bluegrass (*Poa pratensis*)
- Buckthorn (*Rhamnus spp.*)
- Sandbar willow (*Salix interior*)
- Honeysuckle (*Lonicera spp.*)
- Multiflora rose (*Rosa multiflora*)
- Box elder (*Acer negundo*)

A more complete listing of common invasive species can be found on the Illinois Department of Natural Resource's website.

- At the end of the third full growing season, at least 75 percent of the seeded permanent species and 90 percent or more of species planted as plugs, root stock, and tubers are expected to be established. Alternatively, native perennial species that volunteer on the site, excluding undesirable invasive species,



may also be counted in determining the preceding criteria. Qualitative vegetative sampling within each management area shall achieve the following to be determined a success and a mean Coefficient of Conservatism shall meet or exceed 3 and the Floristic Quality Index shall meet or exceed 20, except in designated stormwater management facilities (Swink and Wilhelm).

- The five most dominant species of the overall vegetative cover within each management unit shall not include any of the undesirable species referenced above under the 2<sup>nd</sup> season performance standards. If the identified level of species development fails to occur, a determination must be made as to why, and a remedial action plan must be prepared and submitted to the Kendall County Planning, Building and Zoning Department (KCPBZ) for approval. The approved remedial plan must be implemented and continued monitoring will be required beyond the third growing season until these performance criteria are met. Where the minimum performance standards cannot be achieved, a written explanation and alternative performance standards must be submitted for consideration by the Planning, Building and Zoning Department.

### **Annual Reporting**

An annual monitoring report shall be submitted to the KCPBZ office by July 31<sup>st</sup> of each year and shall include the following:

- A summary of vegetation data collected within each management unit, including an assessment of compliance with performance criteria.
- A description of vegetation maintenance activities, including overseeding, replanting, and control of undesirable "weedy" species, and an assessment of their effectiveness in meeting performance criteria.
- Photographs and accompanying descriptions taken at permanent monitoring stations.
- A summary of planned maintenance activities for the coming year.
- Documentation of the depth of sediment in forebays and sediment basins and plans for removal of sediment if more than one (1) foot of sediment has accumulated.

### **Sign Off and Acceptance**

Approval and release of performance guarantee shall not occur until a final inspection by both the County Stormwater Management

Engineer or Consultant and the Soil & Water Conservation District who shall verify that initial performance criteria have been met. This inspection will occur at the end of the three year monitoring period. When the performance standards have been met, the County shall allow the areas to be placed under the control of an approved conservation organization or homeowners association to implement the long term management of the natural areas. In the event that conditions of performance criteria cannot be met, an alternative plan shall be prepared or a fee-in-lieu of payment, to be determined by the County, may be used to meet performance criteria standards. At the discretion of the Planning, Building and Zoning Administrator, the performance guarantee may be released in two stages: one for any required tree planting and other ornamental landscape plantings, and one for natural areas.

### **Enforcement and Penalties**

- A. Authorization to enter premises - The KCPBZ, the Kendall County Soil and Water Conservation District, and the County Engineer or consultant engineer are hereby authorized to make the necessary inspections to obtain compliance with this ordinance. For the purpose of making such inspections, the County official or representative is hereby authorized to request entry to any property at any reasonable time upon reasonable notice, for the purpose of determining compliance with this ordinance. Refusal of right to entry shall be cause for to seek the permission of the court for right of entry.
  
- B. Notice to Abate - Upon investigation of the landscape open space areas by the County, if he/she determines that the landscape does not comply with the approved plans and this ordinance, he/she shall issue a written notice detailing areas of non-compliance within a reasonable amount of time to be determined by the KCPBZ. A follow-up inspection will then be made in an effort to ensure that compliance has been achieved. Depending on the nature and conditions of the violation(s) and/or responsible party, a series of follow-up inspections may be necessary to achieve total compliance. However, a final date by which all violations are to be fully resolved shall be established and adhered to.

If it is determined that the condition constitutes an immediate and serious threat to the health and safety of the population, the KCPBZ may approach the court for an immediate abatement order.

- C. Failure to Abate Condition - Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a petty offense punishable by a fine not to exceed \$500 for each week the violation remains uncorrected constituting a separate offense; which penalties shall be assessed in accordance

with the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law.

### **Professional Land and Property Management**

In identifying both short- and long-term management responsibilities for open space and natural areas, the applicant shall identify a management entity with demonstrated experience and qualifications in natural land management and ecologic stewardship. Such entity may be a public or not-for-profit conservation agency. Alternatively, the entity may be a professional natural land management specialist or company.

In identifying the institutional arrangements for the management entity, the applicant's stewardship plan shall address responsibilities for each of the following institutional provisions. These provisions shall be in place prior to any turn-over of the property from the applicant to the HOA or other management entity.

- enforcement of CCR's and the Stewardship Plan
- proper budgeting and managing finances for HOA or easement holders
- collection of dues and/or fees
- filing of required reports and taxes
- education and communication with residents
- insurance and risk management
- maintenance of proper reserves
- outsourcing, including evidence of a maintenance contract with a qualified natural land management specialist or company if appropriate.

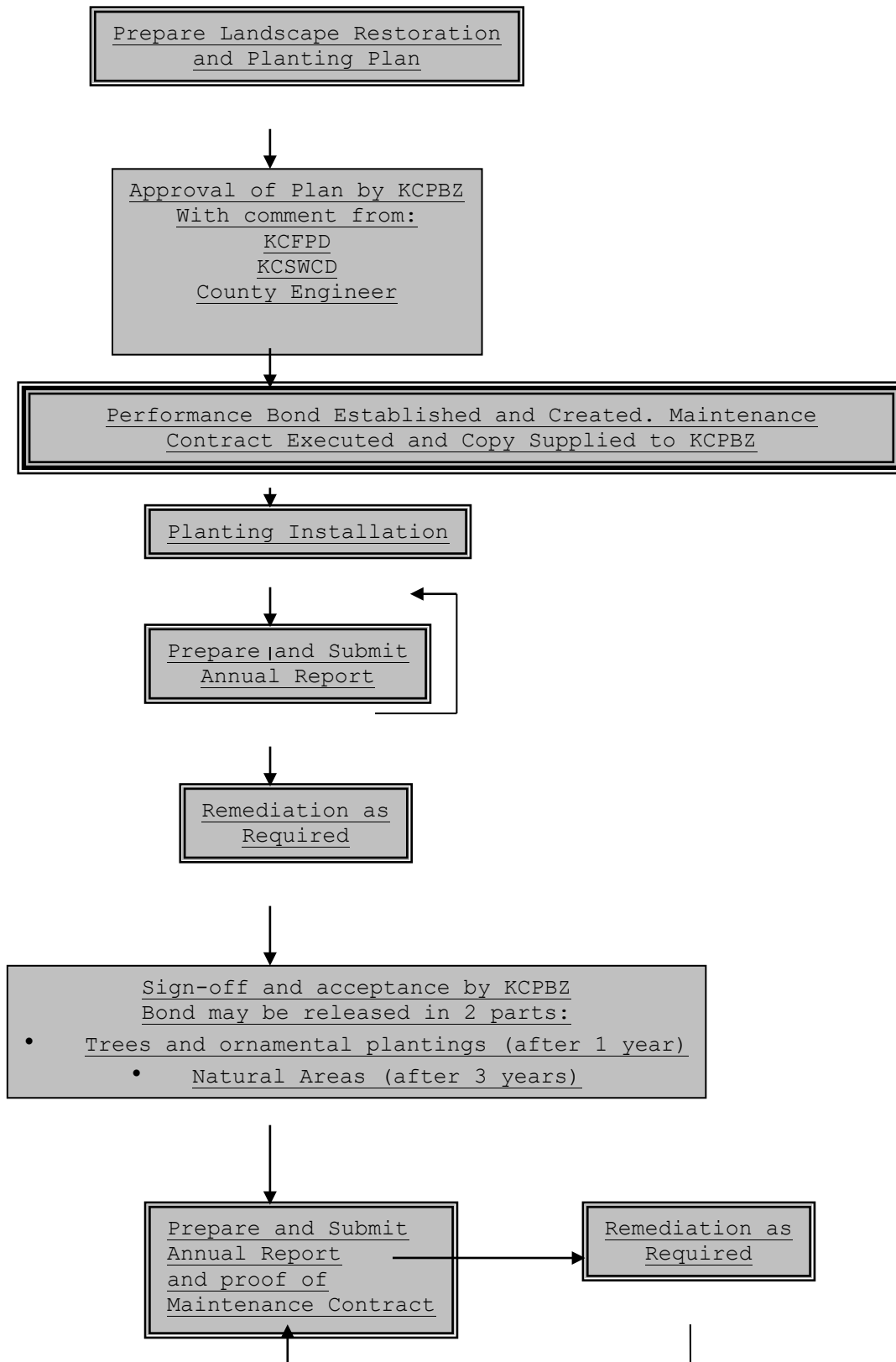
### **Long Term Monitoring and Management**

- Long-term monitoring, consistent with the criteria specified above, shall be performed on an annual basis in perpetuity. Monitoring reports shall be submitted to the County for review and approval by July 31<sup>st</sup> of each year. The monitoring report shall be accompanied by an annual inspection fee as established by the KCPBZ office.
- Continued ecological management shall be provided to maintain a diverse native plant community, consistent with performance criteria, to minimize the proliferation of weeds and undesired woody vegetation, and to prevent erosion. At a minimum, the site shall continue to meet the vegetation performance standards of

the 3<sup>rd</sup> season, as specified above, with regard to erosion control, vegetation coverage, species diversity, and control of invasive species. Long term maintenance shall consist of controlled burning, generally every one to three years or as dictated by site conditions. To maintain the established native plant communities, spot control and application of herbicides shall be performed, as necessary.

Long-term maintenance shall include the removal of trash or debris and the removal of obstructions from detention basin outlet structures. Periodic removal of accumulated sediment from swales, forebays, and settling basins shall be done to maintain the function and aesthetics of stormwater facilities. At a minimum, sediment shall be removed from forebays and sediment basins when one (1) or more feet of sediment has accumulated.

Restoration, Planting, Maintenance and Monitoring Process



**APPENDIX NINE (B)**  
**NATIVE PLANTING RESOURCES**

Suggested references for restoration and natural landscaping include:

Illinois Nature Preserve Management Guidelines, Illinois Nature Preserves Commission.

Tallgrass Restoration Handbook, for Prairies, Savannas, and Woodlands, S. Packard and C. Mutel, Society for Ecological Restoration, 1997.

Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois, USDA Natural Resources Conservation Service, 2004.

Natural Landscaping for Local Officials: Design and Management Guidelines, Northeastern Illinois Planning Commission, 2004.

Plants of the Chicago Region, F. Swink and G. Wilhelm, the Morton Arboretum, Published by the Indiana Academy of Science, 1994.

Kane County Wild Plants & Natural Areas, 3rd Edition, D. Young, 2008

**APPENDIX TEN**

**DEVELOPER'S UNDERTAKING (with financial guarantee)**

**DEVELOPER'S UNDERTAKING**

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**WHEREAS**, the statutes of the State of Illinois grant to a county the right to require that a developer constructing certain improvements in connection with the development of a subdivision within that county guarantee the construction of such improvements with a financial guarantee or other security acceptable to the county; and

**WHEREAS**, \_\_\_\_\_, an Illinois Limited Liability Company, (hereinafter referred to as "Developer") desires to develop a subdivision within Kendall County, Illinois (hereinafter referred to as "County"), and that the County is willing to accept an undertaking and a financial guarantee;

**NOW, THEREFORE**, in consideration of the premises, the following representations, warranties and agreements are made by the undersigned to and with the Kendall County, Illinois:

1. That Developer is the owner of record of the real estate legally described in Exhibit "A" attached hereto and made a part hereof.
2. That the Developer shall furnish at its own cost and expense all necessary materials, labor and equipment to complete the public and private onsite and offsite Land Improvements required by the Kendall County Ordinances, including but not limited to the following: Storm sewer and water systems including all appurtenances thereto, retention and detention basins, grading and surface drainage ways and facilities, sidewalks, and parkway restoration. All Land Improvements shall be constructed in accordance with the standards, specifications, and requirements of Kendall County. Such Land Improvements are also identified on (a) the Final Engineering Plans ("Final Engineering Plans") consisting of the plan set entitled " " dated \_\_\_\_\_ prepared by \_\_\_\_\_, Ltd.; and (b) the Engineer's Estimate of Cost ("Estimate") dated \_\_\_\_\_, attached hereto as Exhibit "B".
3. That the required Land Improvements shall be completed within two (2) years of the recording of the Final Plat of Subdivision ("Final Plat"), which comprises the real estate to be developed as described herein.

4. That the Owner and Developer shall furnish qualified field supervision for the installation of all Land Improvements in the person of a professional engineer licensed in the State of Illinois.
5. That the Estimate, attached hereto as Exhibit "B", represents a fair estimate of the cost of the required Land Improvements shown and described on the Final Engineering Plans described in Paragraph 2 hereof.
6. That the Developer shall not be entitled to recording of the final plat until, and unless, Developer provides the County with a financial guarantee from a financially sound and reputable company, in an aggregate amount equal to 125% of the Estimate attached hereto as Exhibit "B". Said financial guarantee shall be in the form attached as Exhibit "C" hereto.
7. That the Owner and Developer guarantee the workmanship of the Land Improvements to be installed upon the site for a period of one (1) year after the acceptance by Kendall County of all Land Improvements.
8. That the financial guarantee shall be released in full upon acceptance by Kendall County of all of the Land Improvements. Upon final completion of all of the Land Improvements, and prior to such acceptance by Kendall County, the Developer shall:
  - a) Submit a Bill of Sale and a contractor's affidavit and lien waivers in accordance with the Illinois Mechanics Lien Act, for all Land Improvements, which have been designated by the County Board for acceptance;
  - b) Submit one set of reproducible (mylar) as-built drawings of the Land Improvements;
  - c) Submit a deposit in cash, or financial guarantee equal to ten (10) per cent of the actual cost of the Land Improvements, as a guarantee of satisfactory performance of the Land Improvements for a period of one (1) year after the acceptance by the County Board. During such one (1) year period, all necessary repairs to such improvements shall be the responsibility of the Developer. After such one (1) year period, such deposit shall be refunded in full if no defects have developed, or if the Developer to the satisfaction of the Plat Officer has repaired all defects. If defects have developed which Developer, has not repaired, County may cause such work to be done, and the entire cost and expense thereof shall be paid and deducted



from the deposit. The remaining amount of such deposit, if any, shall be refunded to the Developer. If such costs and expenses exceed the amount remaining of such deposit, the Developer shall pay such amount of excess to the County.

- 9. That in the event the County reasonably determines that the financial condition of the institution issuing the financial guarantee securing this undertaking has changed and is no longer acceptable to the County because its rating has become unacceptable pursuant to municipal code requirement, then at County's option upon notice to Developer and after adoption of a resolution by the County Board, Developer shall provide a substitute from an institution reasonably acceptable to the County, and until such financial guarantee is approved, County may deny the issuance of any further building permits.

Developer hereby acknowledges the absolute right of the County to enforce any financial guarantee, including the right to draw on any financial guarantee securing this undertaking and assuring completion of the Land Improvements listed herein, in accordance with the conditions set forth above, and hereby waives any notice and any right to enjoin the County from so proceeding. The obligations herein of the undersigned are joint and several.

IN WITNESS WHEREOF, \_\_\_\_\_, an Illinois Limited Liability Company, has hereunto set his hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2003

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

ATTEST: \_\_\_\_\_  
Manager

APPROVED AND AGREED:

KENDALL COUNTY, ILLINOIS

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

## **APPENDIX ELEVEN**

### **DRAWING REQUIREMENTS / CHECKLIST**

#### *As-built Engineering Plans*

##### **Streets / Roadways:**

- T/C, center line, T/C grades at 50-foot centers.
- Verify grading in cul-de-sacs and at curb returns/intersections by comparing proposed and existing elevations at locations shown on Final Plans.
- Note extent of sidewalk construction at the time of drawing preparation.
- Note whether surface course is placed at time of drawing preparation.

##### **Storm Sewers / Drainage:**

- Note changes in alignment or size of sewers or manholes due to field changes. Cross out approved conditions and add existing conditions.
- Rim and invert elevations for all pipes entering a structure. Cross out approved conditions and add existing information.
- Calculate revised pipe slopes and note on the plans.
- Provide as-built topography for storm water management basins (one {1} foot contour as a separate document). Compare approved stage storage characteristics with existing conditions.
- Verify overflow swales and major drainage route grading by comparing approved and existing spot elevations.
- Denote location of stubs for sump service connections.

##### **Sanitary Sewers:**

- Note changes in alignment or size of sewers or manholes due to field changes. Cross out approved conditions and add existing conditions.
- Rim and invert elevations for all pipes entering a structure. Cross out approved conditions and add existing information.
- Calculate revised pipe slopes and note on the plans. Note size and location of services with a distance to nearest manhole.

### **Water Main:**

- Note changes in alignment or size of mains due to field changes. Cross out approved conditions and add existing conditions.
- Rim and top of pipe elevations for all pipes entering a structure. Cross out approved conditions and add existing information.
- Note size and location of B-Boxes with two (2) physical ties to (in order of preference):
  - a) An above-ground physical element, i.e., fire hydrant, light pole, building corner.
  - b) A manhole or Valve Vault.
  - c) Property corners.

### **Utility Systems Identification:**

- Privately owned utility mains (storm, sanitary, water) connected to public utility mains must be clearly labeled at the connection on the Record Plans.

### **Miscellaneous:**

- All sheets in approved Final Drawings shall be submitted.
- One (1) set of blue-lines shall be submitted for initial review and one (1) set of mylars for final record keeping.
- Plans shall be signed and sealed by a Registered Professional Engineer with the following certificate (Exhibit A below).
- Plans shall note what record information is being submitted and the date of preparation.

### **Electric:**

- Location of streetlights and routing of cables feeding to transformers or secondary pedestals.

**EXHIBIT A**

**STATEMENT OF OPINION**

Pursuant to the Subdivision Control Ordinance of Kendall County, I \_\_\_\_\_, a registered Professional Engineer in the State of Illinois, hereby declare that these “Record Drawings” pertaining to (roadway, water main, sanitary sewer, storm sewer) (storm water management) (outdoor lighting) consisting of Sheets \_\_\_\_\_ and \_\_\_\_\_ included herewith, have been prepared for a certain project know as \_\_\_\_\_ and contain information as obtained by the surveyor, \_\_\_\_\_, and the contractor, \_\_\_\_\_.

It is my professional opinion that these “Record Drawings”adequately depict the Record Drawing Information required by Kendall County and substantiate that the improvements constructed as part of this project will function in substantial conformance to the design intent of the approved Engineering Plans.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

Illinois Registration Number: \_\_\_\_\_

(SEAL)

**APPENDIX TWELVE  
ENGINEERING CONSULTANT FEES AUTHORIZATION**



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**  
111 West Fox Street • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179  
**ENGINEERING CONSULTANT FEES**

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I, \_\_\_\_\_ understand that Kendall County uses the services of a consultant for  
Applicant Name

engineering reviews and inspections and that I will be responsible for payment of services on

\_\_\_\_\_ project. I authorize the consulting services to proceed.  
Project Name

IF THIS IS ***NOT*** PART OF A BUILDING PERMIT APPLICATION, PLEASE CHECK THE BOX AND COMPLETE THIS SECTION:

I hereby submit a deposit of \_\_\_\_\_ payable to the **Kendall County Treasurer** to be used by  
\$ Amount

Kendall County to reimburse consultant for charges invoiced for work done in the review, approval and inspection of the proposed improvements. I understand that if the deposit is depleted that I may be required to replenish the deposit to have work proceed. I further understand that Kendall County will not issue a Building Permit or a Certificate of Occupancy as the case may be until I provide payment or proof of payment for the Engineering services.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_