

City of Waukegan

**Subdivision  
Ordinance**



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**ARTICLE 1**

**TITLE**

This ordinance shall hereafter be known, cited and referred to as the Waukegan Subdivision Ordinance.

## ARTICLE 2

## POLICY

The following policy statements shall serve as the principal objective of the City of Waukegan regarding review and approval of subdivisions:

- 2.1 It is hereby declared to be the policy of the City of Waukegan to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the official Comprehensive Plan for the orderly, planned, efficient and economical development of the City.
- 2.2 Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace, and land shall not be finally subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities and other necessary improvements.
- 2.3 The existing and proposed public improvements shall conform to, and be properly related to, the proposals shown in the Comprehensive Plan and the capital budget and program of the City. And it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the building and housing codes, zoning ordinance, comprehensive plan, and capital budget and programs of the City.



### ARTICLE 3

### PURPOSE

These regulations are adopted for the following reasons:

- 3.1 To protect and provide for the public health, safety, comfort, convenience and general welfare of the residents of Waukegan.
- 3.2 To guide the future growth and development of the City in accordance with the Comprehensive Plan.
- 3.3 To provide for adequate light, air and privacy, to secure safety from fire, flood or other danger, and to promote the orderly and beneficial development of all parts of the City.
- 3.4 To protect the character and the social and economic stability of all parts of the City.
- 3.5 To protect and conserve the value of land throughout the City and value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- 3.6 To ensure that public facilities are available and will have sufficient capacity to serve the proposed subdivision.
- 3.7 To coordinate public and private policy and action in order to provide sufficient and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities.
- 3.8 To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper locations and width of streets and building lines.
- 3.9 To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and monumenting of subdivided land.
- 3.10 To prevent or ensure against further pollution of air, streams, lakes, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wide use and management of natural resources throughout the City in order to preserve the integrity and stability of the community and the value of land.
- 3.11 To ensure appropriate development with regard to natural features, with specific focus on environmentally sensitive sites as identified in the Critical Areas Map.
- 3.12 To provide for appropriate open spaces through the most efficient design and layout of the land, including the use of average density and clustering in providing for minimum width and area of lots, while preserving the density of land as established in the City of Waukegan Zoning Ordinance.
- 3.13 To coordinate the standards and regulations of this Ordinance with the site design criteria applicable to areas of significant impact or critical concern, as designated in the City of Waukegan Zoning Ordinance.
- 3.14 To guide, regulate and control the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth or land.



#### **ARTICLE 4**

#### **JURISDICTION**

The regulations contained in this Ordinance shall apply to all proposed subdivisions of land located within the city limits of Waukegan and all proposed subdivisions within unincorporated Lake County lying within the planning jurisdiction of the City of Waukegan (within 1.5 miles of the corporate boundaries of the City, with the exception of those minor subdivisions which may be approved administratively as more specifically set forth in Article 6 herein). If unincorporated land is within one and one-half (1.5) miles of both Waukegan and another incorporated municipality, the jurisdictional boundary line shall be considered to be a line agreed to by both municipalities, as specified in Illinois Consolidated Statutes, 65 ILCS 5/11-12-9.

**ARTICLE 5**

**INTERPRETATION AND SEPARABILITY**

5.1 INTERPRETATION

5.1-1 In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and general welfare.

5.1-2 Where the conditions imposed by any provision of this Ordinance upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of these regulations or of any other applicable law, ordinance, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or regulations shall govern.

5.2 SEPARABILITY

It is hereby declared to be the intention of the City Council of the City of Waukegan that the several provisions of this Ordinance are separable in accordance with the following:

5.2-1 If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in such judgment.

5.2-2 If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance in a particular subdivision of land, such judgment shall not affect the application of said provision to any other subdivision of land not specifically included in said judgment.

## ARTICLE 6                      DEFINITIONS

### 6.1        RULES

In the construction of this Ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

- 6.1-1        Words used in the present tense shall include the future and words used in the singular number shall include the plural number and the plural the singular.
- 6.1-2        The word “shall” is mandatory and not discretionary.
- 6.1-3        The word “may” is permissive.
- 6.1-4        The masculine gender includes the feminine and neutral.
- 6.1-5        All “measured distances” shall be to the nearest one one-hundredth (1/100) foot.
- 6.2-1        Words contained in this Ordinance and not defined hereinafter shall assume definitions as prescribed in Webster’s Unabridged Dictionary (1978 edition).

### 6.2        DEFINITIONS

- 6.2-1        ALLEY is a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- 6.2-2        ARTERIAL is a major, high-capacity public right-of-way with highest degree of traffic continuity and serving as a major trafficway for high volumes of traffic around or through the City.
- 6.2-3        ARTERIAL, PRIMARY is an arterial intended to move through-traffic, to and from major attractors or generators and/or as a route for traffic between communities. Primary arterials are identified on the City’s Transportation and Circulation Plan and the Street Classification System.
- 6.2-4        ARTERIAL, SECONDARY is an arterial designed to service moderate traffic attractors or generators and to carry traffic from collector to primary arterials. Secondary arterials are identified on the City’s Transportation and Circulation Plan and the Street Classification System.
- 6.2-5        BLOCK is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.
- 6.2-6        BOND is any form of security, including a cash deposit, surety or performance bond, collateral, property or instrument of credit in an amount and form satisfactory to the City Council whenever a bond is required by this Ordinance.
- 6.2-7        BUILDING is any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.
- 6.2-8        BUILDING PERMIT is the official permit issued by the Building Commissioner to allow for construction, erection, or alteration of a building or other land modification activity.
- 6.2-9        BUILDING SETBACK LINE is a line within a lot or other parcel of land so designated on the preliminary or final plat, between which said line and the adjacent boundary of the street upon which the lot abut, the erection of a building is prohibited.
- 6.2-10        CAPITAL BUDGET is the official document of the City which states the needs for land acquisition and/or construction to be undertaken by the City over the next ten (10) years so as to facilitate services to the residents of the City, either existing or contemplated.
- 6.2-11        CERTIFICATE OF USE AND OCCUPANCY is the certificate issued by the building official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit.
- 6.2-12        CERTIFY OR CERTIFICATION means formally attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this Ordinance.
- 6.2-13        CUBIC YARD means the amount of material in excavation and/or fill measured by the method of “average and areas.”
- 6.2-14        COLLECTOR – See “STREET, COLLECTOR”.
- 6.2-15        CUL-DE-SAC is a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

- 6.2-16 DEVELOPER is the owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.
- 6.2-17 EASEMENT is a grant by a property owner of the use by another, and for a specified purpose, of any designated part of his property.
- 6.2-18 EXCAVATION means any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.
- 6.2-19 EXISTING GRADE means the vertical location of existing ground surface prior to excavation or filling.
- 6.2-20 FILL means any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location, and shall include the conditions resulting therefrom.
- 6.2-21 FINAL GRADE means the vertical location of the ground or pavement surface after the grading is completed in accordance with the site development plan.
- 6.2-22 FINAL PLAT is the map or plan of record of a subdivision, and any accompanying material, as described in Section 12.2 of this Ordinance.
- 6.2-23 FRONTAGE is the length of the front property line of the lots or tract of land abutting a public street, road, highway or rural right-of-way.
- 6.2-24 GRADE is the slope of a road, land, street or other public way, specified in percent (%).
- 6.2-25 GRADING means excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.
- 6.2-26 GRADING PLAN is a topographic drawing establishing the proposed land elevation versus existing topography necessary for the achievement of the subdivision.
- 6.2-27 LARGE-SCALE DEVELOPMENT is a proposed complete, new, large unit of development which, due to its magnitude effect on surrounding properties often such developments are planned or unified in nature, and/or heterogeneity warrants special consideration by the Planning and Zoning Commission.
- 6.2-28 LIMITED ACCESS EXPRESSWAY, FREEWAY OR HIGHWAY is a trafficway for through-traffic, in respect to which owners or occupants of abutting property or lands, and other persons, have no legal rights of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.
- 6.2-29 LOT is a tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer or for building development.
- 6.2-30 LOT, CORNER is a lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135°.
- 6.2-31 LOT, THROUGH is a lot which has a pair of opposite street lines along two (2) substantially parallel streets, and which is not a corner lot. On a “through lot”, both street lines shall be deemed front lot lines.
- 6.2-32 METES AND BOUNDS is a method of property description whereby properties are described by means of their direction and distances from an easily identifiable location or point.
- 6.2-33 MINOR SUBDIVISION is a subdivision or division of land which is proposed to be created by one of the following methods:
- a. A sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots or create any lot which is not in full conformance with the Waukegan Zoning Ordinance, and the resulting combined parcel of land would not be separated by any right-of-way or access easement and any other easement which would have the effect of creating two separate parcels of land.
  - b. The division of land into three or less parcels for sale or donation of at least one such parcel to a not-for-profit corporation whose sole purpose and objective is to acquire and maintain lands in a natural state as a nature preserve or for open space, provided, however, that any such division shall not create any lot which is not in full conformance with the Waukegan Zoning Ordinance, and further provided that such not-for-profit corporation place a conservation easement on the land to be retained as open space or a nature preserve, which easement shall be in the form of a recordable document satisfactory to the Corporation Counsel of the City of Waukegan. Such easement shall be recorded and a copy provided to the City. In the event the said land is later proposed to be developed, the requirements of this Subdivision Ordinance shall be complied with, and a formal request for subdivision shall be submitted to the City.
  - c. The division of land into three or less parcels for sale or donation of at least one parcel to the City of Waukegan, the Waukegan Park District, or Waukegan School District 60, for the purpose and

- objective of acquiring additional land for public purpose.
- d. Lot line adjustment between two lots to make a lot conforming with respect to lot size or lot width.
- 6.2-34 NATURAL DRAINAGE is the path by which water traverses a piece of property in its natural state, agricultural state or, if modified previously by man, that is now present on the site.
- 6.2-35 NONRESIDENTIAL SUBDIVISION is any subdivision whose intended use is other than residential such as business, commercial or industrial. All such subdivisions shall comply with the applicable provisions of this Ordinance.
- 6.2-36 OUTLOT is a parcel of land within a subdivision and which has been included on a preliminary or final plat but not designated as a buildable lot due to insufficient size, insufficient frontage, peculiar siting or topographical problems.
- 6.2-37 OWNER is any person, group of persons, firm(s), corporation(s), or any other legal entity having legal title to, or sufficient interest in, the land sought to be subdivided under these regulations.
- 6.2-38 PARCEL means all contiguous land in one ownership or under common control.
- 6.2-39 PEDESTRIAN PATHWAY is a right-of-way within a block, dedicated to public use and intended primarily for pedestrians, but which may include utilities where necessary; and from which motor-propelled vehicles are excluded. Pedestrian pathways are not to be confused with intersection crosswalks.
- 6.2-40 PERMITEE means any person to whom site development permit is issued.
- 6.2-41 PERSON means any individual, firm or corporation, public or private, the State of Illinois and its agencies or political divisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.
- 6.2-42 PLANNING AND ZONING COMMISSION is the Planning and Zoning Commission of the City of Waukegan.
- 6.2-43 PLAT ADMINISTRATOR is the enforcing officer or administrator of these regulations, and serves as technical staff to the Planning and Zoning Commission. He shall examine all subdivision plats and determine whether the proposed development conforms to the regulations adopted.
- 6.2-44 PRE-APPLICATION is a preliminary consultation between the developer and administrative officials of the City in order to discuss the developer's intent to subdivide land within the jurisdiction of Waukegan. Pre-application is devised to give direction to developers.
- 6.2-45 PRELIMINARY PLAT is a map showing the salient features of a proposed subdivision, submitted to the Planning and Zoning Commission for purposes of preliminary action and tentative approval by the City Council.
- 6.2-46 REMOVAL shall refer to the removal of earth, vegetation or other physical aspect of a site without a permit.
- 6.2-47 RIGHT-OF-WAY is a strip of land occupied, or intended to be occupied, by a street, alley, cross-walk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes in the City of Waukegan shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, alleys, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency, shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
- 6.2-48 ROADWAY is that portion of a road or street which is improved, designed or ordinarily intended for vehicular use. Divided roads, and roads with frontage or service roads, have more than one roadway.
- 6.2-49 SERVICE ROAD is a public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way, and providing safe and orderly points of access at fairly uniformly-spaced intervals.
- 6.2-50 SETBACK is the distance between a building and the street right-of-way line nearest thereto.
- 6.2-51 SEWAGE DISPOSAL SYSTEM, INDIVIDUAL is a septic tank seepage tile sewage disposal system or any other sewage treatment device approved by the Lake County Health Department and servicing only one lot.
- 6.2-52 SIDEWALK is that portion of a street or crosswalk way paved, or otherwise surfaced, intended for pedestrian use only.
- 6.2-53 SITE means a lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.
- 6.2-54 SITE DEVELOPMENT means altering terrain and/or vegetation and constructing improvements.

- 6.2-55 STREET is a general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way lines.
- 6.2-56 STREET, COLLECTOR is a street of limited continuity which carries traffic from local streets to the system of arterials and highways, including the principal entrance streets of a residential development and the principal circulating streets within such a development.
- 6.2-57 STREET, HALF is a street bordering one or more property lines of a tract of land wherein the subdivider has allocated by part of the ultimate right-of-way width.
- 6.2-58 STREET, MARGINAL ACCESS (or SERVICE ROAD) is a local street which parallels and is adjacent to, an arterial or highway, and which provides access to abutting properties and protection from through traffic.
- 6.2-59 STREET, LOCAL is a street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood or development.
- 6.2-60 STREET, LOCAL-ESTATE is a local street whose primary purpose is to conduct traffic to and from dwelling units and to other streets within the hierarchy of roadway. It is associated with large-lot or low-density zoning and low traffic volumes. It is a two-lane, two-way roadway with shoulders and ditch drainage.
- 6.2-61 STRIPPING means any activity which removes the vegetative surface cover including tree removal, clearing and storage or removal of top soil.
- 6.2-62 SUBDIVIDER is any person, corporation or duly authorized agent who undertakes the subdivision of land as defined herein.
- 6.2-63 SUBDIVISION is a described tract of land which is to be, or has been, divided into two (2) or more lots or parcels of any size. The term “subdivision” includes resubdivision, planned unit development, planned development, cluster development or other similar unified development and, where it is appropriate to the context, relates to the process of subdividing or to the land subdivided. For the purpose of this Ordinance, however, the division of land into parcels or tracts no smaller than five (5) acres in area and not involving any new streets or easements of access shall not constitute a “subdivision” if no new streets are created. This Ordinance shall apply in every aspect to all subdivisions, including those subdivisions accepted prior to the adoption of this Ordinance.
- 6.2-64 SUBDIVISION DESIGN STANDARDS are the basic land-planning standards established as guides for the preparation of preliminary and final plats.
- 6.2-65 SURVEYOR is a licensed professional responsible for the division of land into legally recordable divisions.
- 6.2-66 THOROUGHFARE is a street with a high degree of continuity, including collectors, arterial and limited-access highways.
- 6.2-67 VACANT means land on which there are no structures or only structures of the land itself.
- 6.2-68 WATER SUPPLY, INDIVIDUAL is a well and appurtenances supplying only one lot and subject to the approval of the City Engineer and Lake County Health Department.
- 6.2-69 ZONING ORDINANCE is the City of Waukegan Zoning Ordinance.

### 6.3 OTHER DEFINITIONS

The above definitions supplement those other definitions officially adopted in related ordinances by the City of Waukegan, and where a conflict between definitions exist, the most restrictive definition shall apply.

## ARTICLE 7

## ADMINISTRATION & ENFORCEMENT

### 7.1 ORGANIZATION

The following offices of the government of the City of Waukegan are concerned with the administration of this Ordinance.

#### 7.1-1 *Plat Administrator*

The Plat Administrator shall be the designated administrative officer of this Ordinance, with responsibilities including:

- a. Conduct the pre-application consultation with the subdivider prior to the filing of the applications requesting preliminary and/or final plat of subdivision.
- b. Receive and file all preliminary and final plats (together with applications).
- c. Forward copies of the preliminary and final plats to other appropriate offices and agencies, including Planning and Zoning Commission, City Engineer, Director of Water Utility, Fire Chief, and Director of Traffic Bureau, for their review and recommendation.
- d. Review all subdivision plats to determine their general compliance with the provisions of this Ordinance, and submit recommendations to the Planning and Zoning Commission.
- e. Act as staff advisor to the Planning and Zoning Commission.
- f. Initiate appropriate proceedings to enforce the provisions of this Ordinance.
- g. Maintain permanent and current records of all proposals and actions taken under the authority of this Ordinance.
- h. Assist in providing public information relative to this Ordinance.
- i. Initiate, direct and review, from time to time, a study of the provisions of this Ordinance, and report recommendations to the Planning and Zoning Commission and City Council not less frequently than once a year.

#### 7.1-2 *Planning and Zoning Commission*

The Planning and Zoning Commission shall be chiefly responsible for subdivision plat review and recommendation thereon to City Council, and in furtherance of said authority shall:

- a. Receive and review all preliminary plats, hold public hearings on each, suggest necessary modifications, and submit recommendations to City Council.
- b. Receive and review, at a public meeting, all final plats to determine compliance with approved preliminary plat, and make recommendations to City Council for final action.
- c. Receive, review and recommend approval or disapproval of requested variations and exceptions.
- d. Receive from the Plat Administrator his recommendations as related to the effectiveness of this Ordinance, and report conclusions and recommendations to the City Council not less frequently than once a year.
- e. Recommend, as appropriate, changes in the requirements of this Ordinance when received in writing from any person affected by this Ordinance.
- f. Review and advise upon all other matters referred to it by this Ordinance.

#### 7.1-3 *City Engineer*

The City Engineer shall review all subdivision plats and make determinations in the areas of design standards and engineering specifications relative to streets, alleys, sidewalks, water supply, sanitary and storm sewage disposal, and other required improvements. In addition, the City Engineer shall examine all other engineering matters specified herein. His recommendations shall be forwarded to the Planning and Zoning Commission. The City Engineer shall also participate in the pre-application consultation.



7.1-4 *City Landscape Architect*

The City Landscape Architect shall review all subdivision plats to determine the appropriateness and adequacy of all proposed plantings and landscaping to ensure proper steps for the protection of desirable existing vegetation. His recommendations shall be forwarded to the Planning and Zoning Commission.

7.1-5 *Director of Water Utility*

The Director of Water Utility shall review all subdivision plats to determine adequacy and appropriateness of design of all proposed water supply systems. His review shall include an examination of water quality, pressure and system continuity. His recommendations shall be forwarded to the Planning and Zoning Commission.

7.1-6 *Fire Chief*

The Fire Chief shall be responsible for the review of fire safety and design features of all subdivision plats, and shall submit his recommendations to the Planning and Zoning Commission.

7.1-7 *Director of Traffic Bureau*

The Director of the Traffic Bureau shall be responsible for the review of traffic safety and design features of all subdivision plats, and shall submit his recommendations to the Planning and Zoning Commission.

7.1-8 *City Council*

The City Council shall be responsible for the following functions:

- a. Upon recommendation of the Planning and Zoning Commission, tentatively approve or disapprove all preliminary subdivision plats.
- b. Approve or disapprove all final subdivision plats, after receiving Planning and Zoning Commission report.
- c. Hold public hearings upon, and decide, all appeals from determinations of the Planning and Zoning Commission, as specified in Section 7.4 of this Ordinance.
- d. Amend the provisions of this Ordinance, after public hearing and recommendation by the Planning and Zoning Commission.

7.2 ENFORCEMENT

It shall be the duty of the Enforcing Officer (Plat Administrator) to enforce these regulations and to bring to the attention of the Planning and Zoning Commission, City Council and City Attorney or City Prosecutor any violations or lack of compliance herewith.

No land shall be subdivided within the jurisdiction of the City of Waukegan, as specified in Article 4 of this Ordinance, until the subdivider submits his preliminary and final plats for plat examination and subsequent approval.

No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the City, in accordance with the provisions of these regulations, and filed with the Recorder of Deeds of Lake County.

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

The Plat Administrator and City Engineer shall inspect, or cause to be inspected, all subdivisions during the course of construction to ensure that all required improvements comply in all respects with the approved plan and specifications.

No plat of subdivision shall be approved which does not comply with all the provisions of these regulations.

No building or lot shall be occupied nor building or occupancy permit issued for the construction or use of any building, structure or use of land within or on an approved subdivision, lot of record, zoning lot or parcel of land until the provisions of these regulations have been complied with.

### 7.3 VARIATIONS AND EXCEPTIONS

#### 7.3-1 *Guidelines*

Where the Planning and Zoning Commission finds that extraordinary hardship or particular difficulties may result from strict compliance with these regulations, it may recommend to the City Council the approval of variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided that the Planning and Zoning Commission shall not recommend variations or exceptions to the provisions of these regulations unless it shall make a finding based upon the evidence presented to it in each case that:

- a. 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. 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.
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; and
- d. Such variation or exception will not conflict with the provisions of the Waukegan Zoning Ordinance or Comprehensive Plan.

#### 7.3-2 *Large-Scale Developments*

The standards and requirements of these regulations may be modified in the case of large-scale developments when the Planning and Zoning Commission finds that a plan and program for a new neighborhood unit or part thereof (and which represents a planned or cluster development) provides adequate public spaces and improvements for the circulation, recreation, light, air and public utilities 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. The size of a large-scale development would be as specified for planned developments in the Zoning Ordinance.

#### 7.3-3 *Conditions*

In recommending variations and exceptions, the Planning and Zoning Commission may require such conditions if they will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

#### 7.3-4 *Procedure of a Variation*

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

#### 7.3-5 *Approval*

After recommendation by the Planning and Zoning Commission, the City Council may approve such variations or exceptions from the requirements of this Ordinance, in specific cases as listed on the final plat, which in their opinion do not adversely affect the current City Comprehensive Plan or the intent and purpose of these regulations.

#### 7.3-6 *Pre-Ordinance Subdivision*

Where a previously approved subdivision is not in complete compliance with the requirements of this Ordinance, the owner of such subdivision may apply to the Planning and Zoning Commission for a variation to allow design and/or construction features which, though contrary to these regulations, were

officially approved by the City of Waukegan. In such case, the Planning and Zoning Commission shall review the plat and engineering features, conduct a public hearing, and recommend approval or disapproval to the City Council. Final disposition of the requested variation shall be determined by the City Council.

#### 7.3-7 *Procedure for Administrative Approval of Minor Subdivisions*

Where an application has been filed with the City's Department of Building, Planning and Zoning, and the Department staff has determined that the proposed subdivision is a minor subdivision, as that term is defined in Section 6.2 above, the staff from the Departments of Building, Planning and Zoning and Engineering may review and approve or deny the subdivision administratively, taking care that any such minor subdivision shall not nullify the intent and purpose of the Subdivision Ordinance, or conflict with the provisions of the Waukegan Zoning Ordinance or the Waukegan Comprehensive Plan.

### 7.4 APPEALS

#### 7.4-1 *Appeals of the Planning and Zoning Commission*

Any person, firm or corporation aggrieved by the amendment, modification or disapproval of a preliminary subdivision plat by the Planning and Zoning Commission may appeal such action to the City Council for review and action. The City shall provide the necessary forms for this appeal.

#### 7.4-2 *Appeals of the City Council*

Any person, firm or corporation, aggrieved by a failure of the City Council to approve a final subdivision plat which has been previously tentatively approved by the Planning and Zoning Commission may appeal therefrom to ant court of competent jurisdiction.

### 7.5 AMENDMENTS

For the purpose of promoting the public health, safety and general welfare, the City Council may, from time to time, amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning and Zoning Commission in the manner prescribed by law and the Planning and Zoning Commission shall transmit its recommendations thereon to the City Council.

### 7.6 VIOLATIONS AND PENALTIES

Ant person, firm or corporation who violates, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be subject to a fine of not more than \$200.00 or imprisonment of not more than six (6) months, or both, for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

### 7.7 FEES

#### 7.7-1 *Filing Fees for Preliminary and Final Plats*

In order to cover the costs of plan examination, filing, publications, and other expenses incidental to the approval of a subdivision, the subdivider shall pay a fee at the time of application for approval of a preliminary plat. Such fee shall be based on the projected number of lots to be created. At the time of application for approval of final plat, the required fee will be recalculated on the basis of the actual number of lots created, and an adjustment of the fee will be made, the subdivider to pay an additional amount or receive a refund., There shall be no refund of any portion of the fee if the subdivider fails to apply for final approval of the subdivision. All costs associated with the recording of plats and supporting documentation with the Lake County Recorder of Deeds shall be paid for by the applicant.

#### 7.7-2 *Filing Fees for Variations, Consolidations and Plat Vacations*

Filing fees for variations, consolidations or plat vacations shall be in addition to any filing fees for preliminary or final plat approval, even if requested in conjunction with an application for preliminary or final plat approval. The filing fees for variations, consolidations or plat vacations shall be due at the time of application.

7.7-3 *Fee Structure*

Preliminary and Final Plat Approval

<b>Number of Lots</b>	<b>Fee</b>
1 to 5	\$300.00
6 to 20	\$1,000.00
21 to 100	\$2,000.00
Over 100	\$4,000.00

Variations

\$500.00 per variation requested.

Consolidations

\$300.00 per consolidation requested.

Plat Vacations

\$300.00 per vacation requested.

Text Amendment

\$300.00 per amendment requested.

7.7-4 *Engineering Inspection Fee and Attorneys' Fee Reimbursement*

- a. In addition to the above filing fees, an engineering inspection fee shall be paid in all subdivision developments to cover engineering plan review and construction inspection. The subdivider, at the time of application for approval of the final plat, shall pay to the City a fee in the amount of 1.75% of the total estimated public improvements cost of the development. A minimum fee of \$1,750.00 shall be paid with every application for final plat approval if any public improvements are included in the subdivision development.
- b. Every application for subdivision approval required the City to incur some attorney expenses, usually from the office of Corporation Counsel and, in some circumstances, outside retained attorneys. The City shall not require reimbursement for attorneys' fees for up to two (2) hours of attorney time in connection with each filing. If attorney time beyond two (2) hours is required in connection with any filing, the applicant or property owner shall be responsible to reimburse the City for any attorney time billed beyond two (2) hours. The City shall be under no obligation, legal or otherwise, to record the final plat until the attorney fee reimbursement is paid to the City.
- c. The provisions of subsection "b" shall apply in those situations where, in the discretion of the Zoning Administrator, it is not appropriate to use the Cost Recovery provisions of Section 3.13-11 of the City's Zoning Ordinance.

## ARTICLE 8

## PROCEDURES FOR APPROVAL OF PLATS

In planning and developing a subdivision located within the approval jurisdiction of the City of Waukegan, the subdivider shall respect the following procedures.

### 8.1 PRE-APPLICATION CONSULTATION

Prior to the submission of the preliminary plat of any proposed subdivision within the jurisdiction of the City of Waukegan, the subdivider shall make known his intentions to the Plat Administrator and the City Engineer. During this pre-application stage, the following actions shall be taken:

#### 8.1-1 *Action by the Subdivider*

The subdivider shall meet informally with the Plat Administrator and shall convene a review meeting with the City Engineer for the purpose of presenting a general outline of his proposal, including but not limited to:

- a. Written notification or “letter of intent” from the subdivider to the Plat Administrator establishing the subdivider’s intention as to development of the land.
- b. Sketch plans and ideas regarding land use, street and lot arrangements, and tentative lot sizes.
- c. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.
- d. Identification of flood plains, soil deficiency, topographic and other possible site limitations.
- e. A record of this proceeding shall be maintained by the Plat Administrator.

#### 8.1-2 *Action by the Plat Administrator and City Engineer*

The Plat Administrator and City Engineer, and other city officials, shall discuss the proposed subdivision with the subdivider and advise him of procedural steps, design and improvement standards, and general plat requirements; after which, the Plat Administrator and City Engineer shall apply the following steps:

- a. Advise the developer of existing city plans which might affect the proposed subdivision.
- b. Check the existing zoning of the tract and make recommendations if a zoning change is necessary or desirable.
- c. Determine after consultation with the appropriate district the adequacy of existing or proposed schools, parks and other public spaces.
- d. Inspect the site or otherwise determine its relationship to major streets, utility systems and adjacent land uses, and determine any unusual problems in regards to topography, utilities, flooding, and areas of environmental or ecological sensitivity.
- e. Direct the developer to consult with the pertinent public utility companies concerned, as to telephone, gas, electric and cable service.
- f. Direct the developer, when necessary, to discuss the proposed subdivision with the Lake County Highway Engineer and/or Lake County Health Officer.

### 8.2 PRELIMINARY PLAT

The subdivider shall prepare a preliminary plat, including a proposal for the installation of improvements and intended dedication or reservation of public lands, to be filed with the Plat Administrator. The preliminary plat shall be prepared by a qualified professional, trained and experienced in the layout of subdivisions. During the preliminary plat stage, the following actions shall be taken.

#### 8.2-1 *Filing of Preliminary Plat*

The subdivider shall prepare a preliminary plat of the proposed subdivision in accordance with the requirements of Article 12 of these regulations, and shall file with the Plat Administrator an application in writing for the tentative approval of said plat, accompanied by forty-two (42) black and white prints or other acceptable reproductions, by the 15<sup>th</sup> of the month in order to be placed on the agenda of the Planning and Zoning Commission for the following month at which action is desired. The Plat Administrator shall

forward copies of the preliminary plat to the Planning and Zoning Commission, City Engineer, Director of Water Utility, Fire Chief, Director of Traffic Bureau, and any other official as the Planning and Zoning Commission deems necessary, and retain at least one copy for himself.

One copy of the preliminary plat shall also be forwarded to each public school district and park district in which the proposed subdivision is located.

**8.2-2** *Review and Recommendations*

- a. The preliminary plat shall be reviewed by the Planning and Zoning Commission to determine its conformity to these regulations, the current Comprehensive Plan and all other programs, laws and regulations in force which affect subdivisions.
- b. Recommendations of the Plat administrator, City Engineer, and all other reviewing officials and boards shall be transmitted to the Planning and Zoning Commission, no later than twenty (20) days from the date of receipt of the plat.

**8.2-3** *Public Hearing on the Preliminary Plat*

The Planning and Zoning Commission shall hold a public hearing on each preliminary plat, at such time and place as shall be established by the Commission. Notice of time and place of such hearing shall be published at least once in a newspaper of general circulation within the City of Waukegan, not more than thirty (30) days or less than fifteen (15) days before such hearing.

**8.2-4** *Planning and Zoning Commission Action on Preliminary Plat*

The Planning and Zoning Commission shall, unless extended by the Planning and Zoning Commission after receipt of the reports from the reviewing agencies and after completion of public hearings, and within forty-five (45) days of the receipt of the application, transmit to City Council its recommendations of approval, approval with modifications or disapproval of the preliminary plat.

**8.2-5** *City Council Action on Preliminary Plat*

After the City Council has satisfied themselves that the preliminary plat is in accordance with the requirements set forth in this Ordinance, and that the Planning and Zoning Commission and designated reviewing agencies have examined all phases of the proposed subdivision and made their recommendations, the City Council may accept, modify or reject the recommendation of the Planning and Zoning Commission in its action upon the plat. The City Council may require such special conditions in the approval of the preliminary plat as it may deem necessary to ensure conformity with the intent of all comprehensive plan elements and requirements of city ordinances.

One copy of the preliminary plat shall be returned to the subdivider with the date of approval or disapproval and the reasons therefore, accompanying the plat.

Approval of the preliminary plat by the City Council shall give the applicant the following rights for a one year period from the date of approval:

- a. That the general terms and conditions under which the approval was granted will not be changed by the City of Waukegan.
- b. That the applicant may submit on or before the expiration date the whole or any part(s) of the approved plat for final approval.

Approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for verification by the Planning and Zoning Commission and approval by the City Council.

8.2-6 *Review and Approval Duration*

The Planning and Zoning Commission shall make its recommendation on the preliminary plat within forty-five (45) days of referral to the Planning and Zoning Commission or the filing by the applicant of the last item of supporting data, whichever date is later, unless such time is extended by mutual consent. The City Council shall accept or reject such plat within thirty (30) days of receipt of the Planning and Zoning Commission recommendations.

8.3 FINAL PLAT

After approval of the preliminary plat, and within twelve (12) months thereof, the subdivider shall prepare and submit to the Plat Administrator the final plat, incorporating all required modifications to the preliminary plat. During the final plat stage, the following actions shall be taken.

8.3-1 *Filing of Final Plat*

After he has entered into a contract, guaranteed by an irrevocable letter of credit, by which he agrees to provide utilities and improvements herein required, the subdivider shall file with the Plat Administrator, within one (1) year of the date of approval of the preliminary plat (unless such one-year period is extended by the Planning and Zoning Commission and City Council), the final plat and ten (10) copies of all other documents, plans, and specifications meeting the requirements of Article 12. The Plat Administrator shall immediately transmit copies of the final plat to the Planning and Zoning Commission, City Engineer and City Council, and retain at least one copy for himself.

8.3-2 *Review by Plat Administrator and City Engineer*

The Plat Administrator and City Engineer shall, within ten (10) working days of receipt of the final plat, review the plat to determine that it conforms to the approved preliminary plat and that all necessary modifications have been made, and transmit their report and recommendations to the Planning and Zoning Commission.

8.3-3 *Action by the Planning and Zoning Commission*

Upon receipt thereof, the Planning and Zoning Commission shall examine the Final Plat and all necessary accompanying documents to determine its conformance to the preliminary plat and the requirements established in this Ordinance, and shall within thirty (30) days of receipt, forward its recommendation to the City Council for final action.

The Planning and Zoning Commission may, in the case of those final plats which reflect substantial modifications of the preliminary plat or those plats to which the Planning and Zoning Commission has attached conditions, schedule a public hearing on such plats prior to making recommendations to City Council. Notice of time and place of such public hearing shall be published at least once in a newspaper of general circulation within the City of Waukegan not more than thirty (30) days or less than fifteen (15) days before such hearing.

8.3-4 *Final Action by City Council*

- a. The City Council shall, upon receipt of the Planning and Zoning Commission recommendations, approve or disapprove the final plat. A certified copy of the resolution or ordinance approving or disapproving such plat shall be attached to the plat and returned to the subdivider. Copies of the resolution or ordinance and plat shall also be transmitted to the Planning and Zoning Commission and Plat Administrator.
- b. The City Council shall approve or disapprove the final plat within forty-five (45) days of receipt of the Planning and Zoning Commission recommendations.
- c. The Plat Administrator shall be responsible for the recording of one (1) copy of the approved final plat with the Lake County Recorder of Deeds.



## ARTICLE 9

## GENERAL REQUIREMENTS

### 9.1 SPECIAL OBJECTIVES

#### 9.1-1 *Land Use Requirements*

The Planning and Zoning Commission and city staff, in the examination of subdivision plats for approval, and in the application of these regulations, shall take into consideration all land use requirements of the City. Particular attention shall be given to width and location of streets, suitable sanitary utilities, surface drainage, lot sizes and arrangements, as well as local requirements such as parks, playgrounds, schools and recreation sites, and other public uses.

#### 9.1-2 *Comprehensive Plan Conformance*

The Planning and Zoning Commission and City Council shall require that all subdivisions conform in general to the provisions and conditions of all current land use and development plans for future developments of Waukegan. Plat approval may be withheld if a subdivision is not in conformity with provisions of the City's Comprehensive Plan.

#### 9.1-3 *Subdivisions Submitted as Proposed Planned Developments*

All proposed subdivisions shall be examined to determine compliance with applicable provisions of Waukegan's zoning, building, housing and all other development control codes. It is intended that all proposed subdivisions that constitute planned developments as specified in the Waukegan Zoning Ordinance shall be processed under both the Zoning Ordinance and the Subdivision Ordinance simultaneously so as to facilitate review and approval and avoid duplication of effort.

#### 9.1-4 *Fiscal Analysis Preparation*

City staff, in the course of review of proposed subdivisions, shall prepare a fiscal analysis of each such subdivision to determine cost/benefit impact.

#### 9.1-5 *Provisions for Storm/Flood Water Run-off/Detention Facilities*

The Planning and Zoning Commission shall not recommend for approval any plat of subdivision which does not make adequate provision for storm or flood water run-off channels or detention facilities.

#### 9.1-6 *Preservation of Natural Features*

In all subdivisions, due regard shall be given to the preservation of natural features such as trees, watercourses, historical and similar features.

### 9.2 UNSUITABLE LAND

No land shall be subdivided for residential use which is held by the Planning and Zoning Commission and City Council, after investigation by the Plat administrator and City Engineer, to be unsuitable for such use by reason of flooding, wetness, adverse topography, aircraft noise, environmental sensitivity, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or the city in general.

The Planning and Zoning Commission may recommend, when it deems it necessary for the health, safety and welfare of the present and future populations of the area, and necessary to the conservation of water, drainage and sanitary facilities, that the City Council prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course, as identified by the Waukegan Flood Damage Prevention Ordinance. These floodplain areas shall be preserved from any and all destruction or damaging resulting from clearing, grading or dumping of earth, waste material or stumps, except at the discretion of the Planning and Zoning Commission and City Council.

The Planning and Zoning Commission shall maintain a current critical areas map of Waukegan’s area of subdivision approval jurisdiction indicating all areas identified as potentially unsuitable for subdividing. Such map shall be prepared and kept current by the Plat Administrator and City Engineer.

### 9.3 DEDICATION OF LAND FOR PUBLIC USE

#### 9.3-1 *Land Donation*

The Planning and Zoning Commission and/or City Council may require that land be reserved for school purposes or for parks, playgrounds or other recreational purposes, or for other public improvements purposes, in locations designated on the current City of Waukegan Comprehensive Plan or otherwise where such reservations would be appropriate. Each such reservation shall be of suitable size, dimension, topography and general character, and shall have adequate road access for the particular purposes envisioned by the Planning and Zoning Commission and/or City Council.

The area shall be shown and marked on the plat “Reserved for Park and/or Recreation Purposes” or “Reserved for School Purposes” or “Reserved for Future Fire Stations” etc. The developer shall dedicate all school or recreation areas or other public improvement areas to the City or the respective District as a condition of final subdivision plat approval.

Student and child population generation estimates shall be based on the most recent student/unit multiplier as prepared by Illinois School Testing Service for the affected district.

#### 9.3-2 *Cash-in-lieu Donation*

However, the City Council, acting on the recommendation of the Planning and Zoning Commission after receiving the plat review comments of the City or respective district, and in those instances where either the proposed subdivision is too small to solely support the planned improvement or facility or such facility would benefit a much larger area of the city, may require the applicant to deposit with the city or the district a cash payment in lieu of land dedication.

##### a. Schools

Such deposit shall be placed in a “School Improvement Fund” to be established by the district and shall be used by the appropriate school district for the construction of new schools or the improvement of existing facilities, including acquisition costs. Such deposit must be used for facilities that will actually be available to, and benefit the persons in said subdivision, and be located in the general neighborhood of the subdivision, or area of the school as agreed by the subdivider and the school board in prior agreement.

##### b. Parks and Recreation

Such deposit shall be placed in a “Parks and Recreational Improvement Fund” established by the district and shall be used by the district for the development or improvement of parks and recreational facilities, including any acquisition costs. Such deposit must be used for facilities that will actually be available to and benefit the persons in said subdivision and be located in the general vicinity of the subdivision.

##### c. Other Public Improvements

Such deposit shall be placed in the appropriate corporate fund account, and shall be used by the City of Waukegan for the development or improvement of fire-fighting, protection, public health and security services and facilities, traffic signals, or other roadway or other traffic movement improvements, and other public improvements necessitated by or for the benefit of, the subdivision under consideration. Where physical facilities are involved, such deposits must be used for facilities that will be actually available to and benefit the persons in said subdivision and be located in the general area of the subdivision unless water facilities are involved.

The Planning and Zoning Commission shall determine the amount to be deposited prior to final plat approval and after recommendation of staff.

It must be recognized that the dedication of land or cash payment in lieu thereof, required for public improvements and services as established in this subsection, shall not be confused with, or substituted wholly or in part for, the standard required improvements specified in Article 11.

9.3-3 *Acceptance of Dedicated Land for Public Use*

When a final plat of subdivision has been approved by the City Council and all other required approvals are obtained and the plat is recorded, that approval shall constitute acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public, including street dedications.

Whenever a preliminary plat includes a proposed dedication of land to public use and the Planning and Zoning Commission finds that such land is not required or not suitable for public use, the Planning and Zoning Commission may recommend that the City Council either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision to include such land.

9.4 VACATION OF A PLAT OF SUBDIVISION

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

Such an instrument shall be approved by the Planning and Zoning Commission and City Council in like manner as plats of subdivisions. The City Council may reject any such instrument which abridges or destroys any public rights of any of its streets or alleys. Such an instrument shall be executed, acknowledged or approved, and recorded or filed in like manner as plats of subdivision; and being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat.

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

9.5 SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS

Whenever a parcel of land is subdivided into lots containing one (1) or more acres, and there are indications that such lots will eventually be subdivided into smaller building sites, the Planning and Zoning Commission may require that such parcels of land be divided so as to allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

## ARTICLE 10 DESIGN STANDARDS

### 10.1 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS

In addition to the design standards established herein, all subdivision plats shall comply with the following laws, rules, regulations, guidelines and criteria:

- a. All applicable provisions of the Illinois Revised Statutes.
- b. The Waukegan Zoning Ordinance and all other applicable laws of the City.
- c. The rules of the Illinois Department of Transportation and the Lake County Highway Department relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts a state or county highway or connecting street.
- d. All standards, regulations and specifications adopted and maintained by the City Engineer.
- e. Accessibility Standards Illustrated, December 1978, published by the State of Illinois Capital Development Board, in accordance with the Facilities for the Handicapped Act as amended in 1967.
- f. The Waukegan Manual of Site Design Guidelines, as approved by the Planning and Zoning Commission and City Council.
- g. The City of Waukegan Flood Damage Prevention Ordinance.
- h. The current and applicable standards of the Illinois Environmental Protection Agency concerning water quality and distribution and sewage collection and treatment.

### 10.2 STREETS AND ALLEYS

#### 10.2-1 *General Considerations*

Proposed new streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.

#### 10.2-2 *Design and Arrangement*

- a. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the official City (or street classification system) Map and on any current city streets or thoroughfare plan.
- b. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities; and to pattern of existing and proposed land use.
- c. Local and collector streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- d. The rigid rectangular gridiron street pattern need not necessarily be adhered to for local and collector street, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.
- e. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning and Zoning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- f. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

10.2-3 *Railroads and Highways (Freeways, Expressways)*

Railroad rights-of-way and limited-access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

- a. In residential districts, a buffer strip at least forty-five (45) feet in width, in addition to the normal depth of the lot required in the district, shall be provided adjacent to the railroad right-of-way or limited-access highway. This strip shall be part of platted lots, and shall be designated on the plat as follows: "This strip is reserved for the planting of trees, shrubs, and other vegetation by the owner. The placement of structures hereon is prohibited."
- b. In districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
- c. Streets parallel to the railroad, when intersecting a street which crosses the railroad at grade, shall, to the extent practicable, be at a distance at least one hundred fifty feet (150') from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

10.2-4 *Access to Arterials*

Where a subdivision borders on, or contains, an existing or proposed arterial, the Planning and Zoning Commission may require that access to such street be limited by one of the following means:

- a. The subdivision of lots so as to back on the arterial and front onto a parallel local street; no access shall be provided in a strip of land along the rear property line of such lots.
- b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to, such as a parallel street, with the rear lines of their terminal lots backing onto the arterial.
- c. A marginal-access or service road (separated from the arterial by a planting or grass strip, and having access thereto at suitable points).
- d. The number of residential or local streets entering an arterial shall be kept to a minimum.

10.2-5 *Right-of-Way Width*

The following table establishes the minimum right-of-way width, in lineal feet, for each class of street, based upon character of land use served:

<b>Street Classification</b>	<b>DEVELOPMENT TYPE</b>			<b>NON-RESIDENTIAL Business/Industrial**</b>
	<b>RESIDENTIAL</b>			
	<b>Estate*</b>	<b>Low to Moderate*</b>	<b>High*</b>	
Local Street	60	60	80	60
Collector	80	80	80	80
Secondary Arterial***	80	80	80	80
Primary Arterial***	80	80	80	80

\* Estate = One or less dwelling units per acre.  
 Low to Moderate = More than one, up to seven, dwelling units per acre.  
 High = More than seven dwelling units per acre.  
 \*\* Eighty feet (80'-0") if on-street parking is to be allowed.  
 \*\*\* Parking shall not be allowed on arterials.

10.2-6 *Pavement Width*

Minimum pavement width, in lineal feet, is prescribed in the following table. Pavement width shall be measured from edge to edge of pavement surface. Lanes are measured at 8 feet for parking and 11 feet for traffic movement.

<b>Street Classification</b>	<b>DEVELOPMENT TYPE</b>			<b>NON-RESIDENTIAL Business/Industrial</b>
	<b>RESIDENTIAL</b>		<b>High*</b>	
	<b>Estate*</b>	<b>Low to Moderate*</b>		
Local Street	22 <sup>1</sup>	24/40 <sup>2</sup>	24/40 <sup>3</sup>	24 <sup>3</sup>
Collector	24/40	24/40	24/40	40 <sup>3</sup>
Secondary Arterial	44 <sup>4</sup>	44 <sup>4</sup>	44 <sup>4</sup>	44 <sup>4</sup>
Primary Arterial	44 <sup>4</sup>	44	44	44

\* Estate Density = One (1) or less dwelling units per acre.  
 Low to Moderate = more than one (1), up to seven (7) dwelling units per acre.

- <sup>1</sup> Local-Estate streets shall also be provided with a three foot (3'-0") shoulder on each side of the paved roadway.
- <sup>2</sup> Twenty-four feet (24'-0") if no on-street parking is to be allowed.
- <sup>3</sup> Forty feet (40'-0") if on-street parking is to be allowed or two (2) divided pavement surfaces of twenty-two feet (22'-0") each.
- <sup>4</sup> Provisions for left turn lanes shall be made.

When one-sided street parking is requested or required as part of a variation involving street width reductions or no on-street parking is requested to obtain a minimum street width, the on-site or off-street parking requirements for residential uses shall be increased by one (1) space for each bedroom in excess of two (2) in the unit.

10.2-7 *Minimum Sight Distance*

The minimum horizontal and vertical sight distance shall be two hundred (200) lineal feet. However, if the average running speed on the street is projected to exceed thirty miles per hour (30 mph), a minimum sight distance in excess of two hundred (200) lineal feet shall be established by determination of the City Engineer. Minimum sight distance is established for traffic safety purposes and has particular application at points of access to the street.

10.2-8 *Street Grade*

Maximum allowable street grade, in percent of gradient, is established in the following table. Variance in allowable grade is based upon both character of land use served and street function. The minimum allowable grade of all primary and secondary arterial, collector and local streets shall be five-tenths of one percent (0.5%)

Street <u>Classification</u>	DEVELOPMENT TYPE			NON-RESIDENTIAL Business/Industrial
	RESIDENTIAL			
	Estate*	Low to Moderate*	High*	
Local Street	7	7	7	7
Collector	7	7	6	6
Secondary Arterial	6	6	5	5
Primary Arterial	6	6	5	5

- \* Estate = One or less dwelling units per acre.  
 Low to Moderate = More than one, up to seven, dwelling units per acre.  
 High = More than seven dwelling units per acre.

10.2-9 *Vertical Curves*

All changes in street grades shall be connected by vertical curves of a minimum length in feet as prescribed below:

- Local Street – 100’, but not less than 30’ for each percent difference in grade.
- Collector – 150’, but not less than 40’ for each percent difference in grade.
- Secondary Arterial – 200’, but not less than 65’ for each percent difference in grade.
- Primary Arterial – 300’, but not less than 65’ for each percent difference in grade.

In addition, if the average running speed is projected to exceed forty miles per hour, vertical curves in excess of those specified above may be established by determination of the City Engineer.

10.2-10 *Cul-de-Sacs or Dead-End Streets*

- A cul-de-sac or dead-end street serving less than twenty-five (25) dwelling units shall not exceed eight hundred feet (800’-0”) in length. Cul-de-sacs serving twenty-five (25) or more dwelling units shall not exceed five hundred feet (500’-0”) in length.
- For residential subdivisions, the diameter of a cul-de-sac turnaround (measured at the outside right-of-way) shall not be less than one hundred feet (100’-0”). Pavement diameter of a cul-de-sac turnaround shall not be less than eighty feet (80’-0”).
- For non-residential (commercial or industrial) subdivisions, the diameter of a cul-de-sac turnaround (measured at the outside right-of-way) shall not be less than one hundred twenty feet (120’-0”) and pavement diameter of the cul-de-sac turnaround shall not be less than one hundred feet (100’-0”). If center island is to be provided, diameter of such island shall not exceed twenty feet (20’-0”).

10.2-11 *Half-Streets*

Half streets shall not be permitted. Street systems in new subdivisions shall be laid out so as to eliminate half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be dedicated by the subdivider. Where a new subdivision abuts an existing street of



inadequate right-of-way width, additional right-of-way width may be required to be dedicated by the subdivider to meet the requirements of this section.

*10.2-12 Street Curbs*

The required type of street curbs is reflected in the following table. Where the roll-type (R) curb is specified, it shall be a three and one-half inch (3-1/2”) curb; and the vertical face (V) curb shall be at least six inches (6”) in height. Although street curbs are not required on local estate streets, such streets shall be provided with a three foot (3’-0”) stone shoulder on each side of the paved roadway.

<b>Street Classification</b>	<b>DEVELOPMENT TYPE</b>			<b>NON-RESIDENTIAL Business/Industrial</b>
	<b>RESIDENTIAL</b>		<b>High*</b>	
	<b>Estate*</b>	<b>Low to Moderate*</b>		
Local Street	--	R	R/V	V
Collector	R/V	R/V	V	V
Secondary Arterial	V	V	V	V
Primary Arterial	V	V	V	V

- \* Estate = One or less dwelling units per acre.
- Low to Moderate = More than one, up to seven, dwelling units per acre.
- High = More than seven dwelling units per acre.

*10.2-13 Street Intersections*

- a. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five degrees (75°) shall not be acceptable. No more than two (2) streets shall intersect at any one point unless specifically approved by the Planning and Zoning Commission.
- b. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jobs with center-line offsets of less than one hundred fifty feet (150’-0”) shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous.
- c. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty feet (20’-0”) and minimum curb radius at an intersection involving a collector street shall be at least twenty-five feet (25’-0”) except in industrial/commercial subdivisions where the minimum curb radius at the intersection of any two (2) streets shall be forty feet (40’-0”).
- d. Intersections shall be designed with a minimum grade wherever practicable. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided, having no greater than a two percent (2%) grade at a distance of sixty feet (60’-0”), measured from the nearest right-of-way line of the intersecting street.
- e. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limited visibility, the development shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- f. The cross-slopes (earth slopes) on all streets, including intersections, shall be two percent (2%).

*10.2-14 Alleys*

- a. Alleys shall be provided in all business, commercial and industrial districts, except that the Planning and Zoning Commission may waive for fire lanes this requirement where other definite and suitable provision is made for service access such as off-street loading and parking, fire suppression, police

- surveillance, consistent with, and adequate for, the uses proposed, and in accordance with the provisions of the Waukegan Zoning Ordinance.
- b. Dead-end alleys are prohibited except under very unusual circumstances, and crooked and “T” alleys shall be discouraged. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.
  - c. Alleys shall not be approved in residential subdivisions of density less than six (6) dwelling units per acre. Where deemed necessary for access to off-street parking or loading areas or for municipal services, alleys may be approved in higher density residential subdivisions.
  - d. Minimum width of alleys shall be twenty-four feet (24’-0”) in non-residential areas, and twenty feet (20’-0”) in those residential areas where permitted.

10.3 SIDEWALKS AND PEDESTRIAN PATHWAYS

The following table establishes minimum sidewalk width, expressed in lineal feet, based upon character of land use and residential density served. Sidewalks or pedestrian pathways should not exceed ten percent (10%) grade. For grades in excess of ten percent (10%), designs shall be submitted as part of the sidewalk or pathway system. Steps are not allowed.

**DEVELOPMENT TYPE**

<b>Street Classification</b>	<b>RESIDENTIAL</b>			<b>NON-RESIDENTIAL</b>
	Estate*	Low to Moderate*	High*	Business/Industrial
Local Street	--	4	4	5
Collector	4	5	5	5
Secondary Arterial	5	5	5	5
Primary Arterial	5	5	5	5

- \* Estate = One or less dwelling units per acre.
- Low to Moderate = More than one, up to seven, dwelling units per acre.
- High = More than seven dwelling units per acre.

10.4 EASEMENTS

- 10.4-1 Easements centered on rear lot lines shall be provided for utilities (private and municipal), and across lots or centered on side lot lines where required by the Plat Administrator, City Engineer or Planning and Zoning Commission. Such easements shall be at least ten feet (10’-0”) wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements. Utility easements shall connect with easements established in adjoining properties.
- 10.4-2 Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provide a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, and of such width and depth of construction as will be adequate for the purpose of transferring a storm of a 100-year capacity within a 24-hour period. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

10.5 BLOCKS

10.5-1 Residential Blocks

- a. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to the prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways.

- b. The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand feet (2,000'-0") nor be less than four hundred feet (400'-0") in length. Wherever practicable, blocks along arterials and collector streets shall not be less than one thousand feet (1,000'-0") in length.
- c. Pedestrian ways or pathways not less than ten feet (10'-0") wide may be required by the Planning and Zoning Commission through the center of blocks more than eight hundred feet (800'-0") long. Pathways of a greater width may be required for a multi-purpose pathway and where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

#### *10.5-2 Non-Residential Blocks*

Blocks designed for business, commercial or industrial uses shall be of such length and width as may be determined suitable by the Planning and Zoning Commission for the prospective use. Sidewalks or pedestrian pathways may be required by the Planning and Zoning Commission in accordance with the design guidelines contained in the Manual of Site Design Criteria.

### 10.6 LOTS

#### *10.6-1 Dimensions*

In general, the size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of the Waukegan Zoning Ordinance.

#### *10.6-2 Parking and Loading Provisions*

Depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Waukegan Zoning Ordinance.

#### *10.6-3 Additional Depth Required*

Where residential lots front on collectors are permitted by the Planning and Zoning Commission, they should be platted with extra depth to permit generous distances between the buildings and such trafficways. Where residential lots front on arterials, the normal building setback line shall be increased by an additional fifteen feet (15'-0"). Business, commercial or industrial buildings in residential blocks shall be provided with setbacks at least equal to the setback of the residential properties in that block.

#### *10.6-4 Lot Frontage*

Every lot shall front on, or abut, a public street. Lots with access only to private drives or streets shall be permitted only with the expressed approval of the Planning and Zoning Commission, and where adequate fire lanes are provided.

#### *10.6-5 Lot Drainage*

Lots shall be laid out or graded so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

#### *10.6-6 Side Lot Lines*

Side lot lines shall be approximately at right angles or radial to street lines.

#### *10.6-7 Corner Lots*

Corner lots for residential use shall have extra width to permit appropriate building setback from, and orientation to, both streets. Lots on major street intersections shall have a radius of not less than fifteen feet (15'-0") at the street corner. On business lots, a chord may be substituted for the circular arc.

*10.6-8 Double-Frontage and Reverse-Frontage Lots*

Double-frontage and reverse-frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography and orientation.

## ARTICLE 11 REQUIRED IMPROVEMENTS

### 11.1 GUARANTEE OF PERFORMANCE

#### 11.1-1 *Letter of Credit*

The subdivider shall be responsible for the installation of all street and utility improvements, and other improvements indicated on the plat, as hereinafter provided. To ensure proper completion of the approved improvements, the subdivider shall, before the recording of his final plat, enter into a contract (undertaking in lieu of Completion Bond) with the City of Waukegan agreeing to install the required improvements in an acceptable manner. The subdivider shall file, with said contract, an irrevocable letter of credit meeting the approval of the City Council and City Attorney, in an amount equal to one hundred ten percent (110%) of the estimate of cost approved and accepted by the Plat Administrator and City Engineer. Such letter of credit shall constitute a guarantee that such improvements will be completed by the subdivider or his subcontractors no later than eighteen (18) months from the date of recording of the plat, and that repairs necessitated by defects in material or workmanship will be made during the period not to exceed two (2) years from and after acceptance of such improvements.

#### 11.1-2 *Incomplete Improvements*

If the improvements are not completed or repairs are not made within the specified time periods, the City may use the money secured by the instrument of credit, or necessary portion thereof, to complete or repair same. However, the City Council may, upon proof of difficulty, extend the bonding time for one (1) year.

#### 11.1-3 *As-Built Survey Plat*

Upon completion of the required improvements guaranteed by the instrument of credit, and to ensure that such improvements have been installed in accordance with the approved final plat, a detailed “as-built” survey plat of the subdivision, indicating location, dimensions, elevations, construction materials, and other information required by the Plat Administrator, City Engineer or Planning and Zoning Commission, shall be submitted to the Plat Administrator, in two (2) copies. One (1) copy of the “as-built” survey plat and accompanying information shall be forwarded to the City Engineer.

### 11.2 ENGINEERING PLANS

#### 11.2-1 *Plans Preparer*

Whenever the construction of new improvements is required by this Ordinance in the development of a subdivision, a Registered Professional Engineer shall prepare all plans and specifications. He shall also prepare a cost estimate for use in determining the amount of the performance guarantee through irrevocable letter of credit.

#### 11.2-2 *Signature and Seal*

The professional engineer shall place his signature and the imprint of his seal on all copies of the plans, specifications and cost estimates which are required.

#### 11.2-3 *Plans Content*

Engineering plans shall include, but not limited to: detailed site grading plan, road construction plans, plans for storm drainage facilities and plans for sewer and water facilities.

#### 11.2-4 *Plans Specifications*

Such plans shall be drawn in accordance with specifications of the City Engineer of Waukegan; and, in order to ensure consistency of arrangement of plan elements, the set of engineering plans shall include a comprehensive “Index of Sheets.”

### 11.3 WATER SUPPLY

#### 11.3-1 *Fire Hydrant Locations*

The subdivider shall be responsible for the installation of adequate water supply facilities (including fire hydrants) subject to the current specification of the City Engineer, Director of Water Utility and Fire Department. The location of fire hydrants shall be first approved by the Fire Department.

In any event, in single family residential subdivisions, fire hydrants shall be located not more than three hundred feet (300'-0") apart; unless a greater distance separation is authorized by the Fire Department in extreme circumstances. However, on cul-de-sacs or dead end streets of more than one hundred fifty feet (150'-0") in length, a fire hydrant shall be located at the extreme end of the street or in the center island. Spacing of fire hydrants on property zoned for multi-family, commercial or industrial use shall be correspondingly closer, as approved by the Fire Department. Hydrants shall be placed within twelve feet (12'-0") of a hard driving surface unless otherwise specifically approved for exposure protection. Hydrants may be required by the Fire Department to be placed on private property as deemed necessary to serve fire protection purposes. The Fire Department may require a fire protection analysis to confirm appropriate locations. Hydrant threads shall be as specified by the Director of Water Utility.

Plantings or structures shall not be so located as to obscure or impair the use of the fire hydrants.

#### 11.3-2 *Water Main Extensions*

All water main extensions shall be approved by the City Engineer and Director of Water Utility. New annexed or re-subdivided subdivisions shall be required to tie into the existing city water supply system. All water mains shall be extended to the subdivision property limits and/or be in conformance with the adopted Water Supply Plan.

#### 11.3-3 *Oversized Water Mains*

If the City of Waukegan determines that oversized water mains will be required to adequately service the proposed subdivision and future adjacent subdivisions, it may require such oversizing, but shall assume the additional cost of mains exceeding eight inches (8") in diameter and all related appurtenances. The City shall reserve the right to charge future users, through a tap-on fee.

#### 11.3-4 *Individual Wells*

Individual wells shall not be permitted except in the CR and ER zoning districts and in extreme instances and where expressly authorized by the City Engineer, Director of Water Utility and City Council. In such authorized instances, if a connection to a public water main will be provided eventually, as determined by the Planning and Zoning Commission, the subdivider shall make arrangements for future public water supply service at the time the plat receives final approval. The City shall require that water lines be extended to the limits of the property lines. An irrevocable letter of credit may be required to ensure compliance.

#### 11.3-5 *Water Supply Specifications*

The City Engineer and Director of Water Utility shall jointly adopt and maintain a compendium of water supply specifications establishing required types of material, corrosion treatment, capacity, sizing, spacing and methods shall conform to the applicable minimum standards established by the American Water Works Association, and all water mains shall comply with Standard Specifications for Water and Sewer Main Construction in Illinois.

### 11.4 SANITARY SEWER FACILITIES

#### 11.4-1 *Sanitary Sewer Accessibility*

Where a public sanitary (or combination storm/sanitary) sewer is currently accessible, the subdivider shall install adequate sanitary sewer facilities including the installation of laterals to the right-of-way, subject to the specifications of the City Engineer. If public sewer facilities are not currently available to the

subdivision site, the subdivider shall be responsible for extending the City sewer lines to service the proposed subdivision.

In areas serviced by combination storm/sanitary sewer systems, the subdivider shall be responsible for providing separate sewer systems into the combined system at the perimeter of the subdivision.

#### *11.4-2 Oversized Sewer Pipes*

If the City of Waukegan determines that oversized sewer pipes will be required to adequately service the proposed subdivision and future adjacent subdivisions, it may require such oversizing, but shall assume the additional cost of mains exceeding eight inches (8") in diameter and all related appurtenances. The City shall reserve the right to charge future users, through a tap-on fee.

#### *11.4-3 Individual Sewage Disposal Systems*

Individual sewage disposal systems shall not be permitted, except in the CR and ER zoning districts and in extreme instances and where expressly authorized by the City Engineer and City Council. In such authorized instances, if a connection to a public sanitary sewer will be provided eventually, as determined by the Planning and Zoning Commission, the subdivider shall make arrangements for future public sanitary sewer service at the time the plat receives final approval. The City shall require that sanitary sewer lines be extended to the limits of the property lines. An irrevocable letter of credit may be required to ensure compliance. In any event, all such individual or central systems shall be approved by the Lake County Health Department.

#### *11.4-4 Requirement to Connect to Sanitary Sewer*

In the future, if a public sanitary sewer is accessible, and a sanitary sewer is placed in a street or alley abutting upon property, or within three hundred feet (300'-0") thereof, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste, and it shall be unlawful for any owner or occupant to maintain upon any such property an individual sewage disposal system, unless such property is zoned Estate. However, for health purposes, the Lake County Health Department can require connection.

#### *11.4-5 Sanitary Sewer Specifications*

The City Engineer shall adopt and maintain a compendium of sanitary sewer specifications establishing required types of material, jointing and sealing, sizing, infiltration requirements and methods and depth of installation. All such material and methods shall conform to the applicable minimum standards established by the American Society for Testing and Materials, and all sewer mains shall comply with Standard Specifications for Water and Sewer Main Construction in Illinois.

#### *11.4-6 Sanitary Sewer Connections*

The subdivision's system of sewer shall be connected with the sanitary sewer system of the City or with the sewers of the North Shore Sanitary District, or the Lake County Public Works Department, and in any event, as determined by the City Engineer, before any connection can be made, the subdivider shall apply to the district or department through the City for permission to connect. In addition, the proposed system of sewers as reviewed and approved shall obtain all necessary approvals of the Illinois Environmental Protection Agency. It is understood that each of the agencies cited above shall operate only within their respective jurisdiction. If the sanitary sewers do not meet the infiltration requirements of the North Shore Sanitary District, or if the construction has not been completely satisfactory otherwise, the City Engineer may require the sewer construction in question be inspected by closed-circuit television. Cost of the television inspection shall be paid by the contractor.

### 11.5 STORM WATER

#### *11.5-1 Storm Water Facilities*

The Planning and Zoning Commission shall not recommend for approval any plat of subdivision which does not make adequate provisions for storm or flood water run-off channels, detention facilities and/or drainage systems. The storm water drainage system shall be designed by the Rational Methods, or other



methods as approved by the City Engineer, and a copy of design computations shall be submitted, along with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and detention facilities shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block. In any event, the storm water drainage system shall be so designed as to accommodate a storm intensity of two inches (2") per hour.

#### 11.5-2 *Connection to Public Storm Sewer*

Where a public storm sewer (or combination storm/sanitary sewer) is accessible, the subdivider shall install storm sewer facilities connecting to such system; or if no outlets are within a reasonable distance, adequate provisions shall be made for the disposal of storm water, subject to the specifications of the City Engineer. Inspection of facilities shall be conducted by the City Engineer.

#### 11.5-3 *Storm Water Detention Facilities*

Where storm water detention facilities or areas are required, they shall be provided in accordance with specifications and requirements of the North Shore Sanitary District and/or designed with a release rate based upon documented downstream capacity. All detention facilities shall be developed in accordance with the requirements of the Waukegan Flood Damage Prevention Ordinance.

#### 11.5-4 *Storm Water Drainage Specifications*

The City Engineer shall adopt and maintain a compendium of storm water drainage specifications establishing required method of drainage, capacity, detention, type of materials, and method and depth of installation. All such materials and methods shall conform to the applicable standards established by the American Society for Testing and Materials, and all storm sewer mains shall comply with Standard Specifications for Water and Sewer Main Construction in Illinois.

### 11.6 STREET GRADING

The subdivider shall furnish street profile plans for the existing and proposed grades of streets shown on the plat, prepared by a Registered Professional Engineer, retained by the developer or owner, in accordance with requirements of the City Engineer; and shall grade, or cause to be graded, the full width of the right-of-way of the streets proposed to be dedicated. The bed for the roadways in the street rights-of-way shall be graded to subgrade. The City Engineer shall approve the work prior to approval of the final plat or through "as-built" inspection guaranteed by irrevocable letter of credit.

### 11.7 PAVEMENT DESIGN AND CONSTRUCTION

After required sewer and water utilities have been installed, the subdivider shall construct curbs and gutters and shall surface, or cause to be surfaced, roadways and walkways to the widths prescribed in Article 10 of these regulations. This section treats the required pavement design and construction for streets, alleys and sidewalks.

#### 11.7-1 *Standards and Specifications*

The City Engineer shall adopt and maintain a compendium of pavement specifications establishing design, engineering and construction of streets, alleys and sidewalks, including type of material, density and thickness, proportioning, soil support value and installation methods.

Roadway and walkway pavements shall conform to the applicable standards contained in the following:

- a. Standard Specifications for Road and Bridge Construction, State of Illinois, Department of Transportation, current edition.
- b. Manual of Structural Design of Portland Cement Concrete Pavement, Department of Transportation, current edition.
- c. Manual on Instruction for the Structural Design of Bituminous Pavements on Projects involving MFT and FAUS Funds, Department of Transportation, current edition.

Sidewalk and pathway pavement shall be clearly stamped with, or contain a plate indicating the identity of the installer of such sidewalk.

Design requirements for street pavement shall be related to the adopted street classification system as set forth on the Street Classification Map as part of the Waukegan Comprehensive Engineering Department and Department of Community Development and Enforcement.

#### 11.7-2 *Road Subgrades*

The subgrade of all roads shall be graded and rolled in accordance with Section 212 of the Standard Specifications for Road and Bridge Construction, current edition. Particular attention is directed to the requirements for the replacement of soft and unstable material as contained in Article 202.03. All subgrade material shall have a minimum Illinois Bearing Ratio (IBR) of 2.5. Subgrade material having an IBR less than 2.5 shall be removed and replaced with a suitable fill material, or the pavement must be designed to compensate for the soil conditions. The soil support IBR values selected for use by the designed shall represent a minimum value for the soil to be used.

At least one Standard Density Test (performed in accordance with ASSHTOT99) shall be taken in each fill section, with a minimum distance between tests of three hundred feet (300'-0"). One (1) Standard Proctor Test shall be taken from each different source of borrowed material, if required by the City Engineer. The Proctor and Density tests must be submitted for review and approval by the City Engineer. Upon approval of these tests, an inspection of the subgrade will be made by the City, and the subgrade must be approved prior to placing any type of curb and gutter or base material.

#### 11.7-3 *Driveways, Aprons and Loading Berths*

Driveways, driveway aprons, and loading and unloading berths shall be constructed in accordance with the City Engineer's compendium of pavement specifications. However, driveways for residential buildings shall be constructed of a minimum two inch (2") bituminous surface, Class 1 over six inch (6") aggregate base course (crushed) Type B or four inch (4") concrete pavement. Aprons for residential buildings shall be constructed of a minimum five inch (5") non-reinforced concrete pavement or comparable construction as approved by the City Engineer.

#### 11.7-4 *Culverts, Drains and Bridges*

All culverts, drains and bridges shall be engineered and constructed in accordance with the adopted compendium of specifications, and shall comply with applicable standards as adopted by reference by the City Engineer.

#### 11.7-5 *Material Testing*

Prior to, or concurrent with, the construction of any pavement within the subdivision-approved jurisdiction of the City of Waukegan, the subdivider shall furnish the City Engineer with copies of certificates of testing from the Illinois Department of Transportation, Lake County Highway Department, or from a testing laboratory which has been pre-qualified by the Illinois Department of Transportation for Bituminous Aggregate Mixture, Bituminous Mixture Class 1, and Pozzoianic Base Course Type A, as follows:

- a. Proportioning Tests: A minimum of one (1) plant inspection per day is required to provide control of moisture and mix gradation.
- b. Density Tests: A minimum of two (2) per day, one (1) per location, or one (1) per five hundred (500) tons, whichever shall provide the greatest number of compaction tests.

The thickness of each lift will be verified by string line and completed pavement by cores where required by City Engineer.

Certificates of Testing for Portland Cement Concrete shall be required to verify Portland Cement Concrete design for a minimum twenty-eight (28) days compressive strength of 3,500 p.s.i. One (1) set of cylinders two (2) seven (7) day breaks, two (2) twenty-eight (28) day breaks shall be required for each day's pour or for every fifty (50) cubic yards.

#### 11.7-6 *Dynalect Pavement Evaluation Program*

The City Engineer may require the Dynalect Pavement Evaluation Program be performed according to the Dynalect Pavement Evaluation Specification on file in the office of the City Engineer. The program shall generally embody the following testing/pavement evaluation techniques:

- a. Environmental Study (frost cycle, drainage, etc.).
- b. Pavement Surface Evaluation.
- c. Soil Borings at approximately one (1) location per mile.
- d. Pavement Deflection correlated with Benkelman Beam or equal

Prior to installation of the bituminous surface course, but after the installation of the binder course, the contractor or subdivider shall furnish the City Engineer with a copy of a Dynalect Pavement Evaluation Program Report of the completed pavement improvements such report may be a Dynalect evaluation.

The program shall evaluate the existing condition of the base and binder course in maximum two hundred foot (200'-0") sections. It shall determine whether or not the pavement section with the addition of the surface course of design thickness will be projected to meet a ten (10) year pavement life or greater.

If the pavement section is projected to meet life expectancy of ten (10) years or more, then the contractor or subdivider may proceed as authorized by the City Engineer.

If the pavement section is not projected to meet a life expectancy of ten (10) years or more, then the report shall propose asphalt overlays in excess of the surface course design thickness or pavement reconstruction to bring the new pavement section to a ten (10) year life expectancy. The City Engineer shall evaluate the results of the report and inform the contractor or subdivider as to the required pavement operation for each section in question. Upon resolution of these pavement operations, the contractor or developer may proceed as authorized by the City Engineer.

The Dynalect Pavement Evaluation Program shall not be considered valid unless the wearing surface was applied during the same construction season.

#### 11.8 EROSION AND SEDIMENTATION CONTROL

This section is intended to govern earthwork or the movement of earth during subdivision development so as to control erosion, sedimentation, and dust problems.

##### 11.8-1 *Standards and Specifications*

The City Engineer, with the assistance of the City Landscape Architect and Environmental Control Director, shall adopt and maintain a compendium of erosion and sedimentation controls, establishing minimum standards for the avoidance or control of potential environmental problems resulting from the movement of earth or re-sculpturing of the land during, or subsequent to, subdivision development. All such development shall conform to the applicable standards and requirements contained in Standards and Specifications for Soil Erosion and Sediment Control in Northeastern Illinois, current edition, as compiled by the County Soil and Water Conservation Districts.

##### 11.8-2 *Provisions for Plat Approval*

Except as provided below, no plat of subdivision shall be approved unless the final plat and accompanying material indicate that measures to be taken to control erosion and sedimentation will be adequate to assure that sediment is not transported from the site by a storm event of ten year frequency or less, and that the following principles will be applicable to all development activities in the area to be subdivided:

- a. Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided and natural contours should be followed as closely as possible.
- b. Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural water courses should be left undisturbed wherever possible.

- c. The smallest practical area of land should be exposed for the shortest practical time during development.
- d. Sediment basins, debris basins, desilting basins or silt traps for filters should be installed and maintained to remove sediment from run-off waters from land undergoing development.
- e. The selection of erosion and sedimentation control measures should be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs and benefits involved.
- f. In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.
- g. Provisions should be made to accommodate the increased run-off caused by changed soils and surface conditions during and after development. Drainageways should be designed so that their final gradients and the resultant velocities of discharges will not create additional erosion.
- h. Permanent vegetation and structures should be installed as soon as practical during development.

### 11.8-3 *Erosion and Sedimentation Control Plans*

Erosion and sedimentation control plans for every subdivision shall, at a minimum, contain the following:

- a. A general description of the predominant soil types on the site, their location and their limitations for the proposed use.
- b. All erosion and sedimentation control measures necessary to meet the objectives of this Ordinance through all phases of construction and permanently after completion of development of the site.
- c. Seeding mixtures and rates, types of sod, seedbed preparation, expected seeding dates, lime and fertilizer application, and kind and quality (quantity?) of mulching for both temporary and permanent vegetative control measures.
- d. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
- e. Identification of person(s) or entity which will have legal responsibility of maintenance of erosion control structures and measures after development is completed.
- f. The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, the final grading and landscaping. Phasing should identify the estimated duration of exposure of cleared areas and the sequence of clearing, installation of storm drainage, paving streets and parking areas, and establishment of permanent vegetative cover.

## 11.9 RETENTION OF TOPSOIL – SEEDING AND SODDING

### 11.9-1 *Redistribution of Topsoil*

Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six inches (6”) of cover on the lots and at least four inches (4”) of cover between sidewalks and curbs, and shall be stabilized by seeding and/or planting.

### 11.9-2 *Seeding and Sodding*

All improved areas within the dedicated street area or other public use areas shall be graded and seeded and/or sodded in an approved manner. Restoration work shall be performed to the satisfaction of the City Engineer and City Landscape Architect. All parkways shall be graded smooth and topped with at least four inches (4”) of black dirt after compacting and removal of stumps, trees that cannot be saved, boulders and other debris. Such areas shall be seeded or sodded to the satisfaction of the City Engineer and City Landscape Architect. All parkways, front yards and corner side yards shall be sodded to the satisfaction of the City Engineer and City Landscape Architect.

## 11.10 PROTECTION OF EXISTING VEGETATION

### 11.10-1 *Preservation of Existing Trees*

When determining the location of improvements within a subdivision and the location of structures on lots, the developer shall make every reasonable effort to save healthy trees having a diameter of five inches (5”) or greater, measured at chest level (dbh), and other vegetation deemed appropriate by the Planning and

Zoning Commission. It should be recognized, however, that trees located within the interior of improved subdivision may be difficult to save due to grading, disturbance to drainage patterns and reduction of the water table.

#### *11.10-2 Tree Survey*

As part of the preliminary plat procedure contained herein, the developer shall submit a plat of survey certifying the location, size and species of all healthy trees having a diameter of five inches (5") or greater, measured at chest level (dbh), for areas within twenty-five feet (25'-0") of any proposed improvement. For remaining areas covered by the preliminary plat, only the general locations of the trees are required. The developer shall indicate on such plat which trees he proposes to save in accordance with this Section and, in general, those trees which will be lost. The trees to be saved in accordance with this Section shall be agreed upon as part of the preliminary plat approval.

#### *11.10-3 Required Final Plat Submittals*

As part of the final plat procedure contained herein, the developer shall submit the following:

- a. A proposed grading plan for the site, indicating the location, size and species of the trees to be saved in accordance with the preliminary plat approval.
- b. A plan establishing the methods to be used for preserving the trees that are to be saved. Such plan shall include the following provisions:
  - (1) All grading and construction equipment shall be forbidden from encroaching within a sixty degree (60°) angle off the spread of the crown after ten (10) year growth;
  - (2) Crushed limestone or other materials detrimental to the tree shall not be dumped within the tree's drip line or at any higher location where drainage toward the tree could affect the health of the tree; and
  - (3) Installation of snow fencing at the periphery of the tree's drip line shall be required.
- c. The developer's proposed methodology for saving existing trees in accordance with the preliminary plat approval shall be reviewed by the Planning and Zoning Commission. Prior to any determinations being made regarding the proposed grading plan, the Plat Administrator shall forward copies of such plan to the City Landscape Architect and Environmental Control Director for their review and recommendations.

If, in the opinion of the City Engineer or Plat Administrator, the developer has not taken the necessary precaution in preserving such existing trees, it will be recommended that the subdivision plat not be approved until such time as the developer satisfactorily amends his plans for the preservation of such existing trees. If the developer and City Engineer or Plat Administrator cannot agree on a satisfactory plan, the developer can appeal the decision to the Planning and Zoning Commission.

#### *11.10-4 Tree Replacement*

In the event that a tree designated on the approved plan for saving such healthy trees shall be destroyed or razed by the developer during the construction process, the developer shall replace such tree with a tree of a species listed in Section 11.11.2, and having a diameter of not less than five inches (5") measured at chest level in the approximate location of the tree so destroyed or razed.

### 11.11 STREET (PARKWAY) TREES

#### *11.11-1 Parkway Tree Requirements*

Parkway trees shall be required in all residential subdivisions. Such trees shall be planted in the parkways not less than four feet (4'-0") from any sidewalk or curb, except as otherwise provided below. The recommended spacing between parkway trees in residential subdivisions shall be not less than twenty-four feet (24'-0"). At street corners, trees shall be located at least twenty feet (20'-0") from the intersection of the street right-of-way lines. In all business districts, parkway trees shall be provided and shall be spaced not more than seventy-five feet (75'-0"). In all industrial districts, parkway trees shall be spaced not more than one hundred fifty feet (150'-0") apart-

*11.11-2 Allowable Tree Species*

The species of trees that may be planted in parkways are listed below, provided that where the planting strip between the sidewalk and street curb is less than eight feet (8'-0") but greater than four feet (4'-0") wide, the parkway trees shall be True Columnar Norway Maple or some other species designated by the City Engineer or Landscape Architect.

Linden	Ginkgo	Pin Oak
Norway Maple	Japanese Pagoda	Tulip Tree
Sugar Maple	Thornless Honey Locust	Ash
Red Maple	Hackberry	Red Oak
London Plane		

Additional species of trees may be acceptable upon review and approval by the City Engineer or City Landscape Architect.

*11.11-3 Forbidden Tree Species*

The following species of trees shall not be planted in the parkways (without the prior approval of the City Engineer) or where such trees will injure sewers or drains of the City:

Aspen	Cottonwood	Poplar
Black Locust	Evergreens	Soft (Silver) Maple
Box Elder	Fruit Trees	Catalpa
Osage Orange	Chinese Elm	Willow
Tree of Heaven (Ailanthus)		

*11.11-4 Parkway Tree Size Requirements*

Parkway trees shall be balled and burlapped, and shall have a minimum trunk diameter of two and one-half inches (2.5"), measured at six inches (6") above ground level. They shall be northern grown in a nursery, and shall have been transplanted twice, the last transplanting being not less than four (4) years prior to parkway planting. All trees shall be tagged and identified as to species, size, and place of origin. Such tags shall not be removed by the developer prior to inspection by the City Engineer. All trees (original or replacement) determined by the City Engineer not to be in vigorous growing condition after one (1) growing season shall be replaced at the beginning of the next succeeding planting season, at no cost to the City of Waukegan.

*11.11-5 Planting Requirements*

Each tree shall be planted plumb slightly lower than where it stood in the nursery in relation to finish grade. Backfill shall be properly fertilized with organic fertilizer, and shall be thoroughly watered when the hole is two-thirds (2/3) full of topsoil.

After watering, the filling shall be completed and soil thoroughly tamped. After planting, a three inch (3") mulch of well-rotted manure or peat shall be applied over the disturbed ground, and a shallow watering basin provided around the tree.

All planting shall be done during the proper season. No planting shall be done in frozen soil, or during unfavorable weather conditions.

Each tree shall be staked with three (3) two-inch (2") square stakes eight feet (8'-0") long. The stake shall be driven plumb two and one-half feet (2.5'-0") into the ground adjacent to the tree, and tied at top and bottom with a figure eight hitch consisting of number fourteen (#14) wire encased in a section of reinforced rubber hose. The City Engineer and/or City Landscape Architect may specify other acceptable methods of staking.

Tree pits shall be round, at least six inches (6") wider on each side than the diameter of the root spread, shall have vertical sides, and shall be at least twenty-four inches (24") below finished grade.



11.12 REQUIRED MONUMENTS

The subdivider shall retain a registered surveyor to place permanent reference monuments in the subdivision as required herein and as approved by a Registered Land Surveyor.

11.12-1 External Boundary Monuments

The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete, not less than forty-eight inches (48”) in length, not less than four inches (4”) square or five inches (5”) in diameter, and marked on top with a cross, or iron rod, securely imbedded; or by iron rods or pipes at least thirty-six inches (36”) long and two inches (2”) in diameter. These monuments shall be placed not more than one thousand three hundred and twenty feet (1,320’-0”) apart in any straight line at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along the meander line, said points to be not less than twenty feet (20’-0”) back from the bank of any river or stream, except that when such corners or points fall within a street or proposed future street, the monuments shall be placed in the side line of the street.

11.12-2 Internal Boundary Monuments

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

11.12-3 Lot Corner Monuments

All lot corners shall be monumented in the field by iron pipes at least thirty inches (30”) long and seven-eighths inch (7/8”) in diameter, or by round or square iron bars at least twenty-four inches (24”) long.

11.12-4 Lot Lines Which Extend to Rivers or Streams

The lines of lots that extend to rivers or streams shall be monumented in the field by iron pipes at least thirty inches (30”) long and seven-eighths inch (7/8”) in diameter or by round or square iron bars at least thirty inches (30”) long. These monuments shall be placed at the point of intersection of the river or stream lot line, with a meander line established not less than twenty feet (20’-0”) back from the bank of the river or stream.

11.12-5 Monument Placement

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

11.12-6 Approval of Monument Placement

All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the Planning and Zoning Commission recommends approval of the final plat.

11.13 STREET NAMES

Street name signs are to be placed at all intersections within, or abutting, the subdivision, the type and location of which to be approved by the City Engineer and Planning and Zoning Commission. No street names shall be used which duplicate or can be confused with the names of existing streets. New streets which are an extension of, or obviously in alignment with, existing streets shall bear the name of the existing streets. Street names shall be subject to the approval of the City Engineer or Plat Administrator. Street addresses shall be clearly visible from the street in front of the structure.

11.14 STREET LIGHTING

The City Engineer shall adopt and maintain a compendium of street lighting requirements, establishing minimum standards as to type and size of standards (poles), mast arms, luminaries, wiring, spacing of poles, and all other materials and work necessary to complete street lighting installation. All street lights



and appurtenances shall conform to the applicable standards and requirements contained in The American Standard Practice for Roadway Lighting, current edition.

#### *11.14-1 Layout of Lighting System*

The complete lighting system shall be designed by a Registered Professional Engineer of the State of Illinois, and shall be submitted to the City Engineer for approval. In special cases, the City Engineer may designate larger lamps, higher poles, two (2) masted poles, or vary the spacing as he deems necessary to meet special conditions. In no event shall street lights in residential districts be spaced less than one hundred fifty feet (150'-0") apart.

#### *11.14-2 Materials of Lighting System*

All materials comprising the lighting systems shall be the product of a firm or firms regularly engaged in the manufacture of such material, and shall be covered by the manufacturer's or installing contractor's warranty or guarantee. The material shall be new, of current manufacture, and of standard design, free from all defects.

Workmanship shall be of the highest grade in accordance with standard practice. All work shall be done in accordance with the Waukegan Electrical Code.

#### *11.14-3 Variation in Light Standards*

Light standards to be installed in unique or self-contained developments may be ornamental in nature, but must be expressly approved by the City Engineer.

#### *11.14-4 Testing of Lighting System*

After installation of the street lighting system is completed, and at a time convenient to the City, all equipment shall be demonstrated to operate in accordance with the approved drawings and specifications.

### 11.15 PUBLIC UTILITIES

All public utility lines for telephone and electric services shall be placed in easements and entirely underground in residential subdivisions.

Where telephone and electric service lines are placed underground entirely throughout a subdivided area, said conduits or cable shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public. Transformer boxes or other necessary ancillary utility features shall not be installed in front yards, except where unavoidable.

All gas mains shall be placed within the street right-of-way or within easements.

Underground work, either the installation of new, or the repair of existing sewer and water systems, cannot commence until the appropriate public utilities are staked and the City Engineer has been notified to arrange for appropriate inspection.

### 11.16 FLOOD PLAIN REGULATIONS

All development proposed within a subdivision shall comply with the requirements established in the Flood Damage Prevention Ordinance of the City of Waukegan. It shall be the responsibility of the City Engineer to determine whether any portion of a proposed subdivision is located within a flood plain or flood hazard area.

### 11.17 GUARANTEE PERIOD FOR IMPROVEMENTS

All improvements installed within the City of Waukegan, be they private or public, must be guaranteed by the developer for a period of at least two (2) years after final acceptance or approval in the case of improvements which the City will not ultimately own and maintain. Any warranty that is still in effect on material accepted by the City shall be submitted to the City Engineer at the time of acceptance.

## ARTICLE 12 PLAT INFORMATION REQUIRED

### 12.1 PRELIMINARY PLAT

Every proposed subdivision shall be submitted to the Planning and Zoning Commission for review and recommendation, and to City Council for tentative or conditional approval in the form of a preliminary plat prior to the submission of a final plat. The preliminary plat is not intended to be a final plat, and must be prepared in such form as not to be confused with a final plat. Its purpose is to show graphically all facts needed to enable the Planning and Zoning Commission and other public officers and bodies to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The preliminary plat shall be prepared by a qualified professional, trained and experienced in the layout of subdivisions.

The following graphic and descriptive items are normally required to be shown on the preliminary plat and the accompanying application for approval. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

#### 12.1-1 *Application for Approval*

Written application by the owner, or his agent, for approval, on forms furnished by the Department of Planning and Zoning, shall accompany each preliminary plat and contain the following information.

- a. Name for File Identification
  - (1) Name of subdivision, if property is within an existing subdivision.
  - (2) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded within Lake County.
  - (3) Name of property if no subdivision name has been chosen. This is commonly the name by which the property is locally known.
- b. Location and Description of Property  
Location of property by legal description, including government lot, section, township, range and county.
- c. Basic Facts Pertaining to the Property
  - (1) Size of tract in acres or of existing lots, if any, in square feet.
  - (2) Existing zoning classification of property and any rezoning or conditional use proposed to be requested.
  - (3) Number of lots proposed in subdivision.
  - (4) Area of lots proposed: minimum, average and maximum.
  - (5) Proposed type and size of water and sanitary sewer facilities.
  - (6) Any other proposals, such as parcels of land intended to be dedicated, conveyed or reserved for public use, and the conditions proposed for such disposal and use.
  - (7) Adjacent street improvements
- d. Information as to Ownership/Preparation of Plat and Submission Thereof
  - (1) Name and address, including telephone number of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date and land records reference.
  - (2) Citation of any existing legal rights-of-way or easements affecting the property.
  - (3) Existing covenants or restrictions of the property, if any.
  - (4) Name and address, including telephone number, of professionals responsible for subdivision design, for the design of public improvements, and for surveys.

#### 12.1-2 *The Drawing*

The preliminary plat shall be drawn with waterproof non-fading ink or legibly drawn with pencil on tracing cloth or tracing paper of good quality at a scale of one hundred feet (100'-0") to the inch, and shall show correctly on its face the following information:

- a. Date, scale and north arrow.

- b. The proposed subdivision name (must be the same as that specified on the application).
- c. The name and address of the owner, the subdivider and the surveyor responsible for surveys.
- d. Location of the subdivision by legal description, including government lot, section, township, range and county.
- e. A vicinity sketch or small scale drawing for the section or area within which the subdivision lies, with the location of the subdivision indicated thereon.
- f. The exact length and bearing of the exterior boundaries of the subdivision. Dimensions shall be expressed in feet and decimals of a foot.
- g. Location and names of adjacent subdivisions and the owners of adjacent parcels of unsubdivided land.
- h. Zoning on land adjacent to the proposed subdivision.
- i. Location, width and names of all existing and platted streets, alleys and other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, watercourses, drainage ditches, permanent buildings, bridges and other pertinent data as determined by the Plat Administrator.
- j. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the USGS datum plane.
- k. If the subdivision borders on a lake, river or stream, the distances and bearings of a meaner line established not less than twenty feet (20'-0") back from the ordinary high water mark of such waterways.
- l. Layout, width and grades of all proposed new streets and rights-of-way, including alleys, highways, easements for sewers and water mains, and other public utilities.
- m. Existing sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sanitary and storm sewers are to be indicated in a general way upon the preliminary plat.
- n. Plans of proposed utility layouts (water, sewer and storm drains), showing connections to any existing or proposed utility systems and size of water and sanitary sewer lines.
- o. Approximate dimensions and areas of lots.
- p. Proposed building setback lines.
- q. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
- r. Approximate location and area of all property proposed to be dedicated or reserved for public use, or to be reserved by deed or covenant for use by all property owners in the subdivision, with the conditions, if any, of such dedication or reservation.
- s. Contours at vertical intervals of not more than two feet (2'-0") or at more frequent intervals, if required by the City Engineer for land with unusual topography. Topographic information is to be prepared by a registered surveyor or professional engineer.
- t. Preliminary street profile plans for all existing and proposed streets, containing information specified by the City Engineer.
- u. Indication of any lots within a residential subdivision on which a use other than residential is proposed by the subdivider.
- v. Size and volume of any proposed storm water detention facility and storm water outfall.
- w. Boundaries of any existing floodway and flood plain.
- x. Landscape Plans

### *12.1-3 Review and Approval Preliminary Plat*

While the preliminary plat is still in sketch form, it is required that the subdivider consult with the city officials to determine conformity to the official plan, zoning ordinance, and compliance with the Waukegan Subdivision Ordinance and other applicable city ordinances.

File with the City Council at the office of the City Clerk, five (5) copies of the preliminary plat and pay the required filing fee. The City Clerk shall refer four (4) copies of the preliminary plat to the Planning and Zoning Commission, at least twenty (20) days in advance of the meeting date at which it is scheduled to be considered, for public hearing and report. In the event the plat involves special problems, or is in conflict with the Planning and Zoning Commission planning studies, the Planning and Zoning Commission shall notify the owner or subdivider as to the time and place of the next meeting of the Planning and Zoning Commission meeting at which he will be afforded an opportunity of being heard. The Planning and Zoning Commission shall then approve or disapprove the preliminary plat, provided, however, that if the

preliminary plat does not conform to the requirements herein set forth, the Planning and Zoning Commission may require the subdivider to make such changes as may be necessary and thereupon approve the same. Upon approval of the preliminary plat, the Notice of Approval of Preliminary Plat signed by the chairman, shall be stamped upon four (4) copies thereof:

### NOTICE OF APPROVAL OF PRELIMINARY PLAT

“Notice is hereby given that the preliminary plat of the subdivision shown hereon has received approval by the Planning and Zoning Commission and the City Council of the City of Waukegan, Illinois and upon compliance by the subdivider with requirements of qualifications governing the approval of preliminary plans and with other revisions and stipulations that may be required, the Planning and Zoning Commission and City Council will receive the final plat for consideration when submitted by the subdivider in such form, and within such time as required by this Ordinance.”

The Planning and Zoning Commission of the City of Waukegan, Illinois

Date \_\_\_\_\_

By \_\_\_\_\_

CHAIRMAN

The City Council of the City of Waukegan, Illinois

Date \_\_\_\_\_

By \_\_\_\_\_

CITY CLERK

## 12.2 FINAL PLAT

A final plat may constitute only a portion of the area contained in the approved preliminary plat, provided that the public improvements to be constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development to provide adequately for the health, safety and convenience of the proposed residents or occupants therein and for adequate access to contiguous areas.

### 12.2-1 *Application for Approval*

Written application by the owner or his agent for approval, on forms furnished by the Department of Planning and Zoning, shall accompany each final plat, and contain the following information:

- a. Name of subdivision and description of blocks and lots included on plat.
- b. Location of subdivision by legal description, including government lot, quarter section, section, township, range and county.
- c. Name, date of approval and file number of the preliminary plat upon which the final plat is based.
- d. Zoning classification of the property.
- e. Total number of lots and/or parcels included on the plat.
- f. Total area shown on the plat, including streets, and total area dedicated to public use, if any.
- g. Existing or proposed covenants, if any. Reference shall be made to any private restrictions, and plats shall contain property acknowledgements of owners and mortgagees accepting said platting and restrictions.

### 12.2-2 *The Drawing*

The final plat shall be drawn with waterproof non-fading ink, at a scale of not more than one hundred feet (100'-0") to the inch, on four (4) mil transparent Mylar at a size in multiples of eight and a half by eleven inches (8½" x 11"), or in a form deemed acceptable by the Department of Planning and Zoning and Lake County Recorder of Deeds. When more than one (1) sheet is used for any plat, each sheet shall be

numbered consecutively and shall contain a notation giving the total number of sheets in the plat and showing the relationship of that sheet to the other sheets, and each sheet shall bear the name of the subdivision. Each plat shall show correctly on its face the following information:

a. Map and Engineering Information

- (1) Date, scale and north arrow.
- (2) The exterior boundaries of the land surveyed and divided.
- (3) All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length and weight per lineal foot of the monuments.
- (4) The exact length and bearing of the exterior boundaries, the boundary lines of all blocks, public grounds, streets, and alleys, and all lot lines, except that when the lines in any tier of lots are parallel, it shall be sufficient to mark the bearings of the outer lines on one tier thereof. Easements shall be shown by center line and width when lines are parallel to a boundary; otherwise, boundary bearings and distances shall be shown. Where the exterior boundary lines show bearings of lengths which vary from those recorded in abutting plats or not placed along such lines. "Recorded as (show recorded bearing or length, or both)," the allowable error of closure shall be one foot (1'-0") in ten thousand feet (10,000'-0").
- (5) Block, if designated, shall be consecutively numbered, or lettered in alphabetical order. The blocks in numbered additions to subdivision bearing the same name shall be numbered or lettered consecutively through the several additions.
- (6) All lots in each block, shall be consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.
- (7) The exact width of all easements, streets and alleys.
- (8) All lake or stream shore meander lines established by the surveyor, the distances and bearings thereof, and the distance between the point of intersection of such meander lines with lot lines and the ordinary high water mark.
- (9) The center line of all streets.
- (10) The number of degrees and minutes in all exterior boundary and block angles. When such angles are between a curve and its tangent, the angle shown shall be that between the tangent and the main chord of the curve. When between curves of different radii, the angle shown shall be that between the main chords.
- (11) When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted lines in their proper places; and either on the plat, or in an adjoining table, shall be noted their bearings and lengths, the radius of the circle of which the curve is a part, the central angle subtended and the tangent bearing at either the point of curve or point of tangency. The lot lines may be shown in the same manner or by bearings and distances. When a circular curve of thirty-foot (30'-0") radius or less is used to round off the intersection between two (2) straight lines, it shall be sufficient to show on the plat the radius of the curve and the tangent distance from the point of curvature to the point of intersection of the straight lines.
- (12) When strict compliance with a provision of this section will entail undue or unnecessary difficulty, or tend to render the plat more difficult to read, and when the information on the plat is sufficient for the exact retracement of the measurements and bearings or other necessary dimensions, the City Engineer may waive such strict compliance.

b. Name, Location and Position

The name of the subdivision shall be printed on the plat in prominent letters, and the following information relating to the position and location of the subdivision shall be showed thereon.

- (1) The location of the subdivision by legal description including government lot, recorded private claim, quarter section, section and township, noted immediately under the name given to the subdivision.
- (2) The exact location of the subdivision, indicated by distances and bearing with reference to a corner or corners established in the US public land survey.

- (3) A small drawing of the section, or governmental subdivision of the section, in which the subdivision lies, with the location of the subdivision indicated thereon. This drawing shall be oriented on the sheet in the same direction as the main drawing.
  - (4) Where provision is made for access to any lake or stream, the plat shall show the area over which access is provided to the lake or stream, together with a small-scale drawing clearly indicating the location of the subdivision in relation to the lake or stream and the location of the area over which access is provided.
  - (5) The names of adjoining streets, highway and subdivisions shown in their proper locations and underscored by a dotted line.
  - (6) Abutting street and highway lines of adjoining plats shown in their proper locations by dotted lines. The width of these streets and highways shall also be given.
- c. Roads and Public Spaces
- (1) The name of each road or street in the plat shall be printed therein in prominent letters.
  - (2) All lands dedicated to public use, except roads and streets, shall be clearly marked, "Dedicated to the Public."
  - (3) All roads or streets shown on the plat which are not dedicated to public use shall be clearly marked, "Private Road" or "Private Street" or "Private Way."
- d. Site Conditions and Topography
- (1) All existing buildings.
  - (2) All water courses, drainage ditches, and other existing features pertinent to proper subdivisions.
  - (3) The water elevations of adjoining lakes, rivers, or streams at the date of the survey, and the approximate high and low elevations of such lakes, rivers and streams. All elevations shall be referred to the USGS datum plane.
  - (4) Topographical contours, at vertical intervals of not more than one foot (1'-0"), or at more frequent intervals if required by the City Engineer for land with unusual topography.

**ARTICLE 13 CERTIFICATES**

To entitle a final plat to be entered in the proper record books in the Office of the County Recorder of Deeds, the following properly executed certificates shall accompany it. These certificates shall be lettered or printed legibly with durable ink, or typed.

13.1 OWNER’S CERTIFICATION

**OWNER’S CERTIFICATION**

STATE OF ILLINOIS

SS

COUNTY OF LAKE

This is to certify that the undersigned is the owner of land described in the accompanying plat, and that he has caused the same to be surveyed and subdivided, as indicated thereon, for the uses and purposes herein set forth, and does hereby acknowledge and adopt the same under the style and title thereon indicated.

I do hereby dedicate for public use the lands shown on this plat for streets, alleys, and other thoroughfares; and hereby also reserve for the SBC Telephone Company, North Shore Gas Company, the public service company division of Commonwealth Edison (ComEd) and Comcast Cable the easement provisions which are stated on their standard form.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_

\_\_\_\_\_  
ADDRESS

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

13.2 NOTARY CERTIFICATION

**NOTARY CERTIFICATION**

STATE OF ILLINOIS

SS

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for said County, in the state aforesaid, do hereby certify that \_\_\_\_\_, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument as such owners, appeared before me this day in person and acknowledged that they signed the plat as their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notary Seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public



13.3 SURVEYOR'S CERTIFICATE

**SURVEYOR'S CERTIFICATE**

STATE OF ILLINOIS

SS

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a "Registered Illinois Land Surveyor," do hereby certify that I have surveyed, subdivided and staked the premises described in the above caption and that I have monumented the corners of the several lots shown hereon and all points of curvature and points of tangency, and that the plat hereon drawn is a correct representation of the survey and staking.

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

\_\_\_\_\_  
Registered Land Surveyor

\_\_\_\_\_  
Number

13.4 DIVISION OF WATER RESOURCES CERTIFICATE

**DIVISION OF WATER RESOURCES CERTIFICATE**

STATE OF ILLINOIS

SS

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a "Registered Illinois Land Surveyor," do hereby certify that this subdivision is not situated within 500 feet of a surface drain or water course serving a tributary area of 640 acres or more.

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

\_\_\_\_\_  
Registered Land Surveyor

\_\_\_\_\_  
Number

13.5 ENGINEER'S DRAINAGE CERTIFICATE

**ENGINEER'S DRAINAGE CERTIFICATE**

STATE OF ILLINOIS

SS

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a "Registered Illinois Professional Engineer," do hereby certify that, to the best of my 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, adequate provisions have been made for collection and diversion of such surface waters into public areas or drains which the subdivider has the right to use, and that such surface waters will not be deposited on the property of adjoining landowners in such concentrations as may cause damage to the adjoining property because of the construction of the subdivision.

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

\_\_\_\_\_  
Registered Illinois Professional Engineer

\_\_\_\_\_  
Number

13.6 PLANNING AND ZONING COMMISSION CERTIFICATE

**PLANNING AND ZONING COMMISSION CERTIFICATE**

STATE OF ILLINOIS

SS

COUNTY OF LAKE

I, \_\_\_\_\_, Chairman of the Waukegan Planning and Zoning Commission, do hereby certify that the accompanying plat complies with the preliminary plat as approved and is in conformance with the regulations, requirements and intent of the Waukegan Subdivision Ordinance.

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

\_\_\_\_\_  
Chairman, Waukegan Planning and Zoning Commission

13.7 CITY CLERK'S CERTIFICATION OF CITY COUNCIL APPROVAL

**CITY CLERK'S CERTIFICATION  
OF CITY COUNCIL APPROVAL**

STATE OF ILLINOIS

SS

COUNTY OF LAKE

I, \_\_\_\_\_, City Clerk of the City of Waukegan, Illinois do hereby certify that the accompanying plat was presented to and by resolution and/or ordinance duly approved by the City Council of the City of Waukegan at its regular meeting held on \_\_\_\_\_, 20\_\_\_\_. In witness whereof, I have hereunto set the seal of the City of Waukegan, Illinois.

I further certify that the required bond or instrument of credit is posted for the completion of all required public improvements.

Attested to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CITY CLERK  
City of Waukegan

(SEAL)

13.8 PLAT ADMINISTRATOR CERTIFICATE

**PLAT ADMINISTRATOR CERTIFICATE**

STATE OF ILLINOIS

SS

COUNTY OF LAKE

I, \_\_\_\_\_, Plat Administrator of the City of Waukegan, Illinois, do hereby certify that the accompanying plat accurately reflects the previously approved preliminary plat, including all required modifications, and conforms to the general objectives of the Waukegan Comprehensive Plan.

Attested to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
PLAT ADMINISTRATOR  
City of Waukegan

13.9 CITY ENGINEER CERTIFICATE

**CITY ENGINEER CERTIFICATE**

STATE OF ILLINOIS

SS

COUNTY OF LAKE

I, \_\_\_\_\_, City Engineer of the City of Waukegan, Illinois, do hereby certify that all provisions pertaining to street, sewer and drainage requirements and all other engineering matters as prescribed in the Waukegan Subdivision Ordinance, insofar as they pertain to the accompanying plat, have been satisfactorily complied with.

Attested to this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
CITY ENGINEER  
City of Waukegan

13.10 CITY COLLECTOR CERTIFICATE

**CITY COLLECTOR CERTIFICATE  
AS TO SPECIAL ASSESSMENTS**

STATE OF ILLINOIS

SS

COUNTY OF LAKE

I, \_\_\_\_\_, Collector of the City of Waukegan, do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments thereof that have been apportioned against the tract of land included in the accompanying plat.

Attested to this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
CITY COLLECTOR  
City of Waukegan

13.10 COUNTY CLERK CERTIFICATE

**COUNTY CLERK CERTIFICATE**

STATE OF ILLINOIS

SS

COUNTY OF LAKE

I, \_\_\_\_\_, County Clerk of Lake County, Illinois, do hereby certify that there are no delinquent general taxes, no unpaid current general taxes, no unpaid special taxes, no unpaid forfeited taxes, and no redeemable tax sales against any of the land included in the accompanying plat.

Given under my hand and seal of the County Clerk of Lake County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
COUNTY CLERK  
Lake County, Illinois

#### **ARTICLE 14 SEPARABILITY**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid by a court of competent jurisdiction for any reason whatsoever, such decision shall not affect the remaining portion of this Ordinance, which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be separable.

## ARTICLE 15 CONFLICT OF ORDINANCES

All ordinances or parts of ordinances in conflict with the terms of this ordinance, are, to the extent of such conflict, hereby repealed.



**ARTICLE 16 ORDINANCE APPROVAL**

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Passed and read at a regular meeting of the Waukegan City Council on \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_.

Passed and approved at a regular meeting of the Waukegan City Council on \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_.

ROLL CALL VOTE:

AYES:

NAYS:

ALDERMEN ABSENT:

**APPENDIX**

1. **UNDERTAKING IN LIEU OF COMPLETION BOND**

**UNDERTAKING IN LIEU OF COMPLETION BOND**

WHEREAS, the statutes of the State of Illinois grant to a municipal corporation the right to require that a developer constructing certain improvements within the community guarantee the construction of such improvements by a completion bond or other security acceptable to the City of Waukegan; and

WHEREAS, \_\_\_\_\_ desires to construct a development within the City of Waukegan and that said municipality is willing to accept an undertaking from a financial institution in the nature of an irrevocable commitment in lieu of such completion bond.

NOW, THEREFORE, are the following representations made by the owner and/or developer to the City of Waukegan, as follows:

1. That \_\_\_\_\_ is the owner and/or developer of the property legally described in Clause 2 of this undertaking, and shall hereinafter be referred to as “OWNER”; and that, the City of Waukegan shall hereinafter be referred to as “MUNICIPALITY.”
2. That the OWNER is the legal title holder or developer of the following legally described property:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. That the OWNER shall be required to install and guarantee the installation of streets, sidewalks, street lights, sanitary sewers, storm sewers, water lines, recreational facilities (including structures), landscaping and other design and engineering features as required. In order to guarantee that such facilities shall be installed, the OWNER shall submit to the City Engineer such specifications and estimated engineering costs as shall be required in determining the amount of reasonably anticipated costs for the construction of such improvements. The OWNER may submit to the City Engineer signed contracts for the construction of such improvements. The City Engineer, upon determining that the design of the required improvements are in accordance with the ordinances of the MUNICIPALITY and in accordance with good engineering practices, shall estimate and certify an amount which shall represent one hundred ten percent (110%) of the reasonably estimated cost of completing those improvements for which the MUNICIPALITY requires the posting of a completion guarantee. This estimate shall include inflation over the development period.
4. That except for the issuance of building permits and for a reasonable number of models as determined by the Plat Administrator, the OWNER shall not be entitled to the issuance of further building permits until and unless said OWNER shall submit to the MUNICIPALITY an irrevocable financial commitment from a bank, savings and loan, or mortgage company approved by the MUNICIPALITY in the amount certified by the City Engineer.
5. That the written irrevocable financial commitment shall be furnished to the City from a banking or lending institution in the form marked Appendix 11 and appended to this agreement.
6. That the OWNER guarantees the workmanship of the public improvements to be installed upon the site for a period of two (2) years after their donation to the MUNICIPALITY. Upon final completion of the streets, sidewalks, street lights, sanitary sewers and water mains the OWNER shall execute a Bill of Sale for those items which are personal property. For a period of one (1) year after the granting

of the Bill of Sale in the case of personal property and the acceptance for maintenance in the case of streets and sidewalks, all necessary repairs to such facilities shall be the responsibility of the OWNER.

IN WITNESS WHEREOF \_\_\_\_\_ has hereunto set his hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
OWNER

APPROVED BY THE City of Waukegan this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
MAYOR

II. IRREVOCABLE FINANCIAL COMMITMENT

(LETTERHEAD OF A BANK, SAVINGS AND LOAN, OR MOTGAGE HOUSE)

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

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

Gentlemen:

We hereby established our irrevocable credit in favor of the City of Waukegan in the amount of \_\_\_\_\_ dollars (\$\_\_\_\_\_). We understand that this irrevocable credit is to be used to construct the following improvements in the development known as \_\_\_\_\_ to be constructed in the City of Waukegan:

(INSERT IMPROVEMENTS TO BE COMPLETED)

The development is legally described as follows (legal description):

(INSERT LEGAL DESCRIPTION)

We shall make payouts from this irrevocable commitment as follows:

If we have not been notified by the City of Waukegan of a default by the owner and/or developer, we shall disburse the funds for labor and materials furnished by contractors in accordance with the sworn statement on order of the owner, the submission of proper lien waivers from the contractors engaged in such work, and the certification by the City Engineer (his name), that such work has been properly completed; provided, however that we shall withhold from each payment made under such sworn statement(s) or order(s) an amount equal to ten percent (10%) thereof until all improvements have been completed except final surfacing of the streets and sidewalks, at which time the ten percent (10%) sum withheld shall be disbursed less a sum equal to one hundred twenty-five percent (125%) of the cost of the final surfacing of the street, which sum shall be finally disbursed when that work has been completed and the requirements of certification and lien waivers as has been hereinabove set out.

The required improvements shall be completed in accordance with the following schedule:

(INSERT SCHEDULE AND TYPE OF CONSTRUCTION BY PHASE).

If we receive a resolution of the corporate authorities of the City of Waukegan indicating that the owner and/or developer has failed to satisfactorily complete or carry on the work of the installation and construction of the required improvements, and such resolution indicates that the owner and/or developer has been notified that the City of Waukegan finds that a breach of the owner's and/or developer's obligations has occurred and have not been rectified within a period of thirty (30) days, that in such case we shall make payments for materials and labor to such contractor(s) and/or subcontractor(s) retained by the City of Waukegan who have completed the improvements in substantial accordance with the plans and specifications of the owner and/or developer. Such payments shall be made upon the certification of the City Engineer that the work has been completed and the submission of proper waiver of liens from the contractor(s) and/or subcontractor(s). The amount of the payout shall be in accordance with the retention provisions as previously set out.

The irrevocable credit established by us shall be in force for a period of \_\_\_\_\_ years and shall remain in effect without regard to any default in payments of sums owed us by the owner and/or developer. Ninety (90) days prior to the expiration of this irrevocable credit we shall notify the corporate authorities of the City of Waukegan, by registered letter return receipt requested, the impending expiration date. This commitment shall not terminate

without such notice. If the work, covered by this commitment has not been completed within the time set forth in this agreement, the City of Waukegan may at its option, continue drawing funds as otherwise provided for an additional period of one (1) year. It is recognized that the City of Waukegan is accorded the owner and/or developer the permission to proceed with the development project expressly upon the guarantee of the irrevocable nature of this commitment. It is further acknowledged that the consideration for this irrevocable commitment is provided by agreements between this financial institution and the developer. The sum of this credit shall, however, be reduced in the amount of disbursements made from time to time in accordance with the terms under which this credit is extended as set out above.

---

Signature

## **ARTICLE 17    AMENDMENTS**

1. That the Subdivision Ordinance is amended by redefining the term “Subdivision” by ordinance #05-O-40 on April 4, 2005.
2. That the Subdivision Ordinance is amended by revising Section 7.7-1, “Filing Fees for Preliminary and Final Plats” by ordinance #05-O-58 on May 2, 2005.
3. That the Subdivision Ordinance is amended by revising Article 4, “Jurisdiction” by ordinance #12-O-16 on March 5, 2012.
4. That the Subdivision Ordinance is amended by revising Section 6.2, “Definitions” by adding the term “Minor Subdivision” and its definition by ordinance #12-O-16 on March 5, 2012.
5. That the Subdivision Ordinance is amended by revising Article 7, “Administration and Enforcement” by adding Section 7.3-7, “Procedure for Administrative Approval of Minor Subdivisions” by ordinance #12-O-16 on March 5, 2012.