

ORDINANCE # 2008- 14

**AMENDMENT TO THE KENDALL COUNTY SUBDIVISION CONTROL
REGULATIONS SECTION 7.04 "PROCEDURE FOR APPROVAL OF FINAL PLAT";
SECTION 8.00 "AGREEMENTS" & SECTION 10.00 "REQUIRED LAND
IMPROVEMENTS"**

WHEREAS, Kendall County regulates development under authority of its Subdivision Control and related ordinances; and


WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including a Public Hearing held before the Kendall County Zoning Board of Appeals.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 7.04 "Procedure For Approval OF Final Plat"; Section 8.00 "Agreements" & section 10.00 "Required Land Improvements", as provided in the attached Exhibit "A".

IN WITNESS OF, this Amendment to the Kendall County Zoning Ordinance was approved by the Kendall County Board on April 15, 2008.


Attest:


John A. Church
Kendall County Board Chairman

~~Paul Anderson~~
Kendall County Clerk

EXHIBIT "A"

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

- SECTION 1.00 TITLE
- SECTION 2.00 PURPOSE
- SECTION 3.00 APPLICATION OF ORDINANCE
- SECTION 4.00 GENERAL PROVISIONS
- SECTION 4.01 INTERPRETATION
- SECTION 4.02 SEVERABILITY
- SECTION 5.00 ADMINISTRATION
- SECTION 6.00 RULES AND DEFINITIONS
- SECTION 6.01 RULES
- SECTION 6.02 DEFINITIONS
- SECTION 7.00 PROCEDURE FOR APPROVAL AND REQUIREMENTS
- SECTION 7.01 PRE-APPLICATION PROCEDURE
- SECTION 7.02 PROCEDURE FOR APPROVAL OF PRELIMINARY PLAN
- SECTION 7.03 PLATS AND DATA FOR APPROVAL OF PRELIMINARY PLAN
- SECTION 7.04 PROCEDURE FOR APPROVAL OF FINAL PLAT

- A. The final plat shall conform substantially to the preliminary plat as approved. If desired by the subdivider and to conform to the required construction schedule under Section 9.00.A of this ordinance, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.
- B. Application for approval of the final plat including all engineering drawings and specifications, shall be submitted in writing to the Plat Officer. The application shall be submitted at least eight (8) days prior to the regular meeting of the Plan Commission for its review and recommendations.
- C. 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 7 and the improvement standards in Section 9 of this ordinance. Following approval of the final engineering plans, the applicant shall supply the County with a copy the approved final version in pdf or similar digital format.

D. Within a reasonable time after its regular meeting at which the application for approval of the final plat was submitted, the Commission shall approve or disapprove it. If the Commission approves, it will so record in the minute book. If it disapproves, it shall set forth its reasons in its own records and provide the applicant with a copy.

E. Filing

1. After approval of the final plat by the Commission and the fulfillment of the requirements of these regulations, one tracing of the final plat of the subdivision, drawn in ink on tracing cloth not to exceed 24 inches by 30 inches in size, shall be submitted to the County Board for approval.

2. Action must be taken by the County Board within a reasonable time after the meeting at which the final plat and all drawings, maps and other documents required have been submitted for its approval. The applicant and the County Board may mutually agree to extend its consideration of said plat.

3. Upon approval by the County Board, the subdivider shall cause to have recorded the plat with the County Recorder within six (6) months. If not recorded within this time, the approval shall be null and void. Immediately after recording, the original tracing shall be filed with the County of Kendall.

SECTION 7.05 PLATS AND DATA FOR FINAL APPROVAL.

SECTION 8.00 AGREEMENTS

~~A. The Plan Commission shall submit the final plat along with its recommendations to the County Board for approval. Upon approval by the County Board the Plat Officer shall retain said approved Plat subject to compliance with the terms of~~

~~this Section and said Plat shall not be signed and shall not be recorded until compliance is met.~~

- ~~1. The subdivider shall present plans and specifications for all improvements to the County Engineer and to all other pertinent authorities. The subdivider may construct and install all such improvements prior to plat approval. On approval and certification of completion by the Superintendent of Highways and by all other pertinent authorities the final plat shall be signed by the Plat Officer and recorded.~~
 - ~~2. In lieu of actual construction prior to plat approval, as provided in No. 1 above, the subdivider may post with the Clerk of the County of Kendall, cash, negotiable securities or a non revocable letter of credit acceptable to the State's Attorney of Kendall County in amount sufficient to cover the full costs of the uncompleted improvements as estimated by a Registered Professional Engineer and conditioned on the completion and acceptance by the County Engineer and the Plat Officer of all said improvements within two (2) years from the approval of the final plat. Upon acceptance of such bond, approval of plans and specifications for all improvements by the Superintendent of Highways, and approved by the Plat Officer, the final plat may then be recorded.~~
- ~~B. Upon completion of the improvements as required by this Ordinance and acceptance thereof by all relevant authorities the improvements shall thereafter be maintained by the appropriate corporate authorities, providing however, for a period of one year 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 as completed within one year the subdivider shall restore the improvements to the criteria specified in this Ordinance. The subdivider further shall prior to execution of the plat by the Plat Officer deposit with the County cash, negotiable securities or a non revocable letter of credit acceptable to the State's Attorney's office of Kendall County in an amount not less than five percent (5%) of the total cost of all improvements, which deposit may be used by the County to restore the improvements in the event a failure is above provided.~~

- 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 of this ordinance.
- 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 the County Board for 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.

SECTION 9.00 DESIGN STANDARDS

SECTION 10.00 - REQUIRED LAND IMPROVEMENTS

PROCEDURE

~~A. Simultaneous with filing the Preliminary Plan, or as soon thereafter as practicable, two (2) copies of improvement construction plans and specifications prepared by a registered engineer, shall be furnished in accordance with the provisions of this section for the following subdivision improvements:~~

- ~~1. Streets,~~
- ~~2. Sanitary sewage system,~~
- ~~3. Storm drainage including storm sewers,~~
- ~~4. Water supply and distribution,~~
- ~~5. Street Lights,~~
- ~~6. Sidewalks,~~
- ~~7. Street signs, guard rails, and any other special requirements,~~
- ~~8. Public utility locations.~~

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 12 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. Final restoration may also be deferred beyond 12 months if weather conditions do not allow for planting. However, temporary overseeding must be completed and erosion controls established within 12 months and final restoration must be completed as soon as weather conditions allow. In the event of an exceptional hardship, the time frames set forth herein may be extended up to 12 additional months, 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.
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. Unless an extension is granted by the PBZ Committee as outlined under sub-paragraph 3 above, construction of the final pavement surface shall be completed no sooner than 10 months from the date of substantial completion and no later than 24 months after the date of issuance of the Site Development Permit. 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.

B. Construction Surety

1. Prior to the start of any work, the subdivider shall post with the Clerk of the County of Kendall, a non-revocable letter of credit 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.
 2. Upon completion of the improvements and 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 maintenance bond or similar financial surety 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.
- 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 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 aggregate base course.
 - e. Observation of aggregate 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 or re-commencement of actual construction operations.
 4. The subdivider shall pay the actual costs of inspections. 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 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 and one electronic (CAD) format of as-

built plans shall be filed with the plat officer. The presentation of these as-built record plans shall be a condition of final acceptance of the improvements, and release of the surety bond assuring their completion.

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 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. The presentation of these plans shall be a condition of final acceptance of the improvements, and release of the Letter of Credit assuring their completion.
 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 of all ~~valves, manholes, stubs, and sewer and water mains, and such other facilities as the Plat Officer shall require,~~ 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 Letter of Credit assuring their completion. The as-built plans shall be filed with the Plat Officer.
- E. Survey Monuments: All permanent and other monuments required under Section 10.00, Paragraph H 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 done 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 bond in the appropriate amount necessary to cover the one year maintenance period as specified in Section 10.00.B.2 of this ordinance.
4. 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.

FG. Design Standards

GH. Material Standards:

HI. Monuments and Markers:

SECTION 11.00 VARIATION AND EXCEPTIONS

SECTION 12.00 BUILDING PERMIT

SECTION 13.00 OCCUPANCY PERMIT

SECTION 14.00 BLASTING

SECTION 15.00 ENFORCEMENT

SECTION 16.00 VIOLATION PENALTY

SECTION 17.00 FEES

SECTION 18.00 APPEAL

SECTION 19.00 REPEAL

SECTION 20.00 PUBLICATION

SECTION 21.00 ADOPTION

APENDICIES