

ORDINANCE NUMBER: 15-12-01

AN ORDINANCE
ADOPTING NEW SUBDIVISION REGULATIONS
FOR THE VILLAGE OF MAHOMET, CHAMPAIGN COUNTY, ILLINOIS

VILLAGE OF MAHOMET
CHAMPAIGN COUNTY, ILLINOIS

CERTIFICATE OF PUBLICATION

Published in pamphlet form this 16th day of December, 2015, by authority of the President and Board of Trustees of the Village of Mahomet, Champaign County, Illinois.


Village Clerk

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BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF MAHOMET, ILLINOIS, as follows:

Section 1. Adoption. Chapter 154, entitled "Subdivisions", of Title XV entitled "Land Usage" of the Code of Mahomet, as supplemented and amended, be and the same is hereby repealed and replaced with a new Chapter 154 as set forth in the title, headings and text thereof as attached hereto and hereby incorporated herein by this reference thereto.

Section 2. Effective Date. The provisions of this Ordinance shall become effective following its passage, approval and publication as required by law.

Section 3. Conflict. All ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This ordinance is hereby passed, the "ayes" and "nays" being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

PASSED this 15th day of December, 2015.



Village Clerk

APPROVED this 15th day of December, 2015.



Village President



**Village of Mahomet – Chapter 154
Subdivisions**

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GENERAL PROVISIONS

§ 154.001 PURPOSE OF REGULATIONS.

(A) These regulations are designed to provide standards and rules related to the making, reviewing, filing and recording of subdivision and development plans and plats, and to provide for preliminary and final approval or rejection of such plans or plats, or portions thereof, by the Village of Mahomet, Champaign County, Illinois, as set forth in this chapter.

(B) Subdivision of land shall mean the division of land as defined in the Illinois Compiled Statutes and as further defined in this Chapter.

(C) The purpose of this Chapter is to:

- (1) Preserve, protect and promote the public health, safety, and welfare;
- (2) Facilitate the orderly growth and development of the Village in accordance with the Comprehensive Plan and the Zoning Ordinance;
- (3) Establish requirements and standards for subdivisions and procedures for their review and approval;
- (4) Protect and maintain property values;
- (5) Control and manage stormwater in conjunction with development activities;
- (6) Protect property from damage due to flooding, fire, and pollution;
- (7) Assure provision of safe vehicular and pedestrian access, clean and adequate public water, sanitary sewerage and storm water drainage systems, and other improvements and facilities sufficient to serve the proposed subdivision and surrounding properties;
- (8) Establish reasonable design and construction standards for public and private infrastructure;
- (9) Assure that utilities and public infrastructure are available and will have a sufficient capacity to serve the proposed subdivision and the areas reasonable anticipated to be served or impacted by such facilities;
- (10) Assure that public infrastructure to be accepted by the Village is constructed to standards which minimize long-term maintenance costs and the tax burden to residents of the Village.
- (11) Provide a pleasant living environment by furthering the orderly and efficient layout and use of land and by facilitating aesthetic urban design.

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§ 154.002 OBJECTIVES OF REGULATIONS.

Pursuant to the authority conferred by the statutes of the State of Illinois, the objective of these regulations are to provide for the orderly growth, and harmonious development of the Village; to secure adequate traffic circulation by means of coordinated street systems with relation to major thoroughfares and street adjoining subdivision, public walkways, public facilities and other land uses; to achieve individual lots of reasonable utility and livability; to facilitate adequate provisions for transportation, water supply, storm water drainage, sanitary sewerage, and health requirements; to establish standards for the construction of public improvements; to encourage the installation of street lights; to encourage adequate provisions for recreational areas, open space, school sites, and other public ways and facilities; to encourage adequate provisions for the control of soil erosion and sediment during development and construction; to encourage the installation of underground utilities; to provide for further subdivision of tracts into smaller or larger parcels of land, and to provide administrative and review procedures for the attainment of these objectives.

§ 154.003 RELATIONSHIP TO COMPREHENSIVE PLAN AND OTHER DEVELOPMENT ORDINANCES.

The subdivision ordinance is one of several documents in effect and in force within the Village that govern the use and development of land. Other applicable relevant documents include the Comprehensive Plan, which includes the Major Street Plan and Land Use Plan; the Zoning Ordinance; the Flood Hazard Area Development Ordinance; the Water Use Ordinance; the Sewer Use Ordinance; and the Stormwater Management Ordinance. Where and if the provisions of these documents conflict, the stricter of the regulations shall apply. For contiguous areas outside of the corporate limits of the Village, the Champaign County Zoning Ordinance; the Champaign County Special Flood Hazard Area Ordinance; and the regulations of the Sangamon Valley Public Water District may be applicable.

§ 154.004 SUBDIVISION CONTROL.

(A) That for the purpose of the present and future development of the Village and for the promotion of public health and safety, morals, comfort and welfare of persons living within the territory governed, the provisions and regulations hereinafter contained which shall govern the subdivision and platting of land lying within the corporate limits of the Village as now or hereafter existing, or within the area of jurisdiction of the Village as now or hereafter established under the provisions of the statutes of the State of Illinois, are hereby adopted as part of the Official Plan of the Village of Mahomet.

(B) These regulations are further for the purpose of controlling the future development of the Village and for the promotion of the public health and safety, comfort, morals, and welfare of persons living within the territory governed by the Village. The provisions and regulations in this chapter shall govern the subdivision and platting of lands and construction of civil engineering improvements within planned unit developments and condominiums lying within the corporate limits of the Village as now or hereafter existing and, to the extent that such provisions and regulation may be applicable, shall also govern the subdivision and platting of lands, and the construction of civil engineering improvements within planned unit developments, condominiums or subdivisions lying within contiguous territory which is not more than one and one-half miles beyond the corporate limits of the Village of Mahomet.

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§ 154.005 INTERPRETATION, CONFLICT AND SEVERABILITY.

(A) *Interpretation.* The provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted. Every portion of this code shall be construed liberally in favor of the Village, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety and welfare.

(B) *Disclaimer of liability.* Except as may be provided otherwise by statute or ordinance, no officer, board member, agent or employee of the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this code.

(C) *Conflict.*

(1) *Public Provisions.* These regulations are not intended to interfere with, abrogate, or annul any other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, or regulation, or other provision of law, the provision which is more restrictive or which imposes higher standards will control.

(2) *Private Provisions.* These regulations are not intended to abrogate any easement, covenant, or other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than the easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern.

(D) *Severability.* If any part or provision of these regulations or the application of these regulations to any person or circumstances is judged invalid by a court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered, and it shall not affect or impair the validity of the remainder of these regulations.

§ 154.006 SUBDIVISION REQUIRED.

(A) *Subdivision required when land divided.* Whenever land is divided within the corporate limits of the Village of Mahomet and within the one and one-half mile extraterritorial jurisdiction boundary of the Village, these regulations apply for that land, unless another municipality has subdivision approval authority pursuant to a Boundary Agreement with the Village.

(B) *Conveyance of large sections prior to development.* A single tract of at least ten (10) acres may be conveyed from a parent parcel of thirty (30) acres or more without approval of a Preliminary or Final Plat, provided that an Area General Plan is approved for the parent tract by the Plan and Zoning Commission and that the single tract so created is intended for further subdivision as a part of the overall development plan for the parent tract. Under these circumstances no further development shall be permitted upon the conveyed tract until it has complied with the regulations set forth in this Chapter.

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(C) *Activity prohibited prior to subdivision approval.*

(1) No building permit or certificate of occupancy shall be issued for construction on any parcel or plat which was created by subdivision after January 1, 1978, and not in conformity with, the provisions of this chapter.

(2) No excavation or construction of any public or private improvements shall take place or be commenced on any subdivided tract except in conformity with these regulations.

(D) *Permits withheld.* The Village shall have the right to refuse to issue any right-of-way permit, sanitary sewer connection permit, driveway permit, water connection permit, or building permit for any parcel, tract, or lot that is in violation of these regulations. The Village shall have the right to request that Champaign County refuse to issue a building permit or zoning use permit for any parcel, tract, or lot that is in violation of these regulations.

§ 154.007 SUITABILITY OF LAND FOR SUBDIVISIONS.

(A) Lands subject to flooding and land deemed to be topographically unsuitable should not be subdivided for residential purposes, nor for such other uses as may increase danger to health, life or property, or aggravate erosion or flood hazards. The Village belongs to the Federal Flood Insurance Program and has a map indicating flood prone areas. This map may be obtained from the Village Clerk.

(B) The Village Plan and Zoning Commission shall not approve the subdivision of land if upon adequate investigation conducted by the Commission it has been determined by the Commission that in the best interest of the public the site is not suitable for the subdivision and development of the kind proposed. In making this evaluation the Village Plan and Zoning Commission shall make reference to the applicable portions of the Village Comprehensive Plan, the Village Zoning Ordinance, the Champaign County Zoning Ordinance, the Champaign County Comprehensive Plan, and other general standards of the community. The Village Plan and Zoning Commission may further make reference to investigations of soil suitability or effects on sensitive habitats, the existence of wetlands, threatened or endangered species, or archaeological resources, historically significant structures and sites as determined by the proper authorities.

DEFINITIONS

§ 154.015 GENERAL.

For the purpose of these regulations certain terms are herewith defined. When not inconsistent with the context, the present tense includes the past and future; words used with a singular number include the plural number. A word in the masculine gender shall include the feminine and neuter genders. The word **BUILDING** includes structure and shall be construed as if followed by the words “or portion thereof”. The word **SHALL** is always mandatory and not merely permissive. Any term not defined herein shall have the meaning of common or standard use. Words not defined shall be interpreted in accordance with the definitions contained in *Webster’s New Collegiate Dictionary*.

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§ 154.016 DEFINITIONS.

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATIVE REVIEW COMMITTEE. A committee comprised of the President of the Board of Trustees, the Village Administrator, Village Planner and the Village Engineer.

ADMINISTRATIVE RULE. A rule governing the approval of subdivision and development activities as adopted by the Administrative Rules Committee.

ADMINISTRATIVE RULES COMMITTEE. A committee comprised of the President of the Board of Trustees, the Village Administrator, Village Planner, Village Engineer and the Chair of the Plan and Zoning Commission.

ALLEY. A public or private thoroughfare which affords only a secondary means of access to the side or rear of the abutting property.

AREA GENERAL PLAN. A drawing of a proposed subdivision prepared by the subdivider, for phased development of a large land holding, or several properties proposed to be subdivided by sections, meeting the requirements of these regulations and which is intended to illustrate the basic layout of the proposed subdivision. As such it allows the general intentions of the overall development to be proposed and discussed without the need to submit a detailed proposal.

BENEFITED PROPERTY. Property which uniquely benefits from the construction or installation of improvements which are required to be built by an annexation agreement or subdivision approval, but which property is not part of the property included in the subdivision which is the subject of the subdivision approval or is not part of the property which is otherwise subject to the annexation agreement.

BLOCK. Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting street and railroad right-of-way, waterway or other definite barrier.

BLOCK FACE. Property having frontage on one side of a street and lying between the two (2) nearest intersecting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway or other barrier.

BOULEVARD. A street, other than a freeway or an expressway, developed with two-lane or one-lane, one-way pavements separated by a landscaped island, median or barrier.

BUILDING SETBACK LINE. A line within a lot or other parcel of land so designated on the plat of the proposed subdivision between which and the adjacent boundary line of the lot, the erection of an enclosed structure or portion thereof is prohibited. The building setback line shall be parallel with the adjacent street right-of-way line or side or rear yard line, except as otherwise approved by the Plan and Zoning Commission.

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BUTT LOTS. Lots in which the rear lot lines abut the side lot lines or rear lot lines of other lots platted in the same block and not separated therefrom by an alley or other open space.

CHANNEL. A natural or artificial watercourse of perceptible extent which periodically or continuously contains moving water, or which forms a connecting line between two (2) bodies of water. It has a definite bed and banks which serve to confine the water.

COMMONS AREA. A lot or parcel within a development not individually owned or dedicated for public use which is designated for common use and enjoyment by the residents of the development.

COMPREHENSIVE PLAN. An official advisory plan of jurisdiction formally adopted by The Board of Trustees of the Village of Mahomet, any part of which may be implemented by ordinance duly enacted by the corporate authorities as prescribed by the Illinois Municipal Code. The plan shall be on file with the Village Clerk and with Champaign County Clerk.

CROSSWALK. A public or private right-of-way for pedestrian access across a block to be used by pedestrians.

CUL-DE-SAC. A local dead end street having one open end and being terminated at the other by a vehicular turn-around.

CULVERT. A structure designed to carry surface flow of stormwater runoff from a water course in a closed system under a road, street or pedestrian walk.

DEDICATION. The deliberate appropriation of land by its owner to set it apart for any general public uses, reserving to himself no other right other than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DEFERRAL. A type of waiver of subdivision requirements in which construction of the public infrastructure is delayed until a later date or time.

DETENTION STORAGE. Temporary detention or storage of stormwater runoff in storage basins, on rooftops, in parking lots, school yards, parks, open space, lakes, ponds, or other areas under predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

DEVELOP. Means the act of changing a tract of land after its function has been altered by man, including, but not limited to, construction of structures on the land and alterations to the land except that grading that does not alter the natural flow of stormwater shall not be considered development.

DEVELOPER. Means any person, firm, corporation, or other legal entity whose intent is to improve land in accordance with the regulations of the Village of Mahomet. (See Owner)

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DEVELOPMENT AGREEMENT. A contract or agreement entered into between the owner of a property and the Village, which involves a commitment by the owner and / or the Village to contribute funds, efforts, or other resources towards the study of the feasibility and / or the actual construction of extensions of sanitary sewers, water mains, storm sewers, street improvement, or other infrastructure improvements needed or desired for the development of the owner's property. It is generally intended that a development agreement, if deemed necessary, be entered into during the Area General Plan stage of the subdivision approval process.

DRAINAGE BASIN. An area of land which, because of the nature of the topography, collects naturally the surface drainage of the surrounding land.

EASEMENT. The quantity of land set aside or over which a liberty, privilege, or advantage in land without profit existing distinct from the ownership of the land is granted to the public or some particular person or part of the public for limited use for a public or quasi-public purpose.

ENGINEER. A professional engineer, employed by the developer, registered as such and licensed to practice in the State of Illinois or qualified to practice as provided by the Illinois Compiled Statutes.

ENGINEER, VILLAGE. A professional engineer, registered as such and licensed to practice in the State of Illinois, and employed by the Board of Trustees of the Village of Mahomet, to provide technical expertise and counsel concerning subdivision and zoning matters.

EXCESS STORMWATER RUNOFF. That portion of stormwater runoff which exceeds the transportation capacity of storm drains, swales, ditches or natural drainage channels serving a specific watershed.

EXTRATERRITORIAL JURISDICTION (ETJ). Means the area where the Village exhibits control of subdivision activities and is either:

- (1) Within one and one-half miles of the corporate limits of the Village of Mahomet; or
- (2) Within the area mutually agreed upon between the Village of Mahomet and a neighboring municipality by written agreement; or
- (3) The midpoint between the Village and another municipality whose corporate limits are less than three miles from the corporate limits of the Village of Mahomet where no boundary agreement exists between the two municipalities.

FARMSTEAD. The buildings and adjacent service areas of a farm, including a single family dwelling, grain storage buildings, livestock barns, machinery storage buildings, and other similar features.

FINAL PLAT. Drawing of a subdivision which has been accurately surveyed and the survey marked on the ground so that streets, alleys, blocks, lots or other divisions thereof can be identified.

FLOOD. An overflow of water on lands not normally covered by water, adjacent to a river, stream, waterway, or lake.

FLOODPLAIN. The land adjacent to a body of water or watercourse which has been or may be hereafter covered by floodwater.

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ILLINOIS URBAN MANUAL. This term shall mean “A Technical Manual designed for Urban Ecosystem Protection and Enhancement”, prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Services, latest edition thereof.

IMPROVEMENT. Means any man made immovable item which becomes part of, placed upon, or affixed to real estate.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A septic tank, with leaching field, or approved mechanical sewage treatment device intended for use by a single parcel.

INFRASTRUCTURE DESIGN MANUAL. A published set of administrative rules, guidelines, design requirements, and specifications governing the design and construction of public and private infrastructure within new subdivisions developed under the jurisdiction of the Village of Mahomet.

LARGE SCALE RESIDENTIAL DEVELOPMENT. An area of planned residential development as set forth within the Village Zoning Ordinance.

LAND USE PLAN. An official map depicting planned land uses within the one and one-half mile extra-territorial jurisdiction of the Village of Mahomet, adopted as a portion of the Mahomet Comprehensive Plan, and amended from time to time.

LOT. A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development.

LOT, AREA. The horizontal projection (in square feet) of a parcel of land or a body of water, or combination of both, exclusive of any portions of the right-of-way of any public or private streets; measurements are to be made by standard surveying practice methods.

LOT, CORNER. A parcel of land at the junction of and fronting or abutting on two or more intersecting streets.

LOT, DEPTH. The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

LOT, FLAG. An unusually shaped lot in which the buildable portion of the lot is located away from the adjacent street, with a narrow lot frontage, and with access via a narrow strip of land between the street and the buildable portion of the lot.

LOT, FRONTAGE. That portion of a lot extending along a street right-of-way line.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE. The real or imaginary line oriented by a monument or other stable point of reference which indicates the boundary of a lot.

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LOT WIDTH. For regular shaped lots, LOT WIDTH shall mean the average distance between the side lines of a lot measured at right angles to the depth of the lot along the lot frontage. For irregularly shaped or wedge shaped lots, the LOT WIDTH shall be the distance between the side lot lines measured along the curvature of the arc at the points of intersection of the front setback line with the side lot lines. Through the subdivision plat review process, the front yard setback line may be adjusted to increase the front yard setback to meet the minimum lot width requirement for irregular lots, but in no case shall the lot frontage at the front lot line be less than 40 feet.

MAJOR STREET PLAN. An official map depicting the location, alignment, dimensions, identification and classification of existing and proposed public street, highways and other thoroughfares within the one and one-half mile extra-territorial jurisdiction of the Village, as adopted as a portion of the Mahomet Comprehensive Plan, and amended from time to time.

MAJOR SUBDIVISION. Any subdivision which involves the construction of public infrastructure as a part of the development process.

MARGINAL ACCESS STREET (FRONTAGE ROAD). A local street or highway paralleling, adjacent to and having limited access to a freeway, expressway, collector highway, area service highway, or land access highway which provides direct access to abutting property and protection from through traffic.

METES AND BOUNDS. A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describes the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.

MINOR SUBDIVISION. A subdivision of land into four (4) or fewer lots which do not require the design or construction of any major public improvements and which meet all the requirements for a minor subdivision set forth in § 154.048.

MOBILE HOME PARK. A subdivision or development intended for the installation solely of mobile homes and / or modular homes.

MONUMENT. A physical structure which marks the location of a corner or other survey point as required by provisions contained herein.

MULTI-USE PATHWAY. A paved or otherwise constructed path appropriate for pedestrian and bicycle use.

OWNER. Any person having any legal, equitable or beneficial interest in the land sought to be subdivided, including the plural as well as the singular, and firm, association, partnership, private corporation, or combination of any of them.

OPEN SPACE. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of lands adjoining or neighboring said parcel.

PARENT TRACT. A parcel of land in which portions are proposed to be conveyed to another party for development purposes.

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PARKWAY. That portion of a public street right-of-way located between the outer edge of the street pavement and the street right-of-way line.

PERFORMANCE GUARANTEE. Any security that may be accepted by the Village as a guarantee that the improvements required as a part of a subdivision or development approval are satisfactorily completed.

PERSON. Any agent, individual, firm, association, partnership, corporation, syndicate or trust.

PLAN AND ZONING COMMISSION. An advisory body to the Board of Trustees, whose membership and duties shall be as set forth in the Village Zoning Ordinance adopted by the Board of Trustees.

PLANNED UNIT DEVELOPMENT. A parcel of land, of a minimum contiguous size as specified by ordinance initially under single ownership or control, which contains two or more principal buildings and / or more than one principal use; planned, developed, and constructed as a unified development.

PLANNER, VILLAGE. An urban planner employed by the Board of Trustees of the Village of Mahomet to provide technical expertise and counsel concerning subdivision and zoning matters.

PRELIMINARY PLAT. A drawing and supporting data, indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for review by the Village, meeting the requirements of these regulations.

PUBLIC IMPROVEMENTS. Street pavements, public walkways, monuments, water mains, sanitary and storm sewers, street signs, drainage ditches, culverts, stormwater detention basins, and appurtenances to the foregoing items and for use by the public.

PUBLIC WALKWAY. A right-of-way dedicated for the purpose of pedestrian access and located so as to connect two or more streets, or a street and a public land parcel, or any two parcels of public land.

REDUCED IMPACT DEVELOPMENT. A system of street and drainage design intended to reduce the volume of and enhance the quality of stormwater runoff.

REPRODUCIBLE COPY. A print or copy of a plat or drawing on transparent film or paper of adequate weight to withstand handling.

RIGHT-OF-WAY. Land owned and occupied or intended to be occupied by a public body for installation of a street, crosswalk, underground utilities, shade trees, or other public use.

SETBACK LINE. See **BUILDING SETBACK LINE.**

SIDEWALK. A pedestrian walkway within a public road right-of-way, public walkway or easement.

SIGHT TRIANGLE. A triangular shaped portion of land established at street intersections in which nothing is to be erected, placed, planted, or grown in such a manner as to limit or obstruct the sight distance of motorists entering or exiting the intersection.

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SKETCH PLAN. A preliminary drawing indicating the proposed general development of the area to be subdivided.

SLOPE. The degree of inclination of a site as a percentage. Synonym for grade.

STORM DRAIN. A closed conduit for conveying collected stormwater runoff.

STORMWATER DRAINAGE SYSTEM. All means, natural or man-made, used for conducting stormwater to, through or from a drainage area to the point of final outlet, including but not limited to any of the following: conduits, storm drains, swales, canals, channels, ditches, streams, culverts, streets and pumping stations.

STORMWATER STORAGE AREA. An area designated to temporarily accumulate excess stormwater runoff.

STORMWATER MANAGEMENT ORDINANCE. A separate ordinance of the Village controlling the collection, detention, and conveyance of stormwater, the requirements of which must be complied with for all subdivisions or land developments within the one and one-half mile extra-territorial jurisdiction of the Village.

STREET. A right-of-way, whether designated as a street, highway, road, land, court, thoroughfare, parking, freeway, expressway, boulevard, or avenue, other than an alley or place, usually affording the principal means of access to abutting property. A paved surface designed for motor vehicular movement.

STREET HEIRARCHY. The conceptual arrangement of streets based upon function. A hierarchical approach to street design classifies streets according to function from high traffic arterial roads down to streets whose function is residential access. Systemizing street design into road hierarchy promotes, safety, efficient land use and residential quality.

STREET, ARTERIAL. A public thoroughfare with a high degree of traffic continuity established in the Major Street Plan of the Village. Typically average daily traffic will exceed 4,000 vehicles per day.

STREET, LOCAL. Minor streets providing direct access to abutting property, which may be devoted to residential, commercial, or other uses and which carries traffic having local origins and destinations. Streets in this classification are not considered part of the major thoroughfare system. Typically average daily traffic will not exceed 500 vehicles per day.

STREET LINE. The dividing line between the street or highway right-of-way and the lot.

STREET, MAJOR COLLECTOR. A street which carries traffic from minor streets to the arterial street system, including the principal entrance streets of residence development. Typically average daily traffic will exceed 3,000 vehicles per day.

STREET, MINOR COLLECTOR. A street which may provide frontage for access to lots and which carries traffic to and from adjoining local access streets and the primary circulating streets within a development. Typically average daily traffic will exceed 1,500 vehicle trips per day.

STREET, RURAL COLLECTOR. A street which provides local access and carries through traffic which is located outside the limits of an urbanized area and which is primarily bordered by agricultural land. Typically average daily traffic will not exceed 1,000 vehicle trips per day.

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STREET, SUBCOLLECTOR. A street which provides frontage for access to lots and carries traffic to and from adjoining residential access streets. Traffic has origin or destination in the immediate neighborhood. Typically average daily traffic will exceed 750 vehicle trips per day.

SUBDIVIDE. Means:

- (1) The division of a tract of land into two (2) or more parts; or,
- (2) Assembly of multiple parcels of land into fewer parcels; or,
- (3) The development of a lot, parcel, or tract of land as a planned development pursuant to the Village's Zoning Ordinance; or,
- (4) The creation of any new street, or the creation of a new easement to access all or part of a tract without legal access to the same public street across another tract from a public street, whether or not the easement is dedicated to the public at the time of creation; or,
- (5) The utilization of a lot, parcel, or tract of land for more than one (1) building unless all buildings on the tract would be permitted under the Village's Zoning Ordinance as applied to the tract, parcel, or lot regardless of whether the property is located within the Village; or,
- (6) Long-term land lease for a portion of a tract of land for more than five (5) years.

SUBDIVIDER. Any person, firm, corporation or other legal entity having legal title to or proprietary interest in a tract of land that commences proceedings under this Chapter to develop or subdivide that land. See **OWNER**.

SUBDIVISION. A division of a lot, tract, or parcel of land into two or more lots, or other divisions of or assemblages of land, including condominiums and planned unit developments, unless otherwise permitted by the Zoning Ordinance, for the purpose, whether immediate or future, of (1) transfer of ownership, (2) building development, (3) redevelopment, or (4) lease, including all changes in street lines. The term "subdivision" shall also include all re-subdivision of land or lots.

The following activities do not constitute a subdivision despite other language to the contrary:

- (1) The conveyance or transfer of the legal rights to any existing building or buildings or part thereof or use rights for use of a single individual tract as it then exists immediately prior to any sale or lease where such transfer or lease does not create any additional parcel by exception; or
- (2) The conveyance or transfer of land for railroad purposes; or
- (3) The dedication of land for public use to a governmental entity, the vacation of any land so dedicated, and the taking of property rights through eminent domain by a governmental entity;

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(4) The construction of one single-family dwelling or farm related structures on a single lot or the creation or transfer of a single lot of twenty (20) acres or more for farm and agricultural use, except where such acreage or structures are at locations of future streets as designated in the official Comprehensive Plan;

For the purpose of this Chapter, “division of a tract of land” means the conveyance or partition, whether voluntary or involuntary, of a physical part of a tract of land from one (1) person or combination of persons to one (1) other different person or different combination of persons. Conveyance includes conveyance by long term land lease of more than five (5) years.

SUBDIVISION, AGRICULTURAL. A subdivision in which all parcels are intended for Agricultural and non-residential purposes.

SUBDIVISION DESIGN STANDARD. The officially adopted guides, principles, specifications and standards for the preparation of subdivision plans and plats indicating, among other things, the maximum and minimum dimensions of the various elements set forth in the Area General Plan, Preliminary Plat or Final Plat.

SURVEYOR. A professional land surveyor registered as such in the State of Illinois as provided in the Illinois Compiled Statutes.

TENTATIVE APPROVAL. An approval without or with recommended alterations given to a Preliminary Plat by the Plan and Zoning Commission and provides the necessary authority to proceed with the preparation and presentation of the Final Plat and / or Construction Plans.

TOPOGRAPHY. The relief features or surface configuration of an area of land.

TRACT OF LAND. Contiguous land owned entirely by one or more persons with undivided interests in the entire tract. Each lot in a previously legally recorded subdivision shall constitute a separate tract of land.

TRAILER COURT. See ***MOBILE HOME PARK.***

VICINITY MAP. A drawing located on the Preliminary Plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments, landmarks, community facilities or services.

VILLAGE. The Village of Mahomet, Champaign County, Illinois and its staff and elected officials.

WAIVER. A modification, relaxation or deferral of the strict terms of the relevant regulations where the modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

WAIVER, ADMINISTRATIVE. Means a waiver granted by Village staff without Plan and Zoning Commission review and Village Board of Trustees approval.

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ZONING ORDINANCE. A separate ordinance of the Village pertaining to the use and disposition of the land with respect to land uses, zoning, lot standards, and other requirements which must be complied with for all uses of land within the corporate limits of the Village of Mahomet.

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PROCEDURES

§ 154.025 SUBMISSION PHASES – MAJOR SUBDIVISION.

Subdivision planning, review and approval shall proceed through the following sequential phases:

- (A) Informal discussion phase, pre-application conference;
- (B) Area General Plan review and approval phase;
- (C) Preliminary Plat review and approval phase;
- (D) Construction Plans review and approval phase;
- (E) Final Plat review and approval phase;
- (F) Recording phase;
- (G) Construction of public improvements;
- (H) Acceptance of public improvements.

§ 154.026 FEE SCHEDULE.

Subdivision document review fees shall be established from time to time by Resolution of the Board of Trustees. Document reviews by Village staff may not proceed until the application fee has been paid. No Subdivision Plat or document shall be presented for approval until the application fee has been paid.

§ 154.027 DUTIES AND RESPONSIBILITIES.

The purpose and objectives regarding land subdivision can best be understood by considering the various duties and responsibilities associated with land subdividing. The specific duties and responsibilities of the individuals or groups listed below are clearly identified in these regulations.

(A) *Subdivider.* The subdivider is responsible for initiating discussion with the Village before thoroughly preparing any subdivision plans or plats in order to become familiar with these regulations and the public policies and objectives applicable to the territory in which the proposed subdivision lies.

(B) *Engineer, attorney and surveyor.* The engineer, attorney and surveyor acting on behalf of the subdivider are responsible for preparing the necessary subdivision plans, surveys, plats, legal documents, owner's certificate and the construction drawings and specifications as required by these regulations.

(C) *Village staff.* Village staff is responsible for technical review of the subdivision documents submitted to verify compliance with Village requirements, to coordinate the subdivision process with the subdivider and others, and to provide advice and assistance to the reviewing authority.

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(D) *Plan and Zoning Commission.* The Plan and Zoning Commission is responsible for reviewing documents submitted by subdivider and his representative so as to determine the suitability of the proposed subdivision and to provide an advisory recommendation to the Village Board of Trustees

(E) *Reviewing authority.* The reviewing authority is the Board of Trustees of the Village which is responsible for reviewing the subdivision plan or plat, or portions thereof, and approving those that fully meet the provisions and requirements of these regulations.

§ 154.028 ZONING.

(A) If the proposed subdivision lies within the corporate limits of the Village, the developer must first satisfy the zoning requirements in “Zoning Ordinance, Village of Mahomet, Illinois”, as adopted and as amended.

(B) If the proposed subdivision lies outside the Village limits of the Village, but within the extra-territorial jurisdictional area, then the developer must first satisfy the zoning requirements in “Champaign County Zoning Ordinance”, or the “Piatt County Zoning Ordinance” as adopted and as amended.

§ 154.029 LOT AND BLOCK STANDARDS.

(A) Where possible, side lot lines shall be at right angles to straight street right-of-way lines or radial on curved street right-of-way lines. Lots with frontage on two (2) parallel streets shall be avoided except where one (1) street is an arterial street with no direct access to the lot.

(B) All lots shall be provided with a public street frontage of not less than 30 feet.

(C) Lot dimensions and area shall not be less than the requirements set forth in the applicable Zoning Ordinance. In subdivisions not provided with public sanitary sewer and / or public water supply the minimum lot area shall be increased to not less than 0.95 acre to account for the installation of an on-site water supply well and / or an on-site wastewater treatment system.

(D) Blocks shall not be less than 400 feet nor more than 1,000 feet in length except as the Plan and Zoning Commission considers necessary to secure efficient use of land or desired features in street pattern.

(E) In blocks 600 feet or more in length, the Plan and Zoning Commission may require a mid-block public crosswalk between the lots for pedestrian travel to extend entirely across the block at the location deemed necessary. The crosswalk shall be constructed of Portland Cement concrete in conformance with the standards for sidewalks. The concrete shall be a minimum of 5 feet in width, and the crosswalk shall be located on a minimum 10 foot wide commons area.

(F) Blocks shall be wide enough to allow two (2) tiers of lots, except where fronting on arterial streets or prevented by topographical conditions or size of the property, in which case the Village Engineer and Village Planner may approve a single tier of lots.

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(G) Land that is underwater or reserved for street improvements shall not be counted to satisfy the minimum lot size requirements. Every corner and through lot shall be large enough to permit compliance with the Zoning district's front setback requirements on every side of the lot that faces a street. All lot remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels. All lots shall contain adequate space for required off-street parking and loading.

§ 154.030 SUBDIVIDER TO PROVIDE IMPROVEMENTS IN ACCORDANCE WITH CERTAIN REQUIREMENTS.

The subdivider shall provide and install all public and quasi-public infrastructure improvements, as required by this code. Improvements shall be provided and installed in accordance with the standards and engineering requirements established by these regulations as well as any and all standards and requirements adopted by the Village of Mahomet and other local, state and federal authorities which may have jurisdiction of the area being subdivided.

§ 154.031 SUBMISSION DEADLINES.

Subdivision document submittal deadlines shall be as set forth in Administrative Rules. Document reviews by Village staff, including scheduling of document consideration by the Plan and Zoning Commission shall be consistent with the timetables and deadlines established by said Administrative Rules.

§ 154.032 DEVELOPMENT AGREEMENT.

(A) Whenever a developer desires or is required to enter into a development agreement or amend an existing development agreement with the Village for the construction of utilities or to address other requirements of this subdivision chapter, the developer shall be required to pay a fee to the Village prior to any study or negotiation of the development agreement by the Village. This fee may be refunded to the developer upon the completion of the construction of the utilities / or final platting of the development, but only if completed within two (2) years from the date of the payment of the fee to the Village. The payment of this fee shall be in addition to any other fees required by this or any other chapter or ordinance. The amount of the fee shall be set by and may be amended from time to time by resolution of the Board of Trustees of the Village.

(B) The Village may require the implementation of a development agreement to address the construction of off-site utilities, cost participation by the Village in the construction of public utilities and streets, or to address other requirements of this subdivision chapter. If the Village will require a development agreement, Village staff shall inform the subdivider of this requirement during the Informal Discussion Phase or Area General Plan Phase of the subdivision review process.

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§ 154.033 INFORMAL DISCUSSION PHASE.

(A) *Purpose.* The purpose of the informal discussion phase, insofar as possible, is to guide and assist the subdivider in his or her future decisions with a view to avoiding later difficulties and delays. This is the basic policy stage, during which the subdivider meets informally with the Village staff. In the course of the discussions the subdivider should make known his or her tentative plans for subdividing and development, and may exhibit sketch plans and shall be informed by Village staff about specific public policies, Village objections, issues, and concerns which Village staff may have for the area in question. Discussion at this phase shall involve the entire area of ownership and anticipated development.

(B) *Submission.* A pre-application conference may be requested by all subdividers prior to initial plat applications. Subdividers may contact the Village Planner to arrange a pre-application conference. Subdividers should submit a sketch plan at this stage with material sufficient to identify the tract and establish the relationship of the proposed development with the surrounding area. All developers are encouraged to request a pre-application conference.

(C) *Pre-application conference required.* The subdivider shall schedule a pre-application conference with the Village whenever a development includes thirty (30) or more acres of land, will be developed in two or more phases, will include extension of off-site utilities, or which involves unusual or unique circumstances. This determination will be made by the Village Planner.

(D) *Processing.*

(1) Upon a request for a pre-application conference, the Village Planner shall schedule a pre-application conference. All materials will be considered as submitted for informal discussion. Discussions will involve the proposals to review compliance with these regulations, determination of the scope of the proposed subdivision, an outline of the procedures for the recording of plans, discussion of street and utility layouts, discussion of zoning issues, and annexation issues.

(2) No approvals will result from this conference; however, Village staff may make recommendations on the scope of the initial plat application by the subdivider, continuity of the proposed street pattern with existing or proposed streets adjacent to the proposed subdivision, and other factors based on peculiarities of the area in which the subdivision is proposed.

(E) *Review.* Review of any material submitted by the subdivider during the informal discussion phase shall be made by Village staff. Any sketch plan submitted shall be studied with regard to the best principles of land subdividing and development; to lot sizes, and proportions; to existing and planned land uses; to topography and drainage; to provisions for recreation areas, public open space, schools, parks and other public facilities; to design and location of streets; and to conformity with the continuity of existing street systems, walkways and related matters.

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(F) *Inspection.* Village staff may make an inspection of the site to determine its relationship to and effect upon major thoroughfares, utility systems, and adjacent land uses (existing and planned) and ascertain the existence of any unusual problems; and shall determine:

(1) The conformity of the proposed development to existing zoning regulations, official road maps, the Village Comprehensive Plan and municipal development plans and policies;

(2) The effect of the proposed development upon schools, public open spaces, and other nearby community facilities;

(3) The need for preparation and review of an Area General Plan prior to consideration of the Preliminary Plat.

(G) *Attendance.* The pre-application conference shall be attended by the subdivider, the subdivider's engineer, the subdivider's surveyor, the subdivider's attorney, the Village Administrator, the Village Planner, the Village Engineer, and such other Village staff as the Village Planner deems appropriate.

(H) *The pre-application conference is intended to:*

(1) Familiarize the subdivider with applicable plans, policies, requirements, and procedures, including annexation policies;

(2) Coordinate separate land developments, particularly street and drainage plans, so that orderly development is achieved;

(3) Identify potential waiver requests in order to expedite platting and construction;

(4) Discuss zoning issues and street and utility layouts for the Area General Plan and Preliminary Plats;

(5) Discuss phasing of Final Plats;

(6) Discuss annexation or development agreement terms, if applicable.

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§ 154.034 AREA GENERAL PLAN PHASE.

(A) *Purpose.* The purpose of the Area General Plan is to illustrate a basic layout of a proposed subdivision prior to the preparation of a Preliminary Plat.

(B) *General Requirements.*

(1) An Area General Plan may be prepared and submitted by the subdivider, for approval by the Plan and Zoning Commission, prior to the submission of the initial Preliminary Plat. The Village Planner shall determine if any of the following conditions exist to warrant a requirement of preparation and submission of an Area General Plan:

(a) The parcel initially proposed for platting constitutes a portion of a larger tract of land owned, or under option to purchase by the subdivider;

(b) The parcel initially proposed for platting constitutes a portion of a larger land area, the development of which will be complicated by unusual problems of drainage, street layout, or utility service extensions;

(c) It is anticipated there will be three (3) or more phases of the development of the larger tract of land owned or under option for purchase by the developer.

(2) The Area General Plan shall show property boundaries, land characteristics including wetlands, drainage patterns, flood prone areas as identified on Flood Prone Area Maps of the Federal Emergency Management Agency, wooded areas and major topographic features, existing streets, existing buildings, existing sewer lines, existing water lines and existing pipelines. Also to be shown on the Area General Plan are the conceptual layout of proposed streets, and blocks; phasing strategy; general provisions for proposed sanitary sewage collection, storm water transportation and storm water detention; public water supply; proposed location of commercial areas, residential areas, and parks or other public areas, and the proposed zoning of the development site.

(3) The Area General Plan shall be prepared to a proper scale of one inch equals 100 feet or larger, and to proper accuracy. Topography shall be shown with contour intervals not greater than 5 feet. The Area General Plan shall be submitted on sheets not larger than 33 inches by 51 inches. Lettering size shall not be smaller than one-twelfth of an inch.

(C) *Procedures for submission.* Subdivider shall submit to the Village Planner:

(1) Four (4) full-size copies of the Area General Plan, an 11 inch by 17 inch reduction of the Area General Plan, and supportive materials as required prior to the published submittal schedule for the Plan and Zoning Commission meeting at which the subdivider wishes the Area General Plan be considered.

(2) One (1) pdf electronic copy of the Area General Plan and all supportive materials.

(3) The submittal of an Area General Plan for a subdivision within the corporate limits of the Village or within the one and one-half mile extra-territorial jurisdiction area of the Village shall be

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accompanied by an Area General Plan application fee as determined from time to time by resolution of the Board of Trustees of the Village.

(4) A completed Area General Plan application form with all required attachments and application fee.

(D) *Staff review.* Village staff shall review the Area General Plan for conformity to the requirements of applicable Village regulations, consistency with the Comprehensive Plan, suitability for development, proposed zoning amendments, and other applicable requirements. Village staff comments will be forwarded to the subdivider.

(E) *Resubmission.* The subdivider shall address the Village staff comments and make modifications and revisions as deemed appropriate. Subdivider, at his option, may provide clarifying information and justifications for proposals that are inconsistent with the Ordinance or Village staff comments. Four (4) full size copies, one (1) 11 inch by 17 inch size copy, and a pdf electronic copy of the Area General Plan shall then be resubmitted to the Village Planner for review.

§ 154.035 AREA GENERAL PLAN APPROVAL.

(A) When all the above requirements have been satisfied, the Village Planner will present the Area General Plan to the Plan and Zoning Commission at the next regular meeting. The subdivider or a responsible representative shall attend this meeting.

(B) The Plan and Zoning Commission shall review the Area General Plan at a regular meeting for compliance with these regulations and its consistency with the Mahomet Comprehensive Plan and applicable municipal development plans, or parts thereof. Commission action shall take the form of approval or denial within forty-five (45) days following the complete submittal of the Area General Plan and such action shall be indicated on the Area General Plan. The Plan and Zoning Commission shall either:

- (1) Disapprove the Area General Plan;
- (2) Approve the Area General Plan;
- (3) Approve the Area General Plan, subject to minor modifications.

(C) If the Plan and Zoning Commission disapproves the Area General Plan the reasons for the denial shall be clearly set forth and communicated to the subdivider by Village staff.

(D) If the Plan and Zoning Commission approves the Area General Plan, the approval certificate on the original Area General Plan shall be so executed at that time, indicating approval.

(E) If the Plan and Zoning Commission approves the Area General Plan subject to minor modifications, the subdivider may make the required changes to the Area General Plan within twenty-one (21) days or such other time as may be allowed by the Village Planner and resubmit the revised document for Village staff review. If all required modifications have been made, the approval certificate on the original Area General Plan shall then be executed indicating approval.

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(F) If the subdivider chooses not to modify the Area General Plan, or fails to modify the Area General Plan within twenty-one (21) days (or the additional time allowed), the Area General Plan shall be considered disapproved. Village staff shall communicate the reasons for the disapproval to the subdivider.

(G) If the Plan and Zoning Commission disapproves the Area General Plan, the subdivider may appeal the Commission's decision to the Village Board of Trustees. A request for an appeal shall be made in writing to the Village Planner, and shall be accompanied by the appropriate appeal fee, as set from time to time by resolution by the Board of Trustees. The Board of Trustees shall consider the appeal within a reasonable time following submittal of the application for appeal. The Board of Trustees may uphold or overrule the decision of the Plan and Zoning Commission for further consideration. The decision of the Board of Trustees shall set forth the reasons for its determination.

(H) On the Area General Plan the following certificate shall appear:

AREA GENERAL PLAN APPROVAL

THE AREA GENERAL PLAN ENTITLED _____ HAS BEEN APPROVED BY THE
PLAN AND ZONING COMMISSION OF THE VILLAGE OF MAHOMET, ILLINOIS THIS ____ DAY OF
_____, 20____.

CHAIRPERSON

(I) The approval of the Area General Plan by the Plan and Zoning Commission of the Village shall be in effect for a period of at least five (5) years from the approval date, but the approval is subject thereafter to withdrawal by the Village Plan and Zoning Commission upon notice to the developer after that date.

(J) The approval of the Area General Plan shall confer upon the developer the right to proceed with the subdivision platting process set forth in this chapter for the lands depicted on the Area General Plan.

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§ 154.036 PRELIMINARY PLAT PHASE.

(A) *Purpose.* The purpose of the Preliminary Plat phase, insofar as possible, is to assist the subdivider and the reviewing authorities in determining whether the proposed subdivision conforms to the standards and requirements of these regulations and the approved Area General Plan, and the pertinent standards and regulations of affected municipal departments. The Preliminary Plat phase is intended to establish lot design for the subdivision, establish utility layout and street and intersection design, and identify waivers from the subdivision regulations. The Preliminary Plat phase helps assure that the Final Plat design is consistent with the overall plan for the area. Outside agency review is included at this stage, so that utility and street issues are addressed early in the development process, and the subdivider can be assured that factors affecting approval of the Final Plat have been considered prior to the final design of the public improvements. Preliminary Plat approval by the Village Board of Trustees shall not qualify the plat for recording.

(B) A Preliminary Plat shall be required for all subdivisions except as outlined below. The requirement for a Preliminary Plat shall not apply under the following conditions:

(1) Where any tract of land within the Village limits is to be divided into less than ten (10) lots of less than five (5) acres each.

(2) Where any tract of land within the Village limits is the entire parcel owned by the subdivider and the tract is a portion of an approved Area General Plan.

(3) Where any tract of land is subdivided under the terms and requirements of the Agricultural Subdivision process.

(4) Where any tract of land is subdivided under the terms and requirements of the Rural Residential Subdivision process.

(5) Where any tract of land is subdivided under the terms and requirements of the Minor Subdivision Process.

(6) Where any tract of land is subdivided under the terms and requirements of the Certificate of Exemption process.

(C) When a Preliminary Plat is not required, no further subdivision of adjacent land owned by the same beneficial interests shall be considered for subdivision within five (5) years without full compliance with the requirements for a Preliminary Plat.

(D) When a Preliminary Plat is not required, the subdivider may proceed directly with preparation and submission of a Final Plat, Construction Plans, and other subsidiary documents.

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§ 154.037 PRELIMINARY PLAT REQUIREMENTS.

(A) *General Information.*

(1) *Information required.* The Preliminary Plat shall be prepared by a professional engineer and a professional land surveyor and the Preliminary Plat is to be reviewed by the Plan and Zoning Commission and approved by the Board of Trustees before any subdivision development is started. The following information shall be shown on the Preliminary Plat:

(a) *General Information*

1. Mapped data shall be presented at a scale of one inch to 100 feet or larger, on sheets not larger than 33 inches by 51 inches, with lettering not smaller than one-tenth of an inch, so that the plat is clearly legible without magnification.
2. The proposed name of the subdivision; Landowner's, engineer's and surveyor's names and addresses.
3. The location of the subdivision by township, range and section for reference; section or quarter section corners shall be indicated.

(b) *Existing Conditions*

1. The locations, width, and names of all existing public and / or private streets, railroads, or other public ways and utility rights-of-way within and / or adjacent to the tract to within 200 feet of the boundary of the tract.
2. The locations and size of all existing sanitary sewerage, water mains and appurtenances, storm drainage, known field drainage tile or other known underground facilities within the tract or near the tract, and any such known facilities entering or exiting the tract.
3. The topography, spot elevations at critical points and contour intervals of not greater than 2 feet, regardless of grade, related to National Geodetic Vertical Datum of 1988 (mean sea level) on the site, within 100 feet of the boundaries of the site, and for additional distance as necessary to adequately depict drainage conditions.
4. The location and identification of all public and quasi-public areas and civil division lines within and / or adjacent to the tract, to within 200 feet of the boundary of the tract.
5. The location and identification of all recorded subdivisions lying adjacent to, or across a public right-of-way from, the tract.
6. The acreage and identification of the drainage basin or basins that lie upstream from the tract of land that is proposed for subdivision.

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7. The location and identification of all existing man-made features such as buildings, high-tension towers, public water and sewer lines, pipe lines, utility lines, excavations, bridges, railroad tracks, culverts and related items within and / or adjacent to the tract, to within 100 feet of the boundary of the tract proposed to be subdivided. The Preliminary Plat shall note the location of the nearest public sewer and public water lines.

8. The location of existing streams, rivers, drains, lakes, ponds and impoundments within and / or within 100 feet of the tract.

9. The land use and existing zoning of the proposed subdivision and adjacent tracts.

10. Boundary line of proposed subdivision indicated by solid heavy line so designated and the total approximate acreage encompassed thereby.

11. Other items required to properly depict the existing situation.

(c) Proposed Conditions.

1. The locations, width and names of proposed streets and right-of-way widths, including connections to adjoining public and / or private street rights-of-way. Refer to the Major Street Plan of the Village for the approximate planned location of required arterial and collector streets. Collector and sub-collector street locations not specifically depicted upon the Major Street Plan may be designated by the Plan and Zoning Commission at the time of review of the Preliminary Plat or Area General Plan.

2. The locations and widths of walkways and easements including connection to adjoining public lands and public and / or private walkways and easements.

3. Easements for public utilities, drainage, and maintenance.

4. All lots, including the required setback lines and scaled dimensions of typical lots to the nearest foot. All lots contained on the proposed plat must be numbered in consecutive order.

5. The locations and acreage of any proposed public and / or quasi-public land within the tract.

6. The plan of any proposed water courses or impoundments including stream relocations, showing normal water levels and direction of flow.

7. The general provisions for water supply, sewage disposal, and storm water disposal indicated by a general drainage plan of sufficient detail to show how the water will be moved over the site, and subsurface drainage including provisions for continual maintenance of natural drainage courses and field drainage tile systems. Known on-site field drainage tile systems serving areas off the site shall be located in designated easements.

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8. If a private on-site wastewater disposal system is proposed for any lot, an Illinois professional engineer shall certify that the proposed lots and soil characteristics are adequate for the disposal system. Test data to support this certification shall also be submitted.

(B) Outside Agency Review.

(1) At the time of application the subdivider shall provide evidence of the mailing of one (1) copy of the Preliminary Plat to each required agency as set forth in Administrative Rules.

(2) The prints must be accompanied by a request that written comments be submitted to the Village at the attention of the Village Planner not later than twenty-one (21) days thereafter, unless otherwise required by ordinance or law, and that no comment in the time specified shall be deemed no adverse comment. The developer shall provide evidence to the Village that the prints, along with the request for written comments, have been mailed to the various locations identified above.

(C) Supporting Documents. The following supporting materials and documents shall accompany an application for approval of a Preliminary Plat:

(1) *Soil and Water Conservation District Review.* The developer shall submit a written opinion from the Soil and Water Conservation District concerning the proposed subdivision to the Village. This opinion may be in the form of a Natural Resources Report. This report will not be required for a replat subdivision within a previously developed area or if a report has previously been prepared by the District within the previous ten (10) years for the subdivision site.

(2) *Illinois Department of Natural Resources Review.* Information concerning the proposed subdivision shall be submitted by the developer to the Illinois Department of Natural Resources for endangered species review and consultation. A copy of the review results shall be submitted to the Village at the time of application. This report shall not be required for replat subdivisions if a previous report had been submitted for the original subdivision within the previous five (5) years.

(3) *Illinois Historic Preservation Agency Review.* Information concerning the proposed subdivision shall be submitted by the developer to the Illinois Historic Preservation Agency for historic resources review and consultation. A copy of the completed review results shall be submitted to the Village at the time of application. This report shall not be required for replat subdivisions if a previous report has been submitted for the original subdivision within the previous five (5) years.

(4) A list of waivers and deferrals being requested, as well as written justification(s) for these waivers and deferrals.

(D) Procedures for submission. Subdividers shall submit to the Village Planner:

(1) Four (4) full size copies of the Preliminary Plat, one (1) 11 inch by 17 inch reduction of the Preliminary Plat, and one (1) copy of all supportive materials as required prior to the published submittal schedule for the Plan and Zoning Commission meeting at which the subdivider wishes the Preliminary Plat to be considered.

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(2) A pdf electronic copy of the Preliminary Plat and all supportive materials.

(3) The submittal of a Preliminary Plat shall be accompanied by a Preliminary Plat application fee as determined from time to time by resolution of the Board of Trustees of the Village.

(4) Completed Preliminary Plat application form, including all attachments thereto.

(E) *Staff review.* Village staff shall review the Preliminary Plat and waiver requests for conformity to these regulations and consistency with the Comprehensive Plan, Zoning Ordinance, building code, and other applicable Village laws and regulations. The Village Engineer shall review the Preliminary Plat and waiver requests for conformity to flood control and stormwater management regulations, conformity with utility design requirements and generally accepted engineering practices. Staff comments will be forwarded to the subdivider.

(F) *Resubmission.* The subdivider shall address the Village staff comments and make modifications and revisions as deemed appropriate. Subdivider, at his option, may provide clarifying information and justifications for proposals that are inconsistent with the Ordinance or Village staff comments. Four (4) full size copies, one (1) 11 inch by 17 inch size copy, and one (1) pdf electronic copy of the Preliminary Plat shall then be resubmitted to the Village Planner for review.

§ 154.038 PRELIMINARY PLAT APPROVAL.

(A) When all the above requirements have been satisfied, the Village Planner will present the Preliminary Plat to the Plan and Zoning Commission at the next regular meeting. The subdivider or a responsible representative shall attend this meeting. Village staff shall submit a written report to the Plan and Zoning Commission which shall include:

- (1) The subdivider's request for waivers, and the justification provided therefor;
- (2) Background information;
- (3) Comments and recommendations of the Village staff;
- (4) Comments of outside agencies, and other interested parties;
- (5) General recommendations, including appropriate conditions to any waiver request.

(B) *Procedures for review and approval.* The Plan and Zoning Commission shall examine the Preliminary Plat for compliance with these regulations with special attention given to the following:

- (1) Design standards and information requirements as set forth by these regulations.
- (2) Streets and thoroughfares as related to neighborhood circulation and existing and proposed topography.
- (3) Existing and proposed zoning and existing and planned land use.

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- (4) The Village Comprehensive Plan, including the Land Use Plan and Major Street Plan.
- (5) Land required for schools, parks, or other public use.
- (6) Utility methods and systems, drainage and street improvement.
- (7) Water courses and floodplain areas.
- (8) The existence of threatened or endangered species of plants or animals.
- (9) The existence of archeological or historic resources.

(C) *Plan and Zoning Commission Action.* The Plan and Zoning Commission will make a recommendation to the Village Board of Trustees within sixty (60) days of the submittal of a complete application for the Preliminary Plat. Such time may be extended by consent of the subdivider. The Plan and Zoning Commission may request additional information from the subdivider if necessary to evaluate the plat or waiver requests. The Plan and Zoning Commission shall either:

- (1) Recommend disapproval of the Preliminary Plat;
- (2) Recommend approval of the Preliminary Plat;
- (3) Recommend approval of the Preliminary Plat, subject to minor modifications.

(D) If the Plan and Zoning Commission recommends disapproval of the Preliminary Plat, the reasons for the recommendation for disapproval shall be clearly set forth and communicated to the subdivider. Further, the review certification on the Preliminary Plat shall be executed to indicate a recommendation for disapproval by the Plan and Zoning Commission.

(E) The Plan and Zoning Commission recommendation of disapproval or approval of the Preliminary Plat, shall be shown on the Preliminary Plat. The approval certificate of the original Preliminary Plat shall be executed.

(F) If the Plan and Zoning Commission recommends approval of the Preliminary Plat subject to minor modifications, the subdivider may make the required changes to the Preliminary Plat within twenty-one (21) days or such other time as may be allowed by the Village Planner and resubmit the revised documents to Village staff for review. If all of the required modifications have been made, the approval certificate of original Preliminary Plat shall then be executed indicating a recommendation for approval.

(G) If the subdivider chooses not to modify the Preliminary Plat, or fails to modify the Preliminary Plat within twenty-one (21) days (or the additional time allowed), the Preliminary Plat shall be considered recommended for disapproval by the Plan and Zoning Commission. Village staff shall communicate the reasons for the denial recommendation to the subdivider. Further, the review certification on the Preliminary Plat shall indicate a recommendation for disapproval by the Plan and Zoning Commission.

(H) The Village Planner shall then submit the recommendation of the Plan and Zoning Commission to the Village Board of Trustees for their review, consideration and approval or disapproval.

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(I) *Village Board of Trustees action.* The Board of Trustees shall approve or disapprove the Preliminary Plat, including waiver requests at the next regularly scheduled meeting following the Plan and Zoning Commission’s action or within thirty (30) days thereafter.

(J) *Disapproval.* If the Board of Trustees disapproves a Preliminary Plat, the Village Planner shall notify the subdivider within fourteen (14) days of the Board of Trustee’s action.

(K) *Approval.* The approval of the Preliminary Plat by the Village Board of Trustees shall be in effect for a period of one (1) year from the approval date. The period that approval is in effect may be extended administratively by the Village Planner if requested by the subdivider for up to two (2) additional one (1) year periods for Preliminary Plats involving fifteen (15) or more acres of land. If the Final Plat and Subdivision Construction Plans and Specifications have not been filed on or before this date, then the Preliminary Plat approval shall become null and void. In that event a resubmittal of the Preliminary Plat for the development will be required just as if the development were starting anew.

(L) Approval of the Preliminary Plat by the Village confers upon the subdivider the following rights for a period of twelve (12) months from the date of approval, subject to existing law, ordinances or statutes:

(1) The subdivider may submit on or before the Preliminary Plat expiration date a Final Plat for the whole or part thereof of the area shown on the Preliminary Plat for consideration by the Village.

(2) The subdivider may proceed with preparation of Construction Plans and Specifications for installation of the physical improvements required for the subdivision.

(M) Approval of the Preliminary Plat by the Board of Trustees of the Village shall be indicated on the drawings via execution of the approval certificate.

(N) Approval of the Preliminary Plat thereof does not assure final acceptance of the streets, other public ways, or other public improvements intended for dedication nor continuity of current zoning for the tract or its environs, nor approval of a Final Plat.

(O) On the Preliminary Plat the following certificate shall appear:

PRELIMINARY PLAT APPROVAL

THIS PRELIMINARY PLAT HAS RECEIVED A RECOMMENDATION FOR DISAPPROVAL / APPROVAL BY THE PLAN AND ZONING COMMISSION OF THE VILLAGE OF MAHOMET, ILLINOIS, THIS ____ DAY OF _____, 20 ____.

CHAIRPERSON

THIS PRELIMINARY PLAT HAS BEEN APPROVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAHOMET, ILLINOIS, THIS ____ DAY OF _____, 20 ____.

PRESIDENT, VILLAGE BOARD OF TRUSTEES

VILLAGE CLERK

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§ 154.039 FINAL PLAT PHASE.

(A) *Purpose.* The purpose of the Final Plat phase shall be to create and review the documents needed to formally subdivide the lands of the Owner, in conformance with the standards and requirements of these regulations.

(B) *Plat requirements.*

(1) *Information required.* The Final Plat shall be prepared by a professional land surveyor and the Final Plat is to be reviewed by the Plan and Zoning Commission and approved by the Board of Trustees before any subdivision development is started. The Final Plat shall contain or be accompanied by the information herein specified and shall comply with the following requirements:

(a) *General.*

1. The name of the subdivision.
2. The certificate of a registered land surveyor.
3. The date of preparation, scale and north arrow. The scale and size of the plat shall be such that a 50% size photographic reduction will not impair the details. Plats in several sections are permissible. No sheet larger than 22 inches by 34 inches shall be submitted. The plat shall be presented at a scale of 1 inch to 100 feet or larger. Lettering on the full-size plat shall be all capitals of not less than one-tenth of an inch in height. The plat shall be legible without magnification.
4. The location and position of the subdivision indicated in each of the following ways as applicable:
 - a. By quarter section, township, range, meridian, county and state.
 - b. By distances and bearings from astronomic or assumed north and angles with reference to a corner or corners established in the United States Public Land Survey.
 - c. By a written legal description of the exterior boundaries of the land as surveyed and divided.
 - d. By not less than four (4) references to the Illinois State Plane Coordinate System, East Zone. References shall generally be located at exterior points along the subdivision boundary.
 - e. Location of the subdivision relative to Village limits.
5. The plat shall comply with the current Illinois Compiled Statutes. The Surveyor shall certify that the Plat conforms to the current Illinois Minimum Standards for a boundary survey.

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(d) A consecutive numbering system for all lots and blocks.

(e) Location and names of all existing or prior platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces, permanent easements or prior platted lots within and adjacent to the subdivision.

(f) A graphic representation of the minimum setback lines on all lots parcels, and a notation of the distance between such lines and the street line, or lot line.

(g) A graphic representation of the location of the Special Flood Hazard Area (if any).

(h) On the Final Plat, the following certificate shall appear:

FINAL PLAT APPROVAL

THIS FINAL PLAT HAS RECEIVED A RECOMMENDATION FOR (APPROVAL) (DISAPPROVAL) BY THE PLAN AND ZONING COMMISSION OF MAHOMET, ILLINOIS, THIS ____ DAY OF _____, 20__.

CHAIRPERSON

THIS FINAL PLAT HAS RECEIVED APPROVAL BY THE BOARD OF TRUSTEES OF MAHOMET, ILLINOIS, THIS ____ DAY OF _____, 20__. THIS PLAT SHALL BE RECORDED WITH THE RECORDER OF DEEDS FOR CHAMPAIGN COUNTY, ILLINOIS ON OR BEFORE _____, 20__. OTHERWISE THIS PLAT SHALL BECOME NULL AND VOID.

PRESIDENT, BOARD OF TRUSTEES

VILLAGE CLERK

(SEAL)

(C) *Surveying requirements.* Pipes or other equivalent physical markers shall be placed at each lot corner. No pipe or rod monument shall be less than one-half inch in diameter, standard weight water pipe (inside diameter) or deformed reinforcing rod at least 30 inches long. Iron pipe encased in concrete at least 4 inches by 4 inches, or equivalent, markers shall be placed at the beginning and ending of all curves and at all block corners. All monuments shall be imprinted with the registration number of the surveyor making the survey and shall be described on the plat.

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(D) *Final Plat to include whole tract.* Unless a Final Plat phasing plan is approved with the Preliminary Plat or the Area General Plan, the Final Plat must include the entire tract which was contained in the Preliminary Plat.

(E) *Surveyor's Certificate.* The Surveyor's Certificate shall be placed on the face of the Final Plat and shall include the name, signature, number and seal of the registered land surveyor; shall be dated; and shall include a legal description of the tract of land subdivided and further certify that the tract of land has been surveyed and the monuments set as shown on the attached Plat.

(F) *Supporting documents.* The Final Plat shall be accompanied by:

(1) An Owner's Certificate with subdivision covenants (document to be recorded).

(a) The Owner's Certificate shall acknowledge the Final Plat along with all covenants, deeds, restrictions, and agreements which are to be imposed by the subdivider on future owners of lots within the subdivision.

(b) The document shall include a notarized certificate of the owner of adoption of the Plat, dedication of streets and easements, and provisions for a property owners association (if necessary).

(c) See partial form and example covenants provided via administrative rules.

(2) Certificate from the County Clerk that all taxes and special assessments due on the property to be subdivided have been paid in full (document to be recorded).

(3) Certification from the Village Treasurer that all special assessments and fees due on the property to be subdivided have been paid in full (document to be recorded).

(4) Certification from the subdivider as to the school district in which the subdivision is located (document to be recorded).

(5) The Surveyor's Statement to the Recorder of Deeds indicating that the Village of Mahomet is designated to record the subdivision documents (document to be recorded).

(6) A Natural Resources Report from the Soil and Water Conservation District if the project involves conversion of rural land to non-agricultural uses. This report shall not be required when a Preliminary Plat has been submitted or for replat subdivisions which have previously undergone grading and soil disturbance.

(7) *Illinois Department of Natural Resources review.* Information concerning the proposed subdivision shall be submitted by the developer to the Illinois Department of Natural Resources for endangered species review and consultation. A copy of the completed endangered species consultation and review report shall be submitted to the Village at the time of application. This report shall not be required when a Preliminary Plat was submitted or for replat subdivisions if a previous report has been submitted for the original subdivision within the previous five (5) years.

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(8) *Illinois Historic Preservation Agency review.* Information concerning the proposed subdivision shall be submitted by the developer to the Illinois Historic Preservation Agency for historic resources review and consultation. A copy of the completed review form prepared by the Illinois Historic Preservation Agency shall be submitted to the Village at the time of application. This report shall not be required when a Preliminary Plat was submitted or for replat subdivisions if a previous report has been submitted for the original subdivision within the previous five (5) years.

(9) *Construction Plans and Specifications.* If the project involves construction activities for installation of public or quasi-public infrastructure, the subdivider shall submit to the Village Engineer three (3) copies of the Construction Plans and Specifications for the subdivision not later than the same date as submission of the Final Plat. The Construction Plans and Specifications shall include all information necessary for the construction of public or quasi-public improvements within the subdivision. See § 154.042 for more information.

(10) *Cost estimate.* If the project involves construction of public or quasi-public infrastructure, an engineer's opinion of estimated costs of construction of public and quasi-public improvements shall be provided. The estimated costs shall include estimated quantities of work and unit prices for various items of work.

(11) *Stormwater management plan.* If the project involves more than 1 acre, a stormwater management plan shall be submitted along with necessary computations, as set forth in the Village Stormwater Management Ordinance. The plan shall demonstrate the suitability of the stormwater detention and stormwater drainage systems proposed for the development.

(12) *Floodplain development permit.* If the development involves lands located within a designated floodplain or located within 500 feet of a waterway with a watershed area of at least 1 square mile, a floodplain development permit shall be provided. The floodplain development permit shall:

(a) Comply with the requirements of the Floodplain Development Ordinance.

(b) Establish base flood elevations at the development site in accordance with Federal Emergency Management Agency standards.

(c) Determine the limits of the floodway and flood fringe within the development site.

(13) *Subsidiary Drainage Plat.* A Subsidiary Drainage Plat shall be filed in accordance with the following requirements:

(a) Show topographically and by profile the elevation of the land, prior to the commencement of any changes in the elevations, by contours at not greater than 1 foot intervals for regular subdivisions and not greater than 2 feet for minor and rural residential subdivisions.

(b) Provide spot elevations for existing culverts, waterways, and other critical drainage system components.

(c) Show proposed changes in the elevations and the flow of the surface, from the subdivision using proposed spot elevations, floor elevations, flow arrows, and proposed surface contours.

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(d) A Subsidiary Drainage Plat shall not be required whenever a subdivision involves the re-subdivision of lands originally subdivided within the past five (5) years for which a Subsidiary Drainage Plat was previously submitted.

(e) Statement to appear on the Subsidiary Drainage Plat:

“TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE SITE DRAINAGE CONDITIONS AND SURFACE WATER DRAINAGE WILL NOT BE CHANGED BY THIS SUBDIVISION, OR IF SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH WATERS INTO PUBLIC AREAS OR DRAINAGE FACILITIES WHICH THE SUBDIVIDER HAS THE RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THIS SUBDIVISION.”

ENGINEER’S NAME AND LICENSE NUMBER	DATE	
OWNER’S SIGNATURE	DATE	

(14) *Performance guarantee and surety.* The performance bond shall be in a form as set forth in an Administrative Rule and as approved by Village Attorney. The surety shall be of a form as approved by the Village Attorney. See § 154.047 for additional information.

(15) Applications for any required state or federal permits.

(16) Documentation of project design when the project involves construction of public or quasi-public infrastructure.

(17) Approval of the Final Plat by the Illinois Department of Transportation if the subdivision is located across or adjacent to a state maintained highway.

(18) Approval of the Final Plat by the County Engineer if the subdivision is located across or adjacent to a county highway.

(19) Approval of the Final Plat by the Township Road District if the subdivision involves dedication of new Township streets or roadways, unless the roadways are the subject of an annexation agreement with the Village.

(20) Approval of the Final Plat by the Champaign County Planning and Zoning Department if the subdivision involves lands under the zoning jurisdiction of Champaign County.

(21) In the event a private on-site sewage disposal system is proposed for each lot, certification by a registered professional engineer indicating that the proposed land use, the proposed lots and the known soil characteristics of the site are adequate for such systems.

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(G) *Outside agency review.*

(1) At the time of application the subdivider shall provide evidence of mailing of one (1) copy of the Final Plat to each required agency as set forth in Administrative Rules.

(2) The prints must be accompanied by a request that written comments be submitted to the Village at the attention of the Village Planner not later than twenty-one (21) days thereafter, unless otherwise required by ordinance or law, and that no comment in the time specified shall be deemed no adverse comment. The developer shall provide evidence to the Village that the prints have been mailed to all applicable outside agencies.

(H) *Submittal requirements.* At any time within one (1) year after receiving Preliminary Plat approval, the subdivider shall submit to the Village Planner:

(1) Four (4) full size copies of the Final Plat, and one (1) copy of all supportive materials as required prior to the published submittal schedule for the regular meeting of the Village Plan and Zoning Commission at which the subdivider wishes the Final Plat to be considered.

(2) One (1) pdf electronic copy of the Final Plat and all supportive materials.

(3) An 11 inch by 17 inch reduction of the Final Plat.

(4) The submittal of a Final Plat for a subdivision within the corporate limits of the Village or within the one and one-half mile extra-territorial jurisdiction area of the Village shall be accompanied by a Final Plat Application fee as determined from time to time by resolution of the Board of Trustees of the Village.

(5) A completed Final Plat Application form, including all attachments thereto.

(6) A list of waivers and deferrals being requested and the justifications for the waiver(s).

(I) *Staff review.* Village staff shall review the Final Plat, supporting documents and waiver requests for conformity to these regulations and consistency with the Comprehensive Plan, Zoning Ordinance, building code, and other applicable Village laws and regulations. The Village Engineer shall review the Final Plat and waiver requests for conformity to flood control and stormwater management regulations, conformity with utility design requirements and generally accepted engineering practices. Staff comments will be forwarded to the subdivider.

(J) *Referral to the City of Champaign.* If the proposed subdivision is within the Village's extra-territorial jurisdiction and also within the area designated to be annexed to the City of Champaign under the Champaign – Mahomet Boundary Agreement, the Plat shall be referred to the City of Champaign for review. Under these conditions no Final Plat shall be approved unless the Final Plat for the land proposed to be subdivided has been approved by the City of Champaign.

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(K) *Resubmission.* The subdivider shall address the Village staff comments and make modifications and revisions as deemed appropriate. Subdivider, at his option, may provide clarifying information and justifications for proposals that are inconsistent with the Ordinance or Village staff comments. Four (4) full size copies, one (1) 11 inch by 17 inch size copy, and one (1) pdf electronic copy of the revised Final Plat shall then be resubmitted to the Village Planner for review. The resubmission shall be accompanied by all appropriate supporting documents.

§ 154.040 FINAL PLAT APPROVAL.

(A) When all the above requirements have been satisfied, the Village Planner will present the Final Plat to the Plan and Zoning Commission at the next regular meeting. The subdivider or a responsible representative shall attend this meeting. Village staff shall submit a written report to the Plan and Zoning Commission which shall include:

- (1) The subdivider's requests for waivers, and the justification provided therefor;
- (2) Background information;
- (3) Comments and recommendations of Village staff;
- (4) Comments of outside agencies, and other interested parties.
- (5) A general recommendation, including appropriate conditions to any waiver request.
- (6) A copy of the application including attachments thereto.

(B) *Procedures for review and approval.* The Plan and Zoning Commission shall examine the Final Plat and all supporting documents for compliance with these regulations with special attention given to the following:

- (1) Design standards and information requirements as set forth by these regulations.
- (2) Streets and thoroughfares as related to neighborhood circulation and existing and proposed topography.
- (3) Existing and proposed zoning and land use.
- (4) Utility methods and systems, drainage and street improvements.
- (5) Water courses and floodplain areas.
- (6) The existence of threatened or endangered species of plants or animals.
- (7) The existence of archaeological or historic resources.

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(C) *Plan and Zoning Commission action.* The Plan and Zoning Commission will make a recommendation to the Village Board of Trustees within sixty (60) days of the submittal of a complete application for the Final Plat. Such time may be extended by consent of the subdivider. The Plan and Zoning Commission may request additional information from the subdivider if necessary to evaluate the Plat or waiver requests. The Plan and Zoning Commission shall either:

- (1) Recommend disapproval of the Final Plat;
- (2) Recommend approval of the Final Plat;
- (3) Recommend approval of the Final Plat, subject to minor modifications.

(D) If the Mahomet Plan and Zoning Commission recommends disapproval of the Final Plat, the reason for the disapproval shall be clearly set forth and communicated to the subdivider. Further, the review certificate on the Final Plat shall be executed to indicate disapproval by the Plan and Zoning Commission.

(E) If the Village of Mahomet Plan and Zoning Commission recommends approval of the Final Plat, it shall be so indicated on the original of the Final Plat and the approval certificate shall be executed at that time. The Village Planner shall then present the Final Plat to the Village Board of Trustees and inform them of the Plan and Zoning Commission's recommendation. At the same Village Board of Trustees meeting, the Village Engineer shall present the Construction Plans and Specifications for the subdivision for consideration, if such review has not previously occurred.

(F) If the Plan and Zoning Commission recommends approval of the Final Plat subject to minor modifications, the subdivider may make the required changes to the Final Plat within twenty-one (21) days or such additional time as granted by the Village Planner and resubmit the revised documents. Village staff shall review the revised Final Plat to confirm that all required modifications have been made. Upon completion of the required modifications, the approval certificate on the original Final Plat shall be executed indicating approval by the Plan and Zoning Commission. If the subdivider does not make the required modifications within twenty-one (21) days (or such other additional time as allowed), the Final Plat shall be considered recommended for disapproval by the Plan and Zoning Commission and the review certificate on the Final Plat shall be executed to indicate a recommendation for disapproval by the Plan and Zoning Commission.

(G) *Board of Trustees action.* Within twenty-one (21) days of the Plan and Zoning Commission's recommendation, the Village Planner shall transmit the Final Plat and supporting materials to the Village Board of Trustees for consideration at their next regularly scheduled meeting. The Board of Trustees shall accept or reject the Final Plat within thirty (30) days thereafter. However, failure to accept or reject the Plat shall not operate as approval of the Plat. Only Final Plats which have been specifically approved by specific action of the Board of Trustees shall be approved and eligible for recording.

(H) The Village Board of Trustees shall not give final approval to any proposed subdivision until:

- (1) The Plan and Zoning Commission has recommended the approval or disapproval of the Final Plat;

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(2) The Village Engineer has recommended approval or disapproval of the subdivision improvement Construction Plans and Specifications (if any);

(3) The subdivider presents his or her performance guarantee in the amount and in a form in accordance with these regulations and as approved by the Village Attorney.

(4) All statutorily required approvals by other governmental agencies have been received.

(5) All subsidiary and supporting documents have been submitted in satisfactory form.

(I) The Village Board of Trustees, after receiving recommendations from the Plan and Zoning Commission and Village staff shall then consider the Final Plat of the proposed subdivision. At that time, the Village Board of Trustees shall approve or disapprove the Final Plat, and shall clearly state their reasons for their actions.

(J) In the event the Village Board of Trustees disapproves the Final Plat, the subdivider shall have ninety (90) days from the date of such disapproval to make the corrections and resubmit to the Village Board of Trustees; otherwise the prior recommendation for approval of the Plan and Zoning Commission and / or the approval of the Construction Plans by the Village Engineer shall become null and void.

§ 154.041 RECORDING SUBDIVISION DOCUMENTS.

(A) After approval of the Final Plat, Construction Plans and Specifications (if necessary) and receipt and approval of all supporting documents by the Village Board of Trustees, the Final Plat may be recorded by the subdivider with the Recorder of Deeds, Champaign County, Illinois within one (1) year of the date of approval, otherwise the Final Plat approval shall become null and void. Village staff shall retain the originals of the Final Plat until such time as recording is completed.

(B) *Administrative extension of time for recording Final Plat.* The Village Planner may extend the approval of a Final Plat, and such Plat may be recorded, for a period of up to 180 days after the automatic one (1) year period. Such approval may be given, in the sole discretion of the Village Planner, if such extension does not negatively impact the construction of infrastructure necessary for development on neighboring tracts or within the Village's growth areas, and if it is in the public's best interest.

(C) *Recording.* Village staff shall accompany the subdivider and shall record the Final Plat and required supporting documents with the Recorder of Deeds, Champaign County, Illinois. The subdivider shall be responsible for payment of all recording fees.

§ 154.042 CONSTRUCTION PLANS AND SPECIFICATIONS.

(A) The procedures for submitting the Construction Plans and Specifications for the subdivision are set forth herein. The Village staff shall not recommend approval of the Construction Plans and Specifications to the Board of Trustees until all of the information submitted is in accordance with the standards and procedures herein stated, are consistent with standard engineering design practice, or are prepared in accordance with applicable ordinance waivers of requirements.

(B) *Plans and Specifications.*

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(1) The subdivider shall cause Construction Plans and Specifications to be prepared for all public and quasi-public infrastructure improvements required or regulated by this chapter. The improvements shall be designed to conform to the minimum standards set forth in this chapter and shall also conform to the minimum standards and requirements of other local, state, and federal authorities which have jurisdiction over the subdivision. Construction Plans and Specifications shall be prepared under the supervision of an engineer licensed pursuant to the laws of the State of Illinois and shall bear the engineer's seal and signature.

(2) The subdivider shall submit Construction Plans and Specifications to the Village for review prior to the commencement of construction of any improvements required or regulated by this chapter. The Village Engineer shall review the Construction Plans and Specifications for conformance to this chapter. The Village Engineer shall endeavor to complete his or her initial review of the Construction Plans and Specifications within three (3) weeks of submittal of the Plans and supporting materials.

(3) The developer's engineer shall furnish the Village four (4) full size sets, one (1) 11 inch by 17 inch sized set, and one (1) pdf electronic copy of the approved Construction Plans and Specifications prior to starting any construction operations.

(C) *Procedures for submission.* Subdivider shall submit to the Village :

(1) Four (4) full size copies of the Construction Plans and Specifications and two (2) copies of all supportive materials as required prior to the published submittal schedule for the Plan and Zoning Commission meeting at which the subdivider wishes the Final Plat be considered.

(2) One (1) 11 inch by 17 inch sized set of Construction Plans.

(3) The submittal of the Construction Plans and Specifications for a subdivision within the corporate limits of the Village or within the one and one-half mile extra-territorial jurisdiction area of the Village shall be accompanied by an application fee as determined from time to time by resolution of the Village Board of Trustees.

(4) A completed application form with required supporting documentation.

(5) Such design computations and analyses and other supporting documentation as are necessary to demonstrate compliance with the requirements of this chapter.

(D) *Staff review.* Village staff shall review the Construction Plans and Specifications for conformity to the requirements of applicable Village regulations, consistency with the Comprehensive Plan, consistency with the approved Preliminary Plat, suitability for development, generally accepted good engineering design practice, and other applicable requirements. Village staff comments will be forwarded to the subdivider. Due to the complexity of Construction Plans and Specifications it is anticipated that multiple staff reviews of revised and re-submitted Construction Plans and Specifications may be required.

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(E) *Required information.* The Construction Plans and Specifications shall be as follows:

(1) The plan sheets shall be 22 inch by 34 inch. The minimum graphic scale shall be one inch equals 40 feet or other scale approved by the Village. Lettering shall be at least one-tenth inch in height for full size prints. The Construction Plans and Specifications shall include the following items as required for the particular development:

(a) Cover sheet depicting the project location and the engineer's embossed seal and original signature; an index to sheets; the project title; and the Village approval signature block.

(b) General notes, legends, benchmarks, and specification sheet(s).

(c) Site grading Plan sheet(s) showing existing contours and spot elevations and proposed contours and spot elevations related to National Geodetic Vertical Datum of 1988, as indicated (mean sea level) with a contour interval of not greater than 1 foot.

(d) Street plan sheet(s).

(e) Intersection detail sheet(s).

(f) Street profile sheet(s).

(g) Street cross section sheets

(h) Storm drain plan sheet(s).

(i) Storm drain profile sheet(s).

(j) Sanitary sewer plan sheet(s).

(k) Sanitary sewer profile sheet(s).

(l) Water distribution plan sheet(s).

(m) Water distribution profile sheet(s).

(n) Street Lighting Plan Sheet(s).

(o) Erosion Control Plan Sheet(s).

(p) Traffic Control Plan Sheet(s).

(q) Detail sheet(s).

(r) Other sheets as needed.

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(F) *Resubmission.* The subdivider shall address the Village staff comments and make modifications and revisions as deemed appropriate. Subdivider, at his option, may provide clarifying information and justifications for proposals that are inconsistent with the Ordinance or Village staff comments. Four(4) full size copies, one (1) 11 inch by 17 inch size copy, and one (1) pdf electronic copy of the revised Construction Plans and Specifications shall then be resubmitted to the Village for review. The resubmission shall be accompanied by all appropriate supporting documents.

(G) *Second staff review.* Village staff shall review the resubmitted Construction Plans and Specifications for conformity to the requirements of applicable Village regulations, consistency with the Comprehensive Plan, suitability for development, generally accepted good engineering design practice, and other applicable requirements. Village staff comments will be forwarded to the subdivider.

(H) *Second resubmission.* The subdivider shall address the Village staff comments and make modifications and revisions as deemed appropriate. Subdivider, at his option, may provide clarifying information and justifications for proposals that are inconsistent with the Ordinance or Village staff comments. Four(4) full size copies, one (1) 11 inch by 17 inch size copy, and one (1) pdf electronic copy of the revised Construction Plans and Specifications shall then be resubmitted to the Village Engineer for review. The resubmission shall be accompanied by all appropriate supporting documents. One (1) pdf electronic copy of the Construction Plans and Specifications shall also be submitted.

(I) *Third staff review.* Village staff shall review the resubmitted Construction Plans and Specifications for conformity to the requirements of applicable Village regulations, consistency with the Comprehensive Plan, suitability for development, generally accepted good engineering design practice, and other applicable requirements. Should these further revised Construction Plans fail to adequately address each and every prior Village staff review comment, the Construction Plans shall be recommended for disapproval by the Village staff. Further review of the Construction Plans and Specifications shall be suspended thereafter, until such time as a re-application for approval is submitted, along with payment of a re-application fee, as determined from time to time by resolution of the Village Board of Trustees.

(J) *Approval:*

(1) The Village shall notify the Subdivider of the staff recommendation for approval or disapproval of the Construction Plans and Specifications.

(2) Such notification, specifying reasons for the recommendation for approval or disapproval, shall be made within approximately ten (10) working days of the date of second resubmission of Construction Plans and Specifications required by this section. Construction Plans and Specifications will be reviewed in the order of submission.

(3) The Village Board of Trustees, after receiving recommendations from Village Staff shall then consider the Construction Plans and Specifications of the proposed subdivision. At that time, the Village Board of Trustees shall approve or disapprove the Construction Plans and Specifications, and shall clearly state their reasons for their actions.

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- (3) Street pavement design computations for collector and arterial streets.
- (4) Applications for any required state or federal permits, including Illinois Environmental Protection Agency water supply and sanitary sewer construction permits.
- (5) Documentation of project design, including all relevant design computations.
- (6) Copies of applications for approval of the Construction Plans from local agencies (if applicable) including:
 - (a) Champaign County (or Piatt County) Engineer (if applicable);
 - (b) The Township Road District Commissioner if the project involves construction of new township roadways;
 - (c) Sangamon Valley Public Water District (if water or sanitary sewer service is to be provided by this entity);
 - (d) Any drainage district that the proposed subdivision is located within.

§ 154.043 CONSTRUCTION OF IMPROVEMENTS.

(A) Improvements required and / or regulated by this chapter shall be constructed in accordance with approved Construction Plans and Specifications, the standards, requirements, and regulations set forth in this chapter, and other applicable Village Ordinances.

(B) If in the course of construction the subdivider wishes to modify the size, type, quality, performance, and / or location of any or all of the improvements required or regulated by these regulations, the subdivider's engineer shall submit a request to the Village Engineer for review and approval of the change prior to proceeding with installation of the modified improvement. Minor field changes based on field conditions that do not impact the suitability or performance of the improvements shall not require advance review and approval of the Village Engineer. Verbal requests shall be followed by written documentation submitted within two (2) days to the Village designated staff person.

(C) It shall be the duty of the subdivider's engineer to notify the Village Engineer and Village Planner at least one (1) day in advance of any starting, suspension, resumption, or completion of each phase of construction work. This requirement shall not apply to work suspended for less than one (1) week by reason of adverse weather conditions.

(D) The degree of engineering observation during actual construction operations (as contrasted with preparatory and cleanup operations, for example) shall be 100% during storm drain, sanitary sewer, water main, force main and pavement construction. The observation shall be performed by the developer's engineer. All construction shall be performed in accordance with the approved Construction Plans and Specifications, with an observer present as stated herein, or Village staff shall be authorized to stop all construction operations.

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(E) Weekly progress reports of construction are required to be sent to the Village designated staff person at the beginning of each week. These may take the form of email correspondence. The weekly report shall set forth a general outline of the work completed during the previous week and the anticipated work to be undertaken during the current week. Minor and major field changes to the design of the improvements shall be documented.

(F) The inspection of the construction work by the developer's engineer shall be adequate to assure that all work complies with the approved Construction Plans and Specifications and the requirements of this chapter.

(G) Tests required by this chapter shall be performed solely by an IDOT qualified independent testing laboratory; the subdivider's engineer or qualified personnel employed by the subdivider's engineer, and shall be performed at the subdivider's expense. The subdivider shall direct that the results of required tests be mailed or delivered to the Village designated staff person within two (2) weeks of completion of the test and that no test result be withheld from the Village.

(H) *Notice of violations.* Village staff may serve a notice of violation and stop work order upon any person responsible, in whole or part, for the construction, alteration, repair, maintenance or removal of public improvements in violation of Construction Plans and Specifications approved pursuant to this chapter, or otherwise in violation of this chapter. The order may direct the discontinuance of the illegal action or condition and the abatement of the violation.

(I) *Stop work orders.* Upon notice from Village staff that work on any public or quasi-public improvement is being prosecuted contrary to the provisions of the chapter or is be prosecuted in an unsafe or dangerous manner, the work shall be immediately stopped. Such a notice stopping work (a stop-work order) shall be in writing and shall be served upon or otherwise given to the subdivider, the subdivider's engineer, or to any person in charge of or performing work on public or quasi-public improvements in the subdivision, or to an agent of any of the foregoing. Such an order shall state the conditions under which work may be resumed. No person shall continue any work after having been served with a stop-work order, except such work as is directed to be performed to remove a violation or dangerous or unsafe conditions, as provided in the order.

(J) *Appeals.* The subdivider, subdivider's engineer, any person in charge of or performing work on public improvements in the subdivision or any other interested person may appeal to the Zoning Board of Appeals a decision of Village staff issuing a notice of violation or stop-work order pursuant to this section. The appeal shall be in writing setting forth the reasons for the appeal and shall be filed with the Village Clerk within ten (10) days after receipt of the notice or stop-work order. The Zoning Board of Appeals shall fix a time and place for hearing the appeal, not more than thirty (30) days following the receipt of the appeal by the Village Clerk. The filing of an appeal shall not operate as a stay of notice of violation or stop-work order.

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(K) *Resident Observer.* The subdivider’s engineer shall assign qualified personnel to the subdivision construction activities to observe the work and document the daily construction activities which occur. The resident observer assigned to a subdivision shall be experienced in site / civil infrastructure construction and shall have not less than 12 months of prior experience as a construction observer. The qualifications and resume of the construction observer assigned to the particular subdivision shall be provided to the Village not less than 10 business days before the start of any on-site construction activities. Village staff shall review the qualifications of the proposed resident observer. If Village staff determines that the proposed resident observer is not qualified or not performing, the Village shall notify the subdivider and the subdivider’s engineer that construction activities may not take place until a qualified resident observer has been assigned to the subdivision.

In the event that the resident observer assigned to a subdivision must be replaced, the replacement individual shall also be pre-qualified in a like manner before any replacement occurs. Short substitutions of less than one (1) week due to illness or other similar disruption shall not require prequalification of the substitute resident observer.

Construction work performed without the physical presence on-site of the assigned resident observer may be rejected by the Village as unsatisfactory.

§ 154.044 TIME PERIOD FOR CONSTRUCTION.

(A) The subdivider shall complete construction of all subdivision improvements within two (2) years of the date the Village approves the Construction Plans and Specifications for the subdivision. At the subdivider’s request, the Village Planner may extend the time period in which to complete the construction for an additional one (1) year if the Village Planner finds that such an extension is consistent with the public welfare.

§ 154.045 APPROVAL OF CONSTRUCTED IMPROVEMENTS.

(A) The developer’s engineer shall conduct a “punch list” inspection of the constructed improvements, and shall identify any incomplete work or deficiencies in the construction work. The “punch list” inspection shall be attended by the Village Engineer. A copy of the “punch list” which identifies incomplete, deficient, or defective work shall be prepared by the developer’s engineer and provided to the Village. Upon completion of the construction work needed to address and correct “punch list” items, the developer’s engineer shall notify the Village Engineer and Village Planner that the improvements are substantially complete, and ready for semi-final inspection by the Village. The notification shall be accompanied by the original “punch list” amended to denote corrective actions taken, pre-final “record” drawings which depict the constructed improvements, and by any other testing results and documents required to verify compliance with chapter requirements during construction.

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(B) Within a reasonable time frame of receipt of the pre-final record drawings and the notification of substantial completion, the Village Engineer shall conduct a semi-final inspection of the constructed improvements. The developer's engineer shall attend the semi-final inspection. At that time, the Village Engineer will identify any additional defects, deficiencies, or incomplete work. The developer shall correct the additional defects, deficiencies, or incomplete work identified within a reasonable time thereafter. Upon notification that all corrective work is complete, the Village Engineer shall make a final inspection of the constructed improvements and confirm that all previously identified defects, deficiencies, or incomplete work has been properly corrected.

(C) Before the completed improvements are approved or accepted by the Village, the subdivider's engineer shall furnish the Village a completion certificate stating that the improvements comply with all the requirements of the approved Construction Plans and Specifications and are free from all defects or deficiencies. The form of the engineer's certificate shall be as set forth in Administrative Rules.

(D) For purposes of this chapter, a defect in a constructed infrastructure improvement shall include a failure to properly test and / or document testing of the constructed improvements. A defect shall also be considered construction of an infrastructure improvement without on-site presence of a Village approved, qualified resident observer.

(E) The engineer who will certify the construction of the improvements shall not have an ownership interest in the subdivision nor be a regular employee of the subdivider.

(F) Before the completed improvements are approved or accepted by the Village, the subdivider shall furnish the Village with documentation certifying that all contractors, subcontractors, and material suppliers have been paid in full. The form of the documentation shall be as approved by the Village Engineer.

(G) In the event that the semi-final inspection identifies a significant number (i.e, more than twenty (20) items or more than 20% of the original punch list items, whichever is greater) of additional defects, deficiencies, or incomplete work items, the semi-final inspection shall be repeated to verify completion of the corrective construction activities. In the event that a second semi-final inspection is required, the Village Clerk shall bill the subdivider for the Village's cost for the second inspection and any subsequent inspections necessitated by the subdivider's failure to construction improvements in accordance with approved Construction Plans and Specifications in this chapter. These costs shall be based on the actual out-of-pocket costs incurred by the Village including staff hourly rates and any consultant fees. The subdivider's performance bond and surety shall not be released until the Village has been reimbursed for these costs.

(H) After completion of the project and prior to acceptance by the Village Board of Trustees, the subdivider's engineer shall furnish the Village four (4) complete full size sets and one (1) half size set of "as-built" plans with each sheet clearly marked "as-built" and dated in the lower right hand corner. These plans shall indicate the final locations of all improvements. In addition, an electronic copy of the "as-built" plans shall be submitted in a format as set forth in Administrative Rules.

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(I) The “as-built” plans shall contain record data concerning the construction of all public and quasi-public facilities. “As-built” rim elevations, invert elevations, and gradients shall be provided for all sewers and drains. The location and invert elevation of all sanitary sewer service lines shall be provided. Valve boxes shall be located. Operation and maintenance manuals shall be provided for lift stations or other equipment. Pavement elevations and gradients shall be shown. Ground surface elevations along swales and within lots shall be provided. The locations of the constructed improvements shall be tied to the Illinois State Plane Coordinate System.

(J) Within approximately two (2) weeks of receipt of satisfactory “as-built” plans, the engineer’s certificate of completion, and all supporting documentation, the Village Engineer shall submit a recommendation to the Village Board of Trustees concerning acceptance of the subdivision improvements. The Board of Trustees shall review the materials and information submitted within a reasonable time thereafter, and shall conditionally accept or reject the completed improvements, and shall clearly state the reasons for their actions.

(1) If the improvements are conditionally accepted, the amount of the surety for the performance bond may be reduced to 20% of the value of the improvements, and a one (1) year warranty period shall commence.

(2) If the improvements are rejected, the Board of Trustees shall indicate the reasons for the rejection.

(3) Use of the improvements by the public or maintenance of the improvements by any public entity, including but not limited to the Village, the Township Road District, and the Sangamon Valley Public Water District, shall not constitute acceptance of any or all of the required improvements.

(4) The performance bond and surety for improvements that are constructed for use by another government agency (e.g., Mahomet Township Road District and Sangamon Valley Public Water District) shall not be released without concurrence by that agency that the improvements are suitable for their intended use.

(K) *Obligation to correct defects for one (1) year.* The subdivider shall maintain all subdivision improvements free from defects for a period of one (1) year after the date the Village Board of Trustees issues a written notice of acceptance of all the subdivision improvements. The owner shall promptly correct any defect of which the owner has notice or which the Village discovers, which defect occurs prior to the release of the performance bond and surety. The Village shall notify the owner of any defects discovered by the Village which occurred during this period and the owner shall promptly remedy the same.

(L) *Partial acceptance.* If the Village Board of Trustees accepts part but not all of the subdivision improvements, the part accepted must be maintained free of defects by the subdivider until the expiration of the maintenance period for all subdivision improvements.

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(M) *Defects defined and to be repaired.* “Free from defects” means that all subdivision improvements are functioning in accordance with the purpose for which they were designed and that the improvements have not deteriorated other than to the extent of normal wear. Non-designed cracks in pavement or sidewalk shall not be considered normal wear. A defect which may be required to be repaired is any:

(1) Failure of a subdivision improvement to operate in conformance with this chapter during the maintenance period; or

(2) The appearance of any defect in a subdivision improvement which is discovered during an inspection of the improvement made by Village staff within a reasonable period of time after the owner’s request for the release of the performance bond and surety or at any time prior to that inspection; or

(3) The failure to design and construct a subdivision improvement required by these regulations and not previously waived, the need for which is discovered prior to the end of the maintenance period.

(N) *Project final out.* Near the conclusion of the one (1) year warranty period the Village Engineer shall make such investigations as is deemed appropriate to determine if the subdivision is free from defects. The following actions shall then occur:

(1) If the subdivision is free from defects the Village Engineer shall notify the Village Planner and the Village Attorney to release the subdivision bond and surety to the developer.

(2) If any defects are identified, the Village Engineer shall notify the subdivider of the defect and identify how the defect shall be remedied. The subdivider shall have forty-five (45) days thereafter to remedy the defect.

(3) Upon remedy of the defect to the satisfaction of the Village Engineer, the Village Administrator, the Village Planner and the Village Attorney shall be notified that the subdivision performance bond and surety may be released to the developer.

(4) If any defects are not remedied within forty-five (45) days, the Village shall begin default proceedings against the subdivider, and shall use the proceeds of the performance bond and surety to correct said default.

(O) *Maintenance responsibility.* The owner / developer shall be responsible for all maintenance of all public infrastructure and associated appurtenances until such time as all of the required subdivision improvements are inspected, approved, dedicated and officially accepted by the Village, via a Village Board of Trustees resolution.

§ 154.046 ACCEPTANCE OF IMPROVEMENTS BY OTHER GOVERNMENTAL ENTITY.

(A) When a subdivision Final Plat involves the dedication of street right-of-way, sanitary sewer, water main, storm drain, or other public infrastructure to another governmental agency a Certificate of Acceptance shall be provided by that agency to the Village. The form of the certificate shall be set forth in Administrative Rules.

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(B) Upon completion of construction of the required physical improvements/public infrastructure and inspection and approval by the Village an authorized representative of the governmental agency having jurisdiction over the public infrastructure constructed within a subdivision shall furnish the subdivider and the Village a copy of the completed form of acceptance of public infrastructure as set forth in Administrative Rules.

§ 154.047 SUBDIVISION IMPROVEMENT BONDS.

(A) *Subdivision improvement bonds required prior to recording a Final Plat.* The owner shall execute a performance bond in favor of the Village which guarantees that all subdivision improvements required by these regulations to be built by owner shall be constructed and maintained as required in these regulations. The owner shall use the performance bond form approved by the Village Attorney and contained in these regulations. “Subdivision Improvement” is any and all improvements required to be constructed by these regulations or other Village ordinance or as a condition of Final Plat approval of the subdivision.

(B) The subdivider shall also provide the subdivision guarantee (surety) as specified herein. The form of the guarantee shall be as set forth in an Administrative Rule or as approved by the Village Attorney. Should the developer fail to perform the developer’s obligation to construct and maintain public improvements as required by this chapter, the Village may liquidate any performance security in the Village’s possession and use the proceeds to construct or maintain the improvements in whole or in part as the Village in its sole discretion deems appropriate.

(C) *Bond amounts.*

(1) The amount of the subdivision improvement performance bond shall be 115% of the estimated cost of construction of all subdivision improvements. The cost estimate shall be prepared by the subdivider’s engineer and must be approved by the Village Engineer.

(2) The amount of the performance guarantee (surety) shall be based on the estimated value of the remaining improvements to be constructed at the time of recording of the subdivision Final Plat, assuring the Village adequate coverage to secure the satisfactory construction, installation, payment of contractors, and dedication of the uncompleted portions of the required improvements. The Village Attorney shall approve the performance guarantee only after a recommendation of approval of the amount of the guarantee is received from the Village Engineer.

(D) *Performance guarantee and surety.* The performance guarantee (surety) shall be in a form as set forth via Administrative Rule and as approved by the Village Attorney. The surety shall be one of the following:

- (1) Corporate surety bond as approved by Village Attorney.
- (2) Certificate of deposit as approved by Village Attorney.
- (3) Cash.
- (4) Cashier’s check.

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(5) Irrevocable letter of credit as approved by Village Attorney.

(E) *Surety amounts.* The amount of the performance guarantee shall be 115% of the estimated value of the cost of the proposed public and quasi-public improvements if construction work has not commenced. If construction of the improvements was commenced subsequent to approval of the subdivision, but prior to the recording of the subdivision documents, the amount of the surety shall be as follows:

(1) If the improvements are 1% to 75% completed, 150% of the estimated cost of completing the remaining improvements, but in no case shall the surety be less than 20% of the cost of all of the public and quasi-public improvements.

(2) If the improvements are more than 75% completed, 200% of the estimated cost of completing the remaining improvements, but in no case shall be surety be less than 20% of the cost of all of the public and quasi-public improvements.

(F) *Surety Reductions.* The amount of the subdivision performance guarantee may be reduced once prior to conditional acceptance of all improvements. Upon substantial completion of major segments of public improvements with appropriate documentation submitted by the developer's engineer, and after initial tentative acceptance of the completed improvements by the Village Engineer, the amount of the performance guarantee may be reduced to reflect the segments completed, but in no case shall the remaining surety be less than 20% of the cost of completing the entire improvements, all upon approval by the Village Attorney and the Village Engineer. Evidence of payment of contractors, subcontractors, and material suppliers shall be provided prior to any reduction in the amount of the surety.

(G) *Surety amount upon conditional acceptance.* Upon conditional acceptance of all improvements, the owner may request a reduction in the amount of the surety to 20% of the estimated cost of construction of all the subdivision improvements.

(H) *Final release of subdivision improvement performance bond and security upon acceptance of improvements.* Following the one (1) year warranty period and upon satisfactory completion of all maintenance work to correct defects on subdivision improvements required by these regulations, upon request of the owner, the Village Attorney upon direction from the Village Administrator shall release the subdivision improvement performance bond and its security in its entirety. The release of any or all of the bond and its security shall be in writing on forms approved by the Village Attorney.

(I) *Performance by the Village of owner's obligations.* Should the owner fail to perform the owner's obligation to construct and correct defects in public improvements as required by these regulations or fail to pay contractors, the Village may liquidate any performance security in the Village's possession and use the proceeds to construct or correct the improvements in whole or in part as the Village in its sole discretion deems appropriate.

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(J) *Owner to pay Village's actual costs of construction or remedying any defect.*

(1) *Owner to pay all costs if defective.* Notwithstanding the amount of the subdivision improvement performance bond or surety, the owner of the subdivision shall pay all costs the Village of Mahomet actually incurs in design and construction of improvements or correcting defects in any improvements the owner is required to install and maintain pursuant to this Chapter but which the owner fails to design, construct or maintain free from defects in accordance with this Chapter. If the amount of money received by the Village from the subdivision improvements performance bond and its security is insufficient to pay all such costs, the owner shall reimburse the Village for the remainder within twenty-eight (28) days of the Village sending the owner a bill for the balance due.

(2) *Attorney fees to be paid.* Should the Village be required to institute proceedings in court in order to collect any sum due under this section or to enforce the provisions of the owner's subdivision improvement performance bond or to collect on the security pledged in support of said bond, the Village shall be entitled to collect reasonable attorney's fees that it incurs from the subdivider.

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§ 154.048 MINOR AND RURAL RESIDENTIAL SUBDIVISIONS.

(A) *Purpose.* The rural residential and minor subdivision review and approval process is intended to expedite and to minimize public and private costs for the review of subdivisions which have little or no required public improvements, which have little or no existing or future public improvements, which will not negatively impact surrounding property in a manner significantly different than if the property had not been subdivided; and thus which do not require the Plan and Zoning Commission and the Board of Trustees to make policy decisions.

(B) *Eligibly criteria minor subdivision.* A minor subdivision is a subdivision of land into four (4) or fewer lots which meets the following eligibility criteria:

(1) Does not require, under these subdivision regulations, the design or construction of any major public or quasi-public improvements, other than utility service connections and on-site stormwater drainage and detention; provided that if all required public improvements are in existence but do not meet current design standards, the Administrative Review Committee may at their option, approve a waiver or deferral of the design standards; and further provided that if public sanitary sewers or water supply are located more than 500 feet away from the proposed subdivision or are located in an area where extension of the water or sanitary sewer systems is not practical / feasible, the Administrative Review Committee may, at their option, approve a waiver or deferral of the requirement for extension of public sanitary sewers and public water supply mains to serve the minor subdivision; and,

(2) Does not contain any major public stormwater drainage facilities, provided however that private stormwater drainage and detention facilities shall be provided via the provisions of the Village Stormwater Management Ordinance.

(3) Is in conformity with the Village Comprehensive Plan, and Zoning Ordinance of the Village or County of Champaign, whichever is applicable; and,

(4) Is otherwise in conformity with all applicable laws and regulations, unless previously waived by the entity with jurisdiction; and,

(5) Is located within the Village or is otherwise the subject of an annexation agreement or annexation covenant which requires and sets forth the condition of its future annexation to the Village; and,

(6) Contains lots all of which front on an existing street or roadway, and not involving extension of any new street, or roadway.

(C) *Eligibility criteria rural residential subdivision.* A rural residential subdivision is a minor subdivision of land into four (4) or fewer residential lots which meets the following additional eligibility criteria:

(1) Are located more than 500 feet from the nearest sanitary sewers and / or public water mains.

(2) The parent parcel is located more than 500 feet outside of the Village but is the subject of an annexation agreement or annexation covenant which requires and sets forth the condition of its future annexation to the Village, and

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(3) Contains lots all of which are intended for single family residential use and a remainder parent parcel that is agriculturally productive.

(D) *Application for minor or rural residential subdivision approval.* The owner shall submit an application for minor or rural residential subdivision approval to the Village Planner. The application shall be accompanied by all applicable supporting documents including:

(1) The original of a Final Plat which conforms to the normal Final Plat requirements set for in §154.039 and four (4) full size copies, one (1) 11 inch by 17 inch size copy, and one (1) pdf electronic copy of the Final Plat.

(2) The original notarized signed owner's certificate which shall include any and all covenants affecting the subdivision in the form generally set forth in § 154.039.

(3) The original signed and sealed County Clerk's Certificate that taxes are paid in accordance with statutory requirements.

(4) The original signed and sealed Village Treasurer's certificate that Village fees are paid in accordance with statutory requirements.

(5) The original signed School District Statement.

(6) The Surveyor's Statement to the Recorder of Deeds designating the Village of Mahomet to record the subdivision documents.

(7) A drainage statement signed by the owner and the owner's engineer in the form prescribed in §154.038(j). A complete Subsidiary Drainage Plat will be required. However, the contour interval may be increased to 2 feet.

(8) A stormwater management plan shall be provided which complies with the provisions of the Village Stormwater Management Ordinance.

(9) Evidence indicating that one (1) copy of the Final Plat has been mailed to each of the utility companies, and all public or quasi-public agencies affected by the proposed subdivision. The mailing documents must indicate that written comments be submitted to the Village not later than twenty-one (21) days thereafter, and that no comment in the time specified shall be deemed no adverse comment.

(10) Four (4) copies of a sketch drawing depicting the location of any existing buildings, structures or man-made features on the proposed minor subdivision at a scale not less than one inch equals 100 feet. The sketch drawing shall be of sufficient detail to verify compliance with applicable zoning requirements. Lettering shall be not smaller than one-twelfth of an inch in height, and the drawing shall be readily legible without magnification. The Subsidiary Drainage Plat may also serve as the site sketch.

(11) List of waivers or deferrals requested, if any, along with a justification for the requests.

(12) Approval by any applicable outside agency as set forth in Administrative Rules.

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(13) An application fee in the amount as established from time to time by resolution of the Board of Trustees.

(14) Any other documentation as set forth in §154.038 that would be applicable to this site.

(E) *Approval procedure.* All required documents must be submitted to the Village Planner who will distribute the documents to the Administrative Review Committee. The review and approval decision shall be completed no later than twenty-five (25) calendar days after submission of a complete application in full satisfaction of the provisions of Section (D) . Unanimous approval must be given by the Administrative Review Committee. Each member of the Administrative Review Committee shall sign the plat indicating approval. Failure of any of these signatures to appear on the face of the plat shall constitute plat denial. Approval must include affirmative findings that:

(1) All major public improvements, with the exception of utility service connections, exist at the subdivision site, or sufficient evidence has been presented to grant a waiver, or deferral or required construction or upgrade of existing or proposed public improvements to serve the site.

(2) The proposed development, will not:

(a) Impede the future use of the remainder of the property under the same ownership;

or

(b) Make any existing or proposed lot or structure non-conforming, conforming; or

(c) Impede access to any remainder or adjoining land; or

(d) Conflict with the Village Comprehensive Plan; or

(e) Violate the Village Flood Hazard Area Ordinance or the Champaign County Special Flood Hazard Area Ordinance; or

(f) Violate the Village Zoning Ordinance or the Champaign County Zoning Ordinance, whichever is applicable.

(3) All required documents, fees and data have been submitted and are in proper form and of correct content.

(4) A stormwater management plan has been submitted which is in compliance with the Village Stormwater Management Ordinance.

(5) All statutorily required approvals from other governmental agencies have been received, including approval by the Illinois Department of Transportation if the subdivision is located adjacent to a state maintained highway.

(6) The proposed subdivision meets the criteria established for designation as a “minor” or “rural residential” subdivision, including agreement to annex to the Village at such time as the property becomes contiguous to the corporate limits.

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(7) The subdivider has paid all applicable infrastructure development fees (if any).

(F) *Infrastructure development fees.* Infrastructure development fees are hereby established in lieu of the subdivider making roadway improvements, public sanitary sewer improvements, sidewalk improvements, or public water main improvements. The amount of infrastructure development fees shall be as established from time to time by resolution of the Board of Trustees.

Fees collected by the Village in lieu of construction of public infrastructure at the time of development shall be placed in an interest bearing account. Interest earned on such funds shall accrue to the fund. The funds collected shall only be used to pay for the construction of public infrastructure at any other locations where fees in lieu of public infrastructure construction were collected in the past. Fee in lieu of construction payments shall be made to the Village prior to the Final Plat being recorded.

(G) *Notification of applicant.* The Administrative Review Committee shall notify the applicant in writing of the outcome of the review, and furnish the reasons or evidence for denial or approval of the subdivision to the applicant and to the Village Board of Trustees.

(H) *Limitation on minor or rural residential subdivision plat approval.* After approval of the Final Plat for a minor or rural residential subdivision, the Final Plat may be recorded by the subdivider with the Recorder of Deeds, Champaign County, Illinois within one hundred eighty (180) days of the date of approval; otherwise the subdivision approval shall become void.

(I) *Sidewalk/Pathway waiver.*

(1) If sidewalks/pathways do not exist within or adjacent to the proposed minor or rural residential subdivision as required by these regulations, an administrative waiver from immediate sidewalk/pathway construction may be requested. The decision to grant the sidewalk/pathway waiver shall be made by the Administrative Review Committee based on the following criteria:

(a) Lack of sidewalks/pathways in the immediate vicinity;

(b) The minor subdivision is located on a street which is in need of reconstruction;

(c) Unique site conditions, such as uneven topography, vegetation, etc., make immediate sidewalk construction not feasible;

(2) If granted, the sidewalk/pathway waiver within a minor or rural residential subdivision shall be conditioned upon the owner's recording a covenant, approved by the Village Attorney, that states any current or future owners of the property will not object to any special assessment for sidewalk/pathway construction, if deemed necessary by the Village in the future.

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(J) *Sanitary sewer and water main extensions.*

(1) If sanitary sewers and public water mains do not exist within 1,000 feet of a rural residential subdivision, the requirement for extension of sanitary sewers or water mains shall be waived. However, the extension waiver shall be conditioned upon the owners recording a subdivision covenant, approved by the Village Attorney, that states that any current or future owners of the property will not object to any special assessment for sanitary sewer or water main construction, if deemed necessary by the Village in the future. Alternatively, an infrastructure development fee as established by resolution of the Board of Trustees may be paid in lieu of a commitment for future construction.

(2) If sanitary sewers and / or public water mains exist within 500 feet of a rural residential subdivision the Village Administrative Review Committee shall deny the application for approval of a rural residential subdivision, and shall require review and approval of the subdivision as a major subdivision.

(K) *Adjacent substandard roadway improvements.* Any applicant developing a minor or rural residential subdivision bordering one (1) or more roadways or street pavements is obligated to upgrade and improve the street pavement to bring it to the minimum standards set forth elsewhere in this chapter. Developer may, in lieu of construction of isolated street pavement construction, contribute the equivalent cost via payment of the established infrastructure development fee.

(L) *Restriction on frequency of minor subdivision approval.* The same property may not be subdivided by use of the minor subdivision approval process more frequently than once in any five (5) year period.

(M) *Appeals of minor and rural residential subdivision decisions.* The applicant may appeal the decision of the Administrative Review Committee to deny a proposed minor or rural residential subdivision plat to the Village Plan and Zoning Commission within ten (10) days of the Administrative Review Committee's written notification of their decision to deny. Such request for appeal shall be made in writing to the Village Planner. Following the written request for appeal, the Village Planner shall schedule the appeal request before the Plan and Zoning Commission at its next regularly scheduled meeting. The Plan and Zoning Commission shall recommend to approve or deny the plat, in accordance with the requirements of these regulations, and shall forward their recommendation to the Village Board of Trustees for consideration at their next regularly scheduled meeting. The Board of Trustees shall approve or deny the plat in accordance with the requirements for a Final Plat, as set forth elsewhere in these regulations.

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(N) *Certificate on Final Plat.* The following certificate shall appear on the Final Plat:

APPROVED:

APPROVAL OF THIS MINOR SUBDIVISION FINAL PLAT IS HEREBY GRANTED UNDER THE AUTHORITY OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAHOMET. THIS PLAT SHALL BE RECORDED WITH THE RECORDER OF DEEDS OF CHAMPAIGN COUNTY, ILLINOIS, WITHIN ONE HUNDRED AND EIGHTY (180) DAYS OF THIS DATE, OTHERWISE THIS PLAT SHALL BECOME VOID.

PRESIDENT, BOARD OF TRUSTEES

DATE _____

VILLAGE ADMINISTRATOR

DATE

VILLAGE PLANNER

DATE

VILLAGE ENGINEER

DATE

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§ 154.049 CERTIFICATE OF EXEMPTION.

(A) *Purpose.* The Certificate of Exemption is intended to allow minor conveyances of property between contiguous land owners through an administrative review process. This is an administrative procedure; that does not require review by the Plan and Zoning Commission or Village Board of Trustees. The proposed exemption is sent for outside agency review, and then it is administratively approved by Village staff.

(B) *When Certificate of Exemption may apply.* The owner of subdivided land may apply for a Certificate of Exemption if:

- (1) Only two (2) parcels or lots are involved in the transaction;
- (2) Both resultant parcel(s) or lot(s) must comply with applicable Zoning Ordinance requirements ;
- (3) The total number of resulting parcels or lots is not increased from the number existing prior to the subdivision; and
- (4) The land division is exempt from the plat requirements of the Plat Act, 765 ILCS 205/0.01 et. seq.

(C) *Form of application and required documents.* The owner shall submit an application for a Certificate of Exemption from the subdivision review process to the Village Planner. A completed application should include the following items:

- (1) Legal description(s) of the proposed lots after the subdivision.
- (2) Legal description(s) of the existing lots before the subdivision.
- (3) The current permanent index numbers assigned by the County Assessor to the existing lot(s).
- (4) Names and addresses of the property owners (grantor and grantee).
- (5) One (1) copy of all supporting materials.
- (6) An application fee as set from time to time by resolution of the Board of Trustees of Mahomet.
- (7) *Survey Plat.* A plat of survey prepared by a Licensed Professional Land Surveyor showing the existing and proposed lots. Four (4) full size (22 inch by 34 inch) copies, one (1) half size (11 inch by 17 inch) copy and one (1) pdf electronic copy of the proposed plat of survey shall be submitted for review. The Plat shall show:

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(a) The length of all boundary lines of all adjacent streets, lots, grounds, easements, rights-of-way and information sufficient to derive the length of these lines. All dimensions shall be shown to hundredths of a foot, except in the case of riparian boundaries, which may be described to the nearest foot. A written legal description of the existing tracts and identification of the proposed parcel shall be necessary in order for a legal transaction to take place for the land being conveyed. Parcels shall be numbered sequentially.

(b) The width of all rights-of-way and easements adjacent to, impacting or serving the tract shall be indicated.

(c) The right-of-way of the adjacent roadways shall be indicated.

(d) Drawn in ink on 20lb bond or better paper not larger than 22 inches by 34 inches.

(e) The location of the site by distance and bearings from astronomical or assumed north and angles with reference to corners established in the United States Public Land Survey.

(f) The location of the site indicated by quarter section, township, range, meridian, county, and state.

(g) The description and location of all subdivision and public land survey system survey monuments.

(h) Drawn to scale with north arrow and scale bar; with all capital lettering not less than one-tenth inch in size.

(i) The location of existing buildings.

(8) Proposed deeds.

(9) *Utility approval.* All utility companies and public entities with roads, sewers, drainage facilities or easements within or adjacent to the proposed area to be platted must approve the configuration of the proposed subdivision and evidence of their approval must be submitted with the application for a Certificate of Exemption.

(10) Other such information as the Village Planner may request.

(D) *Review process.*

(1) Village staff shall review the application for completeness and accuracy within approximately ten (10) business days. Any issues or concerns shall be identified and communicated to the applicant(s) by Village staff.

(2) By definition, a property intended to receive a Certificate of Exemption shall comply with all applicable Village Zoning Ordinance requirements, unless a variance has been previously granted by the Village of Mahomet Zoning Board of Appeals.

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(E) *Approval.* The Village Planner will approve the Certificate of Exemption within approximately ten (10) working days of receipt of a complete application, documents and subdivision fee. If it is not approved in this time period, unless the applicant requests that action be delayed, the Certificate of Exemption shall be deemed to be disapproved. If not approved, the Village Planner shall notify the owner in writing within seven (7) days of denial.

(F) *Issuance of certificate.* When the Village Planner finds the Certificate of Exemption meets the criteria for approval, then the Village Administrator and President of the Board of Trustees shall approve the Certificate of Exemption on behalf of the Village of Mahomet. Their signatures on the Certificate of Exemption shall be evidence of its approval.

(G) *Time limitation.* If the Certificate of Exemption has not been recorded with the Champaign County Recorder's Office within ninety (90) days of approval, it shall be null and void.

(H) *Restriction on recording.* The Certificate of Exemption shall not be recorded except contemporaneously with the plat of survey of the properties and with the deeds indicating the transfer of the parts of the existing lot(s) as approved by the Village.

(I) *Certificate of Approval.* A certificate of approval, in a form as set forth by Administrative Rule, shall be recorded contemporaneously with the Plat of Survey.

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§ 154.050 AGRICULTURAL SUBDIVISION.

(A) *Purpose.* The agricultural subdivision review and approval process is intended to expedite and to minimize public and private costs for the review of subdivisions which have no required public improvements, which have little or no existing public improvements, which will not negatively impact surrounding property in a manner significantly different that if the property had not been subdivided, which are used exclusively for agricultural purposes only, and thus which do not require the Plan and Zoning Commission and the Board of Trustees to make policy decisions.

(B) *Introduction.* The agricultural subdivision is used when large parcels of land are being conveyed in rural areas for agricultural uses. This is an administrative procedure; it does not require review by the Plan and Zoning Commission or Village Board of Trustees. The proposed agricultural subdivision is sent for outside agency review, and it is administratively approved.

(C) *Eligibility.* In agricultural subdivisions all proposed parcels shall meet the following requirements:

(1) All parcels shall be only in agricultural uses, including pasture, woodland, and farmstead and shall be accordingly zoned.

(2) Non-farmstead parcels shall be not less than 500 feet in width.

(3) Non-farmstead parcels shall not be less than twenty (20) acres in area.

(4) Farmstead parcels shall be not less than ten (10) acres in area and not less than 300 feet in width.

(5) No more than six (6) parcels are created.

(6) Parcels must have frontage on a public roadway. Parcels whose only access to a public street is via an easement shall not be allowed.

(D) *Form of application and required documents.* The owner shall submit an application for a agricultural subdivision to the Village Planner on forms provided by the Village of Mahomet. A completed application should include the following items:

(1) Names, signatures and addresses of the property owner(s), developer or subdivider, engineer and / or land surveyor, and developer's attorney.

(2) Four (4) full size, one (1) 11 inch by 17 inch Plat, and one (1) pdf electronic copy of the Plat of Survey prepared by an Illinois Licensed Land Surveyor. The plat shall show:

(a) The length of all boundary lines of all adjacent streets, lots, grounds, easements, rights-of-way and information sufficient to derive the length of these lines. All dimensions shall be shown to hundredths of a foot, except in the case of riparian boundaries, which may be described to the nearest foot. A metes and bounds written description of the existing tracts and identification of the proposed parcels shall be necessary in order for a legal transaction to take place for the land being conveyed. Parcels shall be numbered sequentially.

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(b) The width of all rights-of-way and easements adjacent to, impacting or serving the tract shall be indicated.

(c) The right-of-way of the adjacent township roadways shall be indicated. The minimum right-of-way width shall be 50 feet (25 foot half width).

(d) Drawn in ink on a 20lb bond paper or better not larger than 22 inches by 34 inches.

(e) Provide a written legal description of the exterior boundaries of the land as surveyed and divided.

(f) The location of the site by distance and bearings from astronomical or assumed north and angles with reference to corners established in the United States Public Land Survey.

(g) The location of the site indicated by quarter section, township, range, meridian, county, and state.

(h) The description and location of all subdivision and public land survey system survey monuments.

(i) Drawn to scale with north arrow and scale bar, with all capital lettering not less than one-tenth inch in size.

(3) An application fee in the amount established from time to time by resolution of the Board of Trustees.

(4) An electronic pdf copy of the Plat and all supporting materials.

(5) One (1) copy of all supporting materials.

(6) The original notarized signed owner's certificate which shall include any and all required covenants and public street right-of-way dedications affecting the subdivision in the form set forth from time to time via Administrative Rule.

(7) A drainage statement signed by the owner and the owner's engineer in the form prescribed in an Administrative Rule. A complete Subsidiary Drainage Plat will not be required.

(8) Evidence indicating that one (1) copy of the plat of survey has been mailed to each of the utility companies, and all public or quasi-public agencies affected by the proposed subdivision. The mailing documents must indicate that written comments be submitted to the Village not later than twenty-one (21) days thereafter, and that no comment in the time specified shall be deemed no adverse comment.

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(E) *Approval procedure.* All required documents must be submitted to the Village Planner who will distribute the documents to the Administrative Review Committee. The review and approval decision shall be completed no later than fourteen (14) calendar days after submission of a complete application in full satisfaction of the provisions of these regulations. Unanimous approval must be given by the Administrative Review Committee. Each member of the Administrative Review Committee shall sign the Certificate of Approval. Failure of any of these signatures to appear on the face of the certificate shall constitute denial of the application. Approval must include affirmative findings that the proposed subdivision is eligible for approval as an agricultural subdivision. If not approved, the Village Planner shall notify the owner in writing within seven (7) days of denial.

(F) *Limitation on agricultural subdivision approval.* After approval of the documents for a agricultural subdivision, the plat may be recorded by the subdivider with the Recorder of Deeds, Champaign County, Illinois, within ninety (90) days of the date of approval, otherwise the subdivision approval shall become null and void.

(G) *Restriction on recording.* The agricultural subdivision Plat of Survey shall not be recorded except contemporaneously with the owner's certificate and other documents associated with the subdivision.

(H) *Appeals of agricultural subdivision decisions.* The applicant may appeal the decision of the Administrative Review Committee to deny approval of a proposed agricultural subdivision plat to the Village Plan and Zoning Commission within ten (10) days of the Administrative Review Committee's written notification of their decision to deny. Such request for appeal shall be made in writing to the Village Planner. Following the written request for appeal, the Village Planner shall schedule the appeal request before the Plan and Zoning Commission at its next regularly scheduled meeting. The Plan and Commission shall recommend to approve or deny the plat, in accordance with the requirements of this ordinance, and shall forward their recommendations to the Village Board of Trustees for consideration at their next regularly scheduled meeting. The Board of Trustees shall approve or deny the subdivision in accordance with the requirements for an agricultural subdivision, as set forth elsewhere in this chapter.

(I) *Certificate of Approval.* A certificate of approval, in a form as set forth by Administrative Rule, shall be recorded contemporaneously with the Plat of Survey.

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§ 154.051 RE-SUBDIVIDING AND REPLATTING RECORDED LOTS AND FOR VACATION OF PLATS.

All regulations, procedures and standards made applicable herein to original subdividing shall also apply to the re-subdividing and replatting of a plat or parts thereof, as provided by these regulations.

(A) *Procedure for re-subdivision.* For any change of an approved or recorded subdivision plat, if the change affects any street layout shown on the Plat, or area reserved thereon for public use, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivision, such parcel shall be approved by the Plan and Zoning Commission and Village Board of Trustees by the same procedure, rules and regulations as for review and approval of a subdivision, or if the subdivision is classified as a minor subdivision, under the procedures as set forth for review and approval of a minor subdivision or if the subdivision meets the criteria for a certificate of exception, such regulations and procedures shall apply.

(B) *Procedure for subdivisions where future re-subdivision is indicated.* Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and there are indications that the lots will eventually be re-subdivided into smaller building sites, the Plan and Zoning Commission and Village Board of Trustees may require that such parcel of land 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.

(C) *Vacation of plats.*

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

(2) Such an instrument shall be approved by the Board of Trustees in a like manner as plats of subdivisions. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

(3) Such an instrument shall be executed, acknowledged or approved, and recorded and 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, alley, and public grounds, and all dedications laid out or described in such plat.

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

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§ 154.052 PLANNED UNIT DEVELOPMENTS.

(A) Planned Unit Developments shall follow all applicable procedures of a regular subdivision.

(1) Planned Unit Developments within the Village shall follow all applicable procedures, standards, and requirements for the subdivision of land as set forth in this chapter, and shall comply with the regulations concerning Large Scale Developments, as set forth in the Village Zoning Ordinance.

(2) Before any person may undertake any construction, alteration or erection of any civil engineering facilities, infrastructure or improvements as part of a Planned Unit Development within the Village's one and one-half mile extra-territorial area, of which the County of Champaign must give zoning approval, that person shall first obtain approval of the Village as to the matters set forth in this chapter.

(B) Application requirements for Planned Unit Development within the Village extra-territorial region.

(1) The developer shall submit four (4) copies of the Planned Unit Development Plan that the applicant has filed with the County of Champaign accompanied by an application fee as determined from time to time by resolution of the Village Board of Trustees.

(2) The development plan must include all of the following information:

(a) Name, location of address, owner and designer of the proposed development in the form of drawings or written statements; and

(b) A legal description of the site proposed for development; and

(c) A general area plan drawing reflecting the intended use, future public streets and private drive locations, and adjacent areas when the proposed planned unit development is intend to represent a single phase of a longer range development; and

(d) Location of all property lines, existing streets, easements, utilities, and any other significant physical features; and

(e) Date, north arrow, and graphic scale (note less than one inch equal 100 feet) all on drawings submitted; and

(f) All drawings shall be submitted on sheets no larger than 33 inches by 51 inches, with lettering that is in all capitals of not less than one-tenth of an inch in height. All drawings shall be readily legible without magnification.

(g) Present and proposed zoning (if applicable); and

(h) Indication and location of existing conditions on the tract including:

1. Contour lines at a minimum of 1 foot intervals;
2. Watercourses and existing drainage facilities;

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3. Wooded areas and isolated trees of 6 inches or more in diameter;
4. Existing structures with an indication of those that will be removed and those that will be retained as a part of the development; and
 - (i) Indication of the area surrounding the tract with respect to land use, peculiar physical conditions, public facilities and existing zoning; and
 - (j) A site plan indicating, among other things, the general location of the following:
 1. All buildings, structures and other improvements;
 2. Common open spaces;
 3. Off-street parking facilities and number of spaces to be provided;
 4. Sidewalks;
 5. Illuminated areas;
 6. Use of open spaces being provided;
 7. Screening or buffering of the tract perimeters;
 8. Indication as to which streets will be public and which drives will be private;
 9. All utilities including storm drainage, sanitary sewers, and water service;
 10. All intended easements.
 11. Such other documents explaining unusual circumstances as the Plan and Zoning Commission may require; and
 - (k) Quantitative data indicating the following:
 1. Total number of dwelling units;
 2. Proposed lot coverage of buildings and structures (percent of total);
 3. Approximate gross and net residential densities (excluding all streets and roadways);
 4. Such other calculations as the Plan and Zoning Commission may require including, but not limited to information relating to traffic generation impact and stormwater run-off; and
 - (l) A development schedule indicating the following:

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1. The approximate date when construction of the project can be expected to begin;

2. The stages in which the project will be built and the approximate dates when construction of each stage can be expected to begin;

3. The approximate dates when the development of each of the stages in the development will be completed;

4. The area and location of common open space that will be provided at each stage; and

(m) A statement as to the applicant's intention of selling or leasing all or a portion of the Planned Unit Development after the project is developed. If applicable, the conditions of sale and maintenance of such developed properties shall be stipulated. Any covenants, deed restrictions or other similar agreements between the applicant and future owners shall be presented.

(C) Public hearing.

(1) Upon receipt of the Planned Unit Development application, the Village Planner shall set a public hearing date in accordance with the Plan and Zoning Commission's usual procedures for considering a conditional use. Within thirty (30) days after the public hearing the Plan and Zoning Commission shall recommend approval or disapproval or, at the request of the developer, continued discussion pertinent to the development plan. The Plan and Zoning Commission shall consider the proposed Planned Unit Development in accordance with:

(a) The definition and goals as indicated herein.

(b) The minimum requirements as set forth herein.

(c) Compliance with the Mahomet Comprehensive Plan, including the Land Use Plan and Major Street Plan.

(2) The Plan and Zoning Commission shall send its recommendation to the Board of Trustees. Approval of the Planned Unit Development by the Board of Trustees shall constitute approval of matters governed by this subchapter.

(D) Standards and requirements. Unless the Plan and Zoning Commission expressly recommends waivers thereof, the following shall be the standards for a Planned Unit Development reviewed under this subchapter:

(1) *Fire and emergency access.* Provisions for fire and emergency access shall be subject to applicable codes and be reviewed and commented on by the fire chief; and

(2) *Street construction.* Street construction, whether such be public or private streets, shall be made in conformance with the chapter, minimum pavement widths for private drives shall be 12 feet for the first lane of traffic in each direction and 12 feet for each additional lane; and

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(3) *Exterior lighting facilities.* Exterior lighting facilities within the developed site shall be of such quality to promote safety and convenience, and shall conform to the national electrical code and the requirements of this chapter; and

(4) *Sanitary sewers.* Sanitary sewers shall conform to the *Standard Specifications for Water and Sewer Main Construction in Illinois* and the requirements of this chapter; and

(5) *Storm drainage.* Storm drainage shall be of urban design with storm sewers and street inlets; shall conform to the *Standard Specifications for Water and Sewer Main Construction in Illinois*; shall conform to the Village Stormwater Management Ordinance, as amended; and shall conform to this chapter; and

(6) *Water supply.* Public water supply shall be provided. All water mains shall conform to the *Standard Specifications for Water and Sewer Main Construction in Illinois*, and the requirements of this chapter.

(E) *Plans and specifications.*

(1) The subdivider shall cause Construction Plans and Specifications to be prepared for all improvements required or regulated by this chapter. The improvements shall be designed to conform to the minimum standards set forth in this chapter and shall also conform to the minimum standards and requirements of other local, state, and federal authorities which have jurisdiction over the subdivision. Construction Plans and Specifications shall be prepared under the supervision of an engineer licensed pursuant to the laws of the State of Illinois and shall bear the engineer's seal and signature.

(2) The subdivider shall submit Construction Plans and Specifications to the Village for review prior to the commencement of construction of any improvements required or regulated by this chapter. Village staff shall review Construction Plans and Specifications for conformance to this chapter. Village staff shall endeavor to complete review of the Construction Plans and Specifications within three (3) weeks of submittal of the plans and supporting materials.

(3) Construction of improvements required or regulated by this chapter shall not commence until the Village Engineer and Board of Trustees have approved, in writing, Construction Plans and Specifications for the improvements.

(4) The form and content of the construction plans shall be as set for in § 154.042.

(F) *Construction bond.* All publically and privately owned public type improvements, facilities and development required by this chapter shall be guaranteed in a form approved by the Village Attorney, and shall be delivered to guarantee construction of the required improvements. The form of the performance bond and surety shall be as set for in § 154.047. Any such guarantee shall be at a rate of 115% of the estimated cost of construction as determined by the Village Engineer. Any guarantee shall only be released upon the certification by the developer's engineer (with the approval of the Village Engineer) that the public type improvements and facilities have been constructed in compliance with the construction plans and specification for such public type facilities and improvements.

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(G) *Maintenance bond.* After inspection and acceptance of the facilities and improvements, but before release of the construction bond for all of the facilities and improvements, a deposit shall be made to the Village in cash or maintenance bond equal to 20% of the estimated cost of the public facilities and improvements. This deposit shall be a guarantee of satisfactory performance of the facilities constructed for and within the Planned Unit Development and satisfactory maintenance and operation of the publicly and privately owned facilities necessary to the health, safety, and convenience of the tenants or successor to the applicant.

(1) The surety for the publicly owned facilities shall be held by the Village for a period of eighteen (18) months after acceptance by the Village of publicly owned facilities; and

(2) The balance of the surety is to remain in effect as long as the public type facilities remain in private ownership. Nothing in the above maintenance guarantee clause should be constructed to prevent the filing of two (2) maintenance guarantees, one (1) for publicly owned public facilities and one (1) for privately owned public facilities. After eighteen (18) months, the deposit covering the maintenance of publicly owned public facilities shall be refunded if no defects have developed, then the balance of such deposit shall be refunded after reimbursement for amounts expended in correcting defective facilities. The guarantee maintenance surety under this paragraph shall be made immediately upon inspection and approval by the Village Engineer of the construction of all facilities, but prior to release of the construction guarantee.

(H) *Application fee.* The submittal or re-submittal of a Planned Unit Development (be it within the corporate limits of the village, or within the one and one-half mile extra-territorial jurisdictional area of the Village) shall be accompanied by an application fee made payable to the Village. The payment of this fee shall be in addition to any others fees required by this or any other chapter. The amount of the fee may be as established from time to time by resolution of the Village Board of Trustees.

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§ 154.053 MOBILE HOME PARKS.

(A) *Mobile Home Parks shall follow all applicable procedures of a regular subdivision.*

(1) Mobile Home Parks within the Village shall follow all applicable procedures, standards, and requirements for the subdivision of land as set forth in this chapter, and shall comply with the regulations concerning Large Scale Residential Developments, as set forth in the Village Zoning Ordinance.

(2) Before any person may undertake any construction, alteration or erection of any civil engineering facilities, infrastructure or improvements as part of a Mobile Home Park within the Village's one and one-half mile extra-territorial area, of which the County of Champaign must give zoning approval, that person shall first obtain approval of the Village as to the matters set forth in this chapter.

(B) *Application requirements for Mobile Home Parks within the Village extra-territorial region.*

(1) The developer shall submit four (4) copies of the Mobile Home Park Plan that the applicant has filed with the County of Champaign accompanied by an application fee as determined from time to time by resolution of the Village Board of Trustees.

(2) The development plan must include all of the following information:

(a) Name, location of address, owner and designer of the proposed development in the form of drawings or written statements; and

(b) A legal description of the site proposed for development; and

(c) A general area plan drawing reflecting the intended use, future public streets and private drive locations, and adjacent areas when the proposed planned unit development is intend to represent a single phase of a longer range development; and

(d) Location of all property lines, existing streets, easements, utilities, and any other significant physical features; and

(e) Date, north arrow, and graphic scale (note less than one inch equal 100 feet) all on drawings submitted; and

(f) All drawings shall be submitted on sheets no larger than 33 inches by 51 inches, with lettering that is in all capitals of not less than one-tenth of an inch in height. All drawings shall be readily legible without magnification.

(g) Present and proposed zoning (if applicable); and

(h) Indication and location of existing conditions on the tract including:

1. Contour lines at a minimum of 1 foot intervals;
2. Watercourses and existing drainage facilities;

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3. Wooded areas and isolated trees of 6 inches or more in diameter;
 4. Existing structures with an indication of those that will be removed and those that will be retained as a part of the development; and
- (i) Indication of the area surrounding the tract with respect to land use, peculiar physical conditions, public facilities and existing zoning; and
- (j) A site plan indicating, among other things, the general location of the following:
1. All buildings, structures and other improvements;
 2. Common open spaces;
 3. Off-street parking facilities and number of spaces to be provided;
 4. Sidewalks;
 5. Illuminated areas;
 6. Use of open spaces being provided;
 7. Screening or buffering of the tract perimeters;
 8. Indication as to which streets will be public and which drives will be private;
 9. All utilities including storm drainage, sanitary sewers, and water service;
 10. All intended easements.
 11. Such other documents explaining unusual circumstances as the Plan and Zoning Commission may require; and
- (k) Quantitative data indicating the following:
1. Total number of dwelling units;
 2. Proposed lot coverage of buildings and structures (percent of total);
 3. Approximate gross and net residential densities (excluding all streets and roadways);
 4. Such other calculations as the Plan and Zoning Commission may require including, but not limited to information relating to traffic generation impact and stormwater run-off; and

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(l) A development schedule indicating the following:

1. The approximate date when construction of the project can be expected to begin;
2. The stages in which the project will be built and the approximate dates when construction of each stage can be expected to begin;
3. The approximate dates when the development of each of the stages in the development will be completed;
4. The area and location of common open space that will be provided at each stage; and

(m) A statement as to the applicant's intention of selling or leasing all or a portion of the Mobile Home Park after the project is developed. If applicable, the conditions of sale and maintenance of such developed properties shall be stipulated. Any covenants, deed restrictions or other similar agreements between the applicant and future owners shall be presented.

(C) *Public hearing.*

(1) Upon receipt of the Mobile Home Park application, the Village Planner shall set a public hearing date in accordance with the Plan and Zoning Commission's usual procedures for considering a conditional use. Within thirty (30) days after the public hearing the Plan and Zoning Commission shall recommend approval or disapproval or, at the request of the developer, continued discussion pertinent to the development plan. The Plan and Zoning Commission shall consider the proposed Mobile Home Park in accordance with:

(a) The definition and goals as indicated herein.

(b) The minimum requirements as set forth herein.

(c) Compliance with the Mahomet Comprehensive Plan, including the Land Use Plan and Major Street Plan.

(2) The Plan and Zoning Commission shall send its recommendation to the Board of Trustees. Approval of the Mobile Home Park by the Board of Trustees shall constitute approval of matters governed by this subchapter.

(D) *Standards and requirements.* Unless the Plan and Zoning Commission expressly recommends waivers thereof, the following shall be the standards for a Mobile Home Park reviewed under this subchapter:

(1) *Fire and emergency access.* Provisions for fire and emergency access shall be subject to applicable codes and be reviewed and commented on by the fire chief; and

(2) *Street construction.* Street construction, whether such be public or private streets, shall be made in conformance with the chapter, minimum pavement widths for private drives shall be 12 feet for the first lane of traffic in each direction and 12 feet for each additional lane; and

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(3) *Exterior lighting facilities.* Exterior lighting facilities within the developed site shall be of such quality to promote safety and convenience, and shall conform to the national electrical code and the requirements of this chapter; and

(4) *Sanitary sewers.* Sanitary sewers shall conform to the *Standard Specifications for Water and Sewer Main Construction in Illinois* and the requirements of this chapter; and

(5) *Storm drainage.* Storm drainage shall be of urban design with storm sewers and street inlets; shall conform to the *Standard Specifications for Water and Sewer Main Construction in Illinois*; shall conform to the Village Stormwater Management Ordinance, as amended; and shall conform to this chapter; and

(6) *Water supply.* Public water supply shall be provided. All water mains shall conform to the *Standard Specifications for Water and Sewer Main Construction in Illinois*, and the requirements of this chapter.

(E) *Plans and specifications.*

(1) The subdivider shall cause Construction Plans and Specifications to be prepared for all improvements required or regulated by this chapter. The improvements shall be designed to conform to the minimum standards set forth in this chapter and shall also conform to the minimum standards and requirements of other local, state, and federal authorities which have jurisdiction over the subdivision. Construction Plans and Specifications shall be prepared under the supervision of an engineer licensed pursuant to the laws of the State of Illinois and shall bear the engineer's seal and signature.

(2) The subdivider shall submit Construction Plans and Specifications to the Village for review prior to the commencement of construction of any improvements required or regulated by this chapter. Village staff shall review Construction Plans and Specifications for conformance to this chapter. Village staff shall endeavor to complete review of the Construction Plans and Specifications within three (3) weeks of submittal of the plans and supporting materials.

(3) Construction of improvements required or regulated by this chapter shall not commence until the Village Engineer and Board of Trustees have approved, in writing, Construction Plans and Specifications for the improvements.

(4) The form and content of the construction plans shall be as set for in § 154.042.

(F) *Construction bond.* All publically and privately owned public type improvements, facilities and development required by this chapter shall be guaranteed in a form approved by the Village Attorney, and shall be delivered to guarantee construction of the required improvements. The form of the performance bond and surety shall be as set for in § 154.047. Any such guarantee shall be at a rate of 115% of the estimated cost of construction as determined by the Village Engineer. Any guarantee shall only be released upon the certification by the developer's engineer (with the approval of the Village Engineer) that the public type improvements and facilities have been constructed in compliance with the construction plans and specification for such public type facilities and improvements.

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(G) *Maintenance bond.* After inspection and acceptance of the facilities and improvements, but before release of the construction bond for all of the facilities and improvements, a deposit shall be made to the Village in cash or maintenance bond equal to 20% of the estimated cost of the public facilities and improvements. This deposit shall be a guarantee of satisfactory performance of the facilities constructed for and within the Planned Unit Development or trailer court and satisfactory maintenance and operation of the publicly and privately owned facilities necessary to the health, safety, and convenience of the tenants or successor to the applicant.

(1) The surety for the publicly owned facilities shall be held by the Village for a period of eighteen (18) months after acceptance by the Village of publicly owned facilities; and

(2) The balance of the surety is to remain in effect as long as the public type facilities remain in private ownership. Nothing in the above maintenance guarantee clause should be constructed to prevent the filing of two (2) maintenance guarantees, one (1) for publicly owned public facilities and one (1) for privately owned public facilities. After eighteen (18) months, the deposit covering the maintenance of publicly owned public facilities shall be refunded if no defects have developed, then the balance of such deposit shall be refunded after reimbursement for amounts expended in correcting defective facilities. The guarantee maintenance surety under this paragraph shall be made immediately upon inspection and approval by the Village Engineer of the construction of all facilities, but prior to release of the construction guarantee.

(H) *Application fee.* The submittal or re-submittal of a development plan which includes a mobile home park (be it within the corporate limits of the village, or within the one and one-half mile extra-territorial jurisdictional area of the Village, as such term is defined in the Village Zoning Ordinance) shall be accompanied by an application fee made payable to the Village. The payment of this fee shall be in addition to any others fees required by this or any other chapter. The amount of the fee may be as established from time to time by resolution of the Village Board of Trustees.

§ 154.054 SUBDIVISIONS WITHIN SPECIAL FLOOD HAZARD AREAS.

(A) All subdivision and planned unit development proposals shall be consistent with the need to minimize flood damage by complying with the requirements of this chapter and the Village Flood Hazard Area Ordinance or the County Special Flood Hazard Area Ordinance.

(B) Plats or plans for new subdivisions and planned unit developments shall display the following flood data:

(1) Boundary of the special flood hazard area and the boundary of the floodway, if shown on available flood boundary, floodway map and flood insurance rate maps.

(2) Easements or lands dedicated to the public for channel maintenance purposes; and

(3) The base flood elevation for each building site.

(C) Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited within special flood hazard areas, unless the technical evaluation of the developer's engineer demonstrates that encroachments shall not result in any significant increase in flood levels during the occurrence of the 100 year flood event.

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(D) When a subdivision or part thereof is located in a flood-prone area as designated by the Federal Emergency Management Agency (FEMA) for which no base flood elevation has been provided, or is located near to a waterway with a watershed tributary area of 640 acres or more, the subdivider shall provide, at his or her own expense, such hydrologic and hydraulic design data and calculations and utility and drainage plans as may be required by the Village to assure that the subdivision is consistent with the need to minimize or eliminate flood damage, in accordance with the Village Flood Hazard Area Development Ordinance or the County Special Flood Hazard Area Ordinance.

(E) If a FEMA letter of map revision or letter of map amendment is required, it shall be acquired prior to recording of the Final Plat.

(F) The Village shall review all subdivision plats and plans to assure that proposals are consistent with the need to minimize or eliminate flood damage. Proposed locations of utilities such as sewer, gas, electric, and water shall be located so as to minimize or eliminate flood damage to utilities. The subdivider's engineer shall show such utilities requiring special flood hazard protection on all construction plans.

(G) Agricultural subdivisions shall be exempt from the requirements of the Village Special Flood Hazard Area Ordinance requirements for subdivision purposes.

§ 154.055 ACCESS.

Provisions shall be made to grant access for future development of unplatted adjacent land at intervals of not more than one-quarter mile. This applies to utilities as well as streets. Utilities and street stubs shall be extended to the outer edge of the development where applicable.

§ 154.056 EASEMENTS.

(A) Easements for public utilities shall be provided for the installation of telephone, gas, electric, cable television and other utilities. In general, an easement of at least 10 feet in width shall be required at locations as designated by the Village Planner, or as requested by the utility companies.

(B) Maintenance easements shall be provided around storm sewers, sanitary sewers, water mains, and other similar utilities when these facilities are located outside of the public street right-of-way. The size of the easement shall be dictated by working needs. In general, an easement of at least 15 feet in width shall be required.

(C) When a subdivision is bordered or traversed by an established stream, established drainage way or channel, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of same, and such easement shall include an additional area of sufficient width (20 feet minimum each side) to permit maintenance and any improvement or reconstruction of the stream, drainage way or channel in the foreseeable future.

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§ 154.057 WAIVERS AND DEFERRALS.

(A) Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict enforcement of the regulations would entail practical difficulties or unnecessary hardships, the Village Board of Trustees by resolution, after report by the Plan and Zoning Commission, may waive or defer them in such a way that the subdivider is allowed to develop his or her property in a reasonable manner, but at the same time, the public welfare and interests of the Village and County are protected and the general intent and spirit of the regulations preserved.

(B) In the event it is deemed desirable to deviate from these subdivision standards, by waiving or deferring such standard, the developer must submit, in writing, a request to the Village Planner stating the requested waiver or deferral, degree of deviation and the reasons why such waiver or deferral is necessary or desirable. The waiver or deferral must be approved in writing by the Board of Trustees prior to the final design work and shall apply to that location and point in time only.

(C) *Waiver not a matter of right.* No waiver is available to a subdivider as a matter of right. The burden of proving that a waiver is justified is on the subdivider.

(D) *Waiver requests.* The subdivider shall submit all requests for waivers in writing to the Village Planner at the time the Area General Plan, Preliminary Plat, Construction Plans, or Final Plat is submitted. The justification for the waiver and all facts relied upon by the subdivider shall be submitted in writing along with the waiver request.

(E) *Standard for waiver approval.* The Plan and Zoning Commission may consider and recommend, and the Village Board of Trustees may grant, waivers to the provisions to these regulations. The waiver shall not be approved unless the Village Board of Trustees finds that the waiver is justified according to the following standards:

(1) There is substantial hardship in complying with these regulations provided that the spirit and intent of this chapter shall be substantially observed, and the public welfare and safety be assured;

(2) That the granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property located in the vicinity of the property in question;

(3) The cost or difficulty of complying with the requirements of these regulations is great compared to the gain such compliance provides to the public health, safety, and welfare.

(F) *Specific considerations.* In deciding whether to approve a waiver from this chapter, the Village Board of Trustees may consider, but is not limited to, the following criteria:

(1) Whether the condition upon which the request for a waiver is based is unique to the property, but not generally acceptable to other properties;

(2) Whether the property to be subdivided will be used only for farming and related residential uses;

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(3) Whether the property is a Planned Unit Development approved under the Zoning Ordinance, and the waivers are an approved part of the planned development;

(4) Whether the waivers are included as part of an annexation or other development agreement, provided that the standards for granting a waiver are complied with;

(5) Whether conditions may be imposed which mitigate the harm to the public caused by the failure to comply with these regulations.

(G) *Conditions may be required.* In approving waivers, the Village Board of Trustees may require such conditions as will in its judgment secure substantially the objectives of the standards or requirements of these regulations. Conditions imposed for the purpose of mitigating the harm caused to the public by the failure to comply with the provisions of these regulations may include, but are not limited to the following:

(1) Landscaping;

(2) Parking and on-site traffic regulation;

(3) Lighting, including the requirement of yard or lot lighting to replace street lighting;

(4) Traffic regulation including, but not limited to, on-street parking, one-side street parking, and one-way streets;

(5) Submission of the remaining tract for Preliminary Plat or Final Plat approval prior to any construction or development.

(6) Dedication of additional right-of-way for streets, highways, or easements for utilities and public infrastructure;

(7) Site plan approval;

(8) Access regulation;

(9) Payment of a fee in lieu of construction.

(H) *Execution of a covenant.* Execution of a covenant providing additional requirements and / or conditions necessary to the approval of the waiver may be a condition of a waiver. If a covenant is required as a condition, the covenant must be approved by the Village Attorney prior to recording.

(I) *Administrative waivers.* The Village Administrative Review Committee may grant minor waivers of subdivision regulation requirements administratively, without review by the Board of Trustees. Such waivers may involve small changes to construction requirements, or document preparation requirements that do not materially impact the suitability or function of the subdivision improvements and which do not result in an increase in current or future costs to be incurred by the Village.

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(J) *Deferral or waiver of required improvements.*

(1) The Board of Trustees may defer or waive at the time of Construction Plans or Final Plat approval, subject to appropriate conditions, the requirements for construction for any or all public improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of the inadequacy or in existence of connecting facilities. Any determination to defer or waive construction of any public improvement must be made on the record and the reasons for deferral or waiver also shall be expressly made on the record.

(2) Whenever it is deemed necessary by the Board of Trustees to defer the construction of any public or quasi-public improvement required under these regulations because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or for other reasons, the subdivider shall pay his share of the costs of the future improvements to the Village prior to the recording of the Final Plat.

§ 154.058 ADMINISTRATIVE RULES.

(A) The Administrative Rules Committee shall be authorized to issue, amend, and withdraw administrative rules which implement, interpret and clarify the requirements of this chapter. Persons shall comply with these administrative rules to the same extent they are required to comply with this chapter. The administrative rules shall implement, interpret and clarify the requirements of this chapter and shall not amend the chapter or its policies.

(B) At least fourteen (14) days prior to its effective date, the Administrative Rules Committee shall send a copy of the administrative rules to the Plan and Zoning Commission and Board of Trustees for review.

(C) Upon written request of any two (2) Plan and Zoning Commissioners or Board of Trustees members prior to the effective date of the administrative rule, the rule shall be subject to Plan and Zoning Commission and Board of Trustees review. After such a written request, the administrative rule shall not be effective until considered by the Plan and Zoning Commission and acted upon by the Board of Trustees. The administrative rule shall go into effect after such action unless disapproved by a majority of the Board of Trustees members or withdrawn by the Administrative Rules Committee.

(D) The form and legality of each administrative rule shall be approved by the Village Attorney prior to its effective date.

(E) The Administrative Rules Committee shall publish all of its rules in pamphlet form on or before the effective date of the rules.

(F) Prior to the effective date of an administrative rule, a copy shall be filed with the Village Clerk and Village Administrator, and a copy shall be sent to the Board of Trustees.

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§ 154.059 INFRASTRUCTURE DESIGN MANUAL.

(A) The Administrative Rules Committee shall prepare and adopt an Infrastructure Design Manual which shall govern the design and construction of public and quasi-public infrastructure within new subdivisions.

(B) The Infrastructure Design Manual shall include guidelines, design requirements, procedures, specifications, and construction requirements governing the design and construction of infrastructure. It shall also include standard details applicable to the construction of infrastructure.

(C) Modifications and / or amendments to the Infrastructure Design Manual shall be submitted to the Plan and Zoning Commission for review. If a majority of the Plan and Zoning Commission objects to the proposed modification or amendment, that modification or amendment shall not be implemented.

§ 154.060 REIMBURSEMENTS FOR IMPROVEMENTS BENEFITTING AREAS OUTSIDE OF SUBDIVISION PURSUANT TO ANNEXATION OR DEVELOPMENT AGREEMENT.

(A) Whenever an annexation agreement, development agreement or subdivision approval requires the installation of one or more improvements, and where, in the opinion of the Village such improvements may be used by and uniquely benefit property not in the subdivision or property not covered by the annexation or development agreement, the Village may agree to reimburse and may reimburse the other party or parties to the agreement or subdivision approval for a portion of the cost of such improvements from fees charged to owners of benefitted property when and if collected from such owners.

(B) Any annexation agreement, development agreement or subdivision approval, which requires, approves or agrees to the payment of the cost of one or more improvements by assessments charged to owners of benefitted property shall:

- (1) Describe the benefitted property; and
- (2) Include an estimate of the total cost of each improvement; and
- (3) Specify the amount of proportion of the cost of such improvements which is to be incurred for each benefitted property; and
- (4) Provide that the Village shall collect such fees charged to owners of benefitted properties;
and
- (5) Provide for the payment to the owner or developer of the property subject to annexation agreement or subdivision approval a reasonable amount of interest on the amount expended by the owner or developer in completing such improvements.

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(C) *Notice.* Prior to approval of an annexation agreement, development agreement or subdivision approval requiring owners of benefitted property to pay a fee for improvements built pursuant to said agreement or subdivision approval, the Village shall provide the owners of the proposed benefitted property with at least twenty-eight (28) days notice of the hearing on said agreement before the Board of Trustees. This hearing may be continued from time to time without further notice to such owners by the Board of Trustees at its sole discretion, upon request of any property owner subject to the assessment or at the Board of Trustees direction, to a date certain.

(D) *Payment of assessment required.* Until such time as the owner of benefitted property has paid to the Village the amount assessed to the owner's benefitted property as required by adopted ordinance and said agreement or subdivision approval plus any interest accrued thereon, or such owner has entered into a satisfactory agreement for the payment of such assessment and any applicable interest to the Village, the Village shall not approve any Final Plat of all or part of the owner's benefitted property and shall not approve any subsequent connection of improvements on the benefitted property to the improvements which are subject to the assessment.

§ 154.061 INTER-AGENCY COOPERATION.

(A) Some infrastructure improvements constructed under the requirements of this chapter will be operated and maintained upon their completion by another governmental entity (e.g., Sangamon Valley Public Water District or Mahomet Township Road District). Where the rules and regulations of another entity conflicts with the requirements of this chapter, the more stringent shall apply.

(B) When a subdivision requires improvements which are to be operated and maintained by another governmental entity, the Village will cooperate with that entity for review and approval of Construction Plans and Specifications for those improvements. The Village will not release a performance bond upon acceptance of the improvements until the other governmental entity provides evidence that the constructed improvements are satisfactory.

§ 154.062 PARKS, SCHOOL SITES AND OTHER PUBLIC AREAS.

(A) Where a proposed park, playground, school site or other public use area shown in the general Comprehensive Plan for the Village and adjacent unincorporated areas is located in whole or in part in a subdivision, the Village Plan and Zoning Commission or the Village Board of Trustees may require the designation or reservation of such area in whole or in part within the subdivision in those cases in which the Village Plan and Zoning Commission or the Village Board of Trustees deem such requirements to be reasonable. However, in no case shall the total amount of required public areas to be designated or reserved in addition to public streets and easements exceed 5% of the total gross acreage controlled by the owner. The acquisition of the additional area needed for parks, playgrounds, school or other public uses other than streets and alleys, shall be secured by the authority having jurisdiction. Arrangements for securing said area via purchase or other means from the owner shall be made within a period not to exceed six (6) months from the date the plat is approved by the Village Board of Trustees. When any private open space is to be owned in common by multiple owners is proposed, the conditions of ownership and maintenance shall be approved by the Village Plan and Zoning Commission and the Village Board of Trustees.

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(B) After the effective date of this chapter, no permanent buildings or structures shall be erected within the extended street lines of proposed extensions of major streets shown on the Major Street Plan adopted as part of the Comprehensive Plan for Mahomet.

(C) In all subdivisions in which the overall development, as defined by the Preliminary Plat or the Area General Plan (in phased subdivisions) exceeds fifty-nine (59) acres in area, the developer shall provide not less than 5% of the total gross acreage of the subdivision reserved as common open space, to be utilized for recreational or other similar purposes. Public park lands within the subdivision shall count towards compliance with this requirement. For purposes of compliance with this requirement each acre of land within areas designated for use of stormwater detention / retention shall be considered as one-half acre for purposes of compliance with these provisions, so long as those areas are in common ownership by all the lot owners within the subdivision. Lands within surface drainage channels do not count towards compliance with this requirement.

§ 154.063 STORMWATER FACILITY MAINTENANCE.

(A) *Drainage facility maintenance responsibility.* Prior to acceptance and final-out of any subdivision public improvements construction work by the Village of Mahomet and prior to release of any subdivision bond or surety, the owner / developer of any land intended for subdivision shall enter into a maintenance agreement with the Village of Mahomet. Said agreement will obligate the owner / developer of the intended subdivision to maintain all private stormwater water drainage and stormwater detention facilities located within the boundaries of the development. Further said, agreement will be binding upon the successors, heirs and assigns of the developer (so as to create joint and several liability on all future property owners in the development) for maintenance of the drainage facilities located within the boundaries of the development. Such maintenance agreement shall be recorded in the Recorder's Office of Champaign County, Illinois.

(B) *Form of maintenance agreement:*

(1) The general form of the maintenance agreement shall be as set forth in in an Administrative Rule.

(2) The maintenance agreement shall include a schedule for regular maintenance of each aspect of the development's stormwater drainage facility system and shall provide to the Village a perpetual easement for access above and across the property for the purpose of inspection of the drainage facility system. The maintenance agreement shall also stipulate that if the appropriate personnel of the Village of Mahomet notify the owner(s), his / her / its successors, heirs, assigns, or the subsequent owners of property within the subdivision in writing of maintenance problems requiring correction, the owner(s), his / her / its successors, heirs, assigns, or the subsequent owners of property within the subdivision shall begin such corrections within 48 hours or such other time as is allowed by the Notice and shall not extend beyond the date for completion of work as established by the Notice. If the corrections are not made within this time period the Village may have the necessary work completed and assess the cost to the owner(s), his / her / its successors, heirs, assigns, or the subsequent owners of property within the subdivision pursuant to the maintenance agreement.

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§ 154.064 TRAFFIC IMPACT ANALYSES (TIA'S).

(A) *Traffic generation.* The amount of traffic to be generated by a subdivision shall be estimated by the subdivider. Trip generation rates shall be taken from the ITE Trip Generation Manual (most recent edition) or alternative study information acceptable to the Village.

(B) *TIA's are required to be prepared by the developer in the following situations:*

(1) Developments that can be expected to generate more than 200 new peak-hour vehicle trips on the adjacent street per ITE Trip Generation Manual.

(2) Any changes that will increase the site traffic generation by more than 15% if more than 200 peak-hour trips are involved.

(3) When an agreement between the developer and the Village requires cost sharing contributions to major roadway improvements.

§ 154.065 ELECTRONIC DRAFTING FILE STANDARDS.

(A) *Electronic files.* Electronic files are required when submitting final copies of:

(1) Final Plats: to minimally include a geographical information drawing showing property and tract boundaries and adjacent right-of-way.

(2) Record Drawings of Public Improvement Construction Plans and Specifications.

(B) *Submittal Requirements.* Requirements for submittal of electronic files shall be as set forth in Administrative Rules.

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INFRASTRUCTURE DESIGN

§ 154.080 LOCATION, GEOMETRY AND DESIGN OF STREETS.

(A) General.

(1) The classification and location of all streets shall conform to the Village Comprehensive Plan, including the Transportation System Master Plan, and this section and shall be planned in relation to existing and proposed streets, topographical conditions, public safety and convenience, and anticipated land use.

(2) Each lot or parcel of ground within a new subdivision shall be adjacent to a public street.

(3) The street system in each new subdivision shall continue and extend existing, connecting streets in adjoining subdivisions, except that local access streets shall not be required to cross arterial streets unless such continuation and crossing is deemed necessary to promote pedestrian and / or vehicular circulation and safety.

(4) The street system in each new subdivision shall be extended and dedicated to any property adjacent to the subdivision, except in those instances in which the adjacent property is not and cannot be subdivided in the future.

(5) No private streets shall be permitted.

(6) When a subdivision borders on and has lots fronting on or contiguous to a present or proposed arterial or collector street, as depicted or described in the Comprehensive Plan and / or Transportation System Master Plan, necessary traffic service to lots of the subdivision bordering said street shall be provided by a marginal access street or local street, unless otherwise approved by the Villager.

(7) Access to an arterial street from a marginal access street, local street, or collector street shall be taken at approximately one-fourth mile intervals, unless subdivision frontage is less than one-fourth mile, in which case the subdivision shall have no more than one (1) access point to the arterial street, at a location to be approved by the Village Board of Trustees.

(8) No street shall be located less than 200 feet from the edge of any parallel street, measured from the straight line portion of the right-of-way for each street.

(B) Design.

(1) New streets shall be designed and constructed in accordance with the requirements of the Infrastructure Design Manual of the Village of Mahomet, latest edition.

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§ 154.081 STORM DRAINAGE SYSTEM.

(A) *General.*

(1) All subdivisions shall be provided with drainage facilities having a design capacity adequate to carry off surface water falling or coming on the streets and developed areas in a 10 year return period storm event under the projected final state of development of the entire upstream watershed.

(2) The minor drainage system components shall consist of storm drains, street gutters, small open channels, and swales designed to store and convey the peak rate of runoff from the 10 year return period precipitation event of critical duration.

(3) The major drainage components such as open ditches and streams draining 40 acres or more in area shall be designed to store and convey stormwater flows beyond the capacity of the minor drainage components. They shall be designed to convey the peak rate of runoff from the 25 year return period precipitation event.

(4) (a) An excess stormwater passageway shall be provided for the floodplain of all natural water courses and such manmade water courses and storm drainage systems as the Village Engineer may direct, which shall have adequate capacity to convey the excess stormwater runoff from the tributary watershed. The capacity of this excess stormwater passageway shall be adequate to transport the peak rate of runoff from the 100 year return period storm, assuming all upstream areas are fully developed for uses specifically permitted by existing zoning, and antecedent rainfall in the tributary watershed is average (e.g., Antecedent Moisture Condition II).

(b) An excess stormwater passageway shall be provided within the design of all parts of a subdivision with a watershed area of 10 acres or more. The excess stormwater passageway through the subdivision shall be adequate to transport the peak rate of runoff from the 25 year return period storm.

(c) No buildings or structures shall be constructed within an excess stormwater passageway; however, streets, parking lots, playgrounds, park areas, pedestrian walkways, open green space, and utility and sewer easements may be considered compatible uses.

(5) All storm drainage facility construction activity shall conform to the requirements of the Village of Mahomet Infrastructure Design Manual.

(6) All stormwater drainage facilities shall comply with the requirements of the Village Stormwater Management Ordinance. When required by the Stormwater Management Ordinance, stormwater detention facilities shall be provided for new subdivisions.

(7) Standard drainage systems shall consist of storm drains, inlets, manholes, and other related underground drainage facilities.

(8) Reduced impact development drainage systems may utilize surface drainage components such as roadside swales, culverts, subsurface drain tiles, and other related surface drainage facilities.

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(9) Alternate drainage systems may be approved by the Village Engineer if a detailed engineering study performed by the subdivider's engineer demonstrates that the alternate drainage system provides a level of service at least equal to that provided by the above requirements without increasing maintenance and operating costs to the Village.

(10) All single family and two-family residential lots shall be provided with the ability to connect a private sump pump discharge line to a storm drain, tile drain, or sump pump discharge line.

(11) All multifamily residential, commercial, and industrial lots larger than 1 acre in size shall be provided with a subsurface service connection to the storm drainage system.

(12) The storm drain system in each new subdivision shall continue and extend existing, connecting storm drains in adjoining subdivisions, where appropriate.

(13) The storm drain system in each new subdivision shall be extended to any property adjacent to the subdivision and shall accommodate the tributary watershed from adjacent property.

§ 154.082 SANITARY SEWER SYSTEM.

(A) *General.* In general, all sites within 500 feet of a public sanitary sewer main shall connect to and utilize the public sanitary sewer system. This requirement may be waived by agreement of both the Village Engineer and Village Planner if a substantial physical obstruction prevents connection without incurring extraordinary costs.

(1) No plat of any subdivision shall be approved unless the subdivider provides for construction of a sanitary sewer system adequate to serve the needs of the entire subdivision when the same is fully developed. The location and design of the sanitary sewer system shall be approved by the Village, the Illinois Environmental Protection Agency, and the corporate authorities of the sanitary sewer district in which the subdivision is located. This requirement shall not apply to any new subdivision which cannot reasonably be provided with sanitary sewer service.

(2) The adequacy of the existing sanitary sewers to which the proposed development is to outlet into must first be determined by the subdivider. If the existing sewers are not adequate, it shall be the subdivider's responsibility to find an outlet for the sanitary sewers. This work shall be done in cooperation with the Village Engineer. Capacity of sanitary sewers shall be determined utilizing Illinois Environmental Protection Agency regulatory requirements. The peaking factor for all 8 inch and 10 inch diameter sewers shall be at least 4.0.

(3) All permits required must be obtained by the subdivider (i.e. Environmental Protection Agency permit). Permit application forms shall be reviewed and approved by the Village Engineer before being submitted to the Illinois Environmental Protection Agency.

(4) All sanitary sewer work shall be performed in accordance with the current *Standard Specifications for Water and Sewer Main Construction in Illinois*, the regulations of the Illinois Environmental Protection Agency, and the Village Sewer Use Ordinance.

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(5) The sanitary sewer system in each new subdivision shall continue and extend existing, connecting sanitary sewers in adjoining subdivisions.

(6) The sanitary sewer system in each new subdivision shall be extended to any property adjacent to the subdivision, except in those instances in which the adjacent property is not and cannot be subdivided in the future.

(7) No private sanitary sewers or onsite wastewater disposal systems shall be permitted.

(8) Each lot within a new subdivision shall be provided with a service connection to the public sanitary sewer system.

(9) All sanitary sewer system facilities shall conform to the requirements of the Village of Mahomet Infrastructure Design Manual.

§ 154.083 WATER DISTRIBUTION SYSTEM.

(A) *General.* In general, all sites within 500 feet of a public water main shall connect to and utilize the public water supply system. This requirement may be waived by agreement of both the Village Engineer and Village Planner if a substantial physical obstruction prevents connection without incurring extraordinary costs.

(1) No plat of any subdivision shall be approved unless the subdivider provides for construction of a public water supply system adequate to serve the needs of the entire subdivision when the same is fully developed. The location and design of the public water supply system shall be approved by the Village Engineer, the Illinois Environmental Protection Agency, and the corporate authorities of the public water district in which the subdivision is located. This requirement shall not apply to any new subdivision which cannot be provided with public water service.

(2) The adequacy of the existing public water mains to which the proposed development is to connect into must first be determined by the subdivider. If the existing public water mains are not adequate, it shall be the subdivider's responsibility to find an adequate connection. This work shall be done in cooperation with the Village Engineer. Capacity of water mains shall be determined utilizing Illinois Environmental Protection Agency regulatory requirements.

(3) All permits required must be obtained by the subdivider (i.e. Environmental Protection Agency permit). Permit application forms shall be reviewed and approved by the Village Engineer before being submitted to the Illinois Environmental Protection Agency.

(4) All water main work shall be performed in accordance with the current *Standard Specifications for Water and Sewer Main Construction in Illinois*, the regulations of the Illinois Environmental Protection Agency, and the Village Water Use Ordinance.

(5) The public water supply system in each new subdivision shall continue and extend existing, connection water mains in adjoining subdivisions.

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(6) The public water supply system in each new subdivision shall be extended to any property adjacent to the subdivision, except in those instances in which the adjacent property is not and cannot be subdivided in the future.

(7) No private water mains or private water wells shall be permitted.

(8) Each lot within a new subdivision shall be provided with a service connection to the public water supply system.

(9) All water system facilities shall conform to the requirements of the Village of Mahomet Infrastructure Design Manual.

§ 154.084 SIDEWALKS AND PATHWAYS.

(A) *General.*

(1) Sidewalks and pathways shall be installed on both sides of all public streets and shall run to the back of the curb at each corner lot.

(2) All sidewalks and pathways along streets shall be installed in the public right-of-way. The back of the sidewalk shall be 1 foot inside the right-of-way, unless, for good cause shown, a variance in location is approved by the Village. Sidewalks at the cul-de-sac terminus of dead end streets may be built as close as 4 feet to the curb with the approval of the Village.

(3) *Mid-block sidewalks.* When the length of a block exceeds 800 feet and at locations deemed essential to provide circulation to schools, playgrounds, shopping areas and other community facilities, public sidewalks, within a dedicated right-of-way or permanent easement of at least 10 feet in width, shall be required at the discretion of the Village Engineer and Village Planner.

(4) The sidewalk and pathway system in each new subdivision shall continue and extend existing, connecting sidewalks or pathways in adjoining subdivision.

(5) The sidewalk and pathway system in each new subdivision shall be extended to any property adjacent to the subdivision except in those instances in which the adjacent property is not and cannot be subdivided in the future, the Village Planner may waive this requirement.

(6) Sidewalks and pathways shall comply with the applicable Illinois Department of Transportation Standards and Specifications. Sidewalks and pathways shall be accessible to the handicapped per the American Disabilities Act (ADA).

(7) When a subdivision borders on and has lots fronting on or contiguous to a present or proposed arterial or collector street, as depicted or described in the Comprehensive Plan and / or Transportation System Master Plan a pathway shall be constructed along one side of the street as directed by the Village Planner.

(8) All sidewalks and pathways shall conform to the requirements of the Village of Mahomet Infrastructure Design Manual.

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§ 154.085 ELECTRICAL AND UTILITY SERVICES.

(A) The developer's responsibilities will be as follows:

(1) The developer shall provide all necessary utility easements.

(2) The developer shall be responsible for all final grading, seeding, and sodding necessary after the installation of the utility facilities.

(B) The electrical distribution system installed in all new residential developments shall be of the underground distribution type.

(C) All electrical distribution facilities shall be installed by the electric utility or by use of an electrical contractor under contract to the electric utility.

(D) All single phase electric distribution transformers, pedestals, junctions, handholes, streetlights and all other devices that the utility may deem necessary, in its exclusive judgment, shall be installed within 10 feet of the side property line (typically) unless conflicts develop.

(E) As directed by the utility companies, the developer of residential subdivisions shall install conduits for the future installation of cable.

(F) Underground service connections for said utilities shall be provided at the property line of each platted lot.

(G) All conduits or cables for said utilities shall be located within easements or public rights-of-way in such a manner that they do not interfere with other underground services or utilities.

(H) It shall be the responsibility of the owner / subdivider to forward Plans for the subdivision/ development to the respective providers of natural gas, telephone, cable television services, internet services, and any other requesting utility agency.

(I) Said utility companies shall have 30 days to develop and submit to the owner / subdivider, proposed layouts for their facilities so that the owner / subdivider may approve said layouts and forward them to the Village for review as part of the Village's approval process.

(J) Underground service connections for said utilities shall be provided at the property line of each platted lot.

(K) No underground utilities shall be constructed until their physical location is reviewed and approved in writing by the Village.

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§ 154.086 RIGHT-OF-WAY LIGHTING.

(A) *General.*

(1) The purpose of this section is to provide the basis for construction of fixed lighting for rights-of-way, including streets, adjacent sidewalks, bikeways and alleyways in the Village of Mahomet. All right-of-way lights owned or leased by the Village of Mahomet shall be designed and built in accordance with this section.

(2) A street light shall be installed at each intersection of a major collector and/or arterial street with another street.

(3) Street lighting in new developments inside the Village limits shall be installed by the developer as part of improvements for new developments and shall be owned, operated and maintained by the Village.

(4) Street lighting shall comply with the applicable requirements of the IDOT *Standard Specifications for Road and Bridge Construction*, latest edition.

(5) Street lighting within residential subdivisions shall be shielded to reduce glare into adjoining homes.

(6) Street lighting facilities shall conform to the requirements of the Village of Mahomet Infrastructure Design Manual.

§ 154.087 EROSION CONTROL.

(A) *General.* Water caused erosion and eroded soil sediments are considered a form of pollution by the Federal Clean Water Act and the United States Environmental Protection Agency (USEPA). The current National Pollutant Discharge Elimination System (NPDES) program of the Federal Clean Water Act requires that construction sites disturbing 1 acre and greater be covered by a NPDES permit. The Illinois Environmental Protection Agency (IEPA) has issued a statewide general permit (NPDES Permit No. ILR10) that details the NPDES requirements for construction projects that meet or exceed the threshold for permit applicability.

(B) *Stormwater Pollution Prevention Plan.* An erosion and sedimentation control plan shall be prepared showing: all erosion and sedimentation control measures necessary to meet the objective of this chapter throughout all phases of construction and permanently after completion of development of the site. The Plan shall comply with IEPA guidelines.

(C) *Referenced Standards.* Design standards for erosion and sediment control shall comply with the provisions of the "Illinois Urban Manual", prepared by the United States Department of Agriculture, Natural Resources Conservation Service, latest edition.

(D) It is the responsibility of the owner / subdivider to prepare and maintain documentation to meet the NPDES permit requirements for grading and construction projects.

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(E) All work and materials shall conform to the applicable requirements of the IDOT *Standard Specifications for Road and Bridge Construction in Illinois*, latest edition.

(F) *Permanent seeding*. Immediately after to completion of construction, permanent seeding shall be planted.

(G) Erosion control during construction shall conform to the requirements of the Village of Mahomet Infrastructure Design Manual.

§ 154.088 TRAFFIC CONTROL.

A traffic control plan shall be included in the site Construction Plans for all subdivisions. Barricades and lighting and other traffic control measures shall be provided as necessary, during construction, in accordance with the *Manual on Uniform Traffic Control Devices*, latest edition. The traffic control plan shall indicate the locations and timing of street closures, and other disruptions to traffic on existing streets.

§ 154.089 ON-SITE WASTEWATER DISPOSAL SYSTEMS.

Where public sanitary sewers are not available on-site wastewater disposal systems may be utilized, as approved by the Village Engineer. Within the Sangamon Valley Public Water District service area approval must also be obtained from that agency. The subdivider shall furnish soil percolation test results and other soil test results to indicate that the lots are of adequate size for proper sanitary wastewater disposal. This information shall be prepared by a registered professional engineer. The area used for seepage fields shall not be under any proposed driveways, parking areas, buildings, nor on public property nor within public easements. No seepage field shall be connected to any storm drainage facility. Discharges from individual on-site treatment units shall not be directed above the ground surface. All private sewage disposal systems shall be constructed in accordance with the State of Illinois Private Sewage Disposal Licensing Act and Code of the Illinois Department of Public Health, latest revision thereof.

VALIDITY, VIOLATIONS, ENFORCEMENT, AMENDMENT, EFFECTIVE DATE

§ 154.115 VALIDITY.

(A) In accordance with state law, no deed or other instrument of transfer of real property within the corporate limits or within the one and one-half mile extra-territorial jurisdiction of the Village shall be accepted by the County Recorder for recording unless said deed or other instrument of transfer is to a lot or parcel platted and on file or accompanied with a plat approved by the Board of Trustees.

(B) No person owning land composing a subdivision, nor his or her agent, shall transfer or sell or agree to sell any lot or parcel of land located within such subdivision by reference to, or exhibition of, or by any other use of a plat of such subdivision, before such plat has been approved, filed and recorded as provided in this chapter. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt such owner or agent from the penalties provided herein.

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(C) No building or occupancy permit shall be issued for any lot hereafter platted unless such lot has been approved, filed and recorded in accordance with the requirements of this chapter.

(D) The application fees set forth herein are established with the understanding that all plats and their supporting documents are presented to the Village in final form and that all submittals are fully complete. In the event that the subdivider provides the Village with incomplete submittals or materials which require, substantial review or revision by the Village on more than two (2) occasions, the Village may, at its option, consider the materials as being incomplete and any approvals granted as void. Further review and action of such incomplete documents shall occur only upon resubmittal of those materials, including any payment of any associated application fee.

§ 154.116 VIOLATIONS.

Violations of these regulations include, but are not limited to, the following:

(A) Recording of any plat or portion thereof that is not in compliance with this chapter.

(B) The sale, offering for sale, or other transfer of ownership, of any or all lots, without prior recording as set forth in this chapter.

(C) Failure to construct any public or private improvement included in any approved plat or Construction Plans and Specifications.

(D) Construction of improvements not specifically approved in any approved plat or Construction Plans, including changes in grading, fill, alteration of drainage systems, etc.

(E) Failure to comply with any of the provisions of this Chapter.

§ 154.117 ADMINISTRATIVE FINE.

The Village President of the Board of Trustees may determine and administratively assess a fine for any instance of noncompliance with this chapter which he or she may find, noting that said fine shall continue for each day that such violation continues. The per diem administrative fine for noncompliance shall be not greater than \$50 per day. If the offender pays the administrative fine assessed and also corrects the noncompliance, then no further proceedings shall be required. In the event that an administrative fine has been assessed, the extent of the fine may be appealed to the Village Board of Trustees. The decision of the Board of Trustees shall be final.

§ 154.118 STOP WORK ORDER.

The Village Planner or Village Engineer may also, in the event he or she finds any improper construction activities not in conformance with this chapter, issue a stop work order which shall require the immediate cessation of any further work on the project until the violations are corrected.

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§ 154.119 PENALTY.

Any owner or agent who violates any section of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 for each lot or parcel so transferred or sold or agreed to be sold; each day the violation continues shall be deemed a separate offense.

§ 154.120 AMENDMENT.

(A) Amendments to this chapter may be proposed by the Village Administrator, any member of the Board of Trustees, any Plan and Zoning Commission member, the Village Planner, or any party in interest. Every amendment proposal shall be filed on a prescribed form with the Village. The Village Planner shall promptly transmit each proposal, together with any comments or recommendations (s)he may wish to make, to the combined Plan and Zoning Commission for a public hearing.

(1) The Plan and Zoning Commission shall hold a public hearing on the proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the Village at least one (1) time, no less than fifteen (15) days prior to the hearing.

(2) Following the public hearing, the proposed amendment may be recommended as presented or in modified form by a majority vote of the entire Plan and Zoning Commission.

(3) Following its adoption of a recommendation, the Plan and Zoning Commission shall certify such recommended amendment to the Board of Trustees for its adoption.

(4) The Board of Trustees shall consider the proposed amendment at its next regularly scheduled meeting. The Board of Trustees may return the proposed amendment to the Plan and Zoning Commission for further study or re-certification, or by a majority vote of the membership, may, by ordinance or resolution adopt the recommended amendment submitted by the Plan and Zoning Commission. However, nothing in this chapter shall be construed to limit the Village Board's authority to recall the amending ordinance by a vote of a majority of the Village Board of Trustees.

(5) Following adoption by the Board of Trustees, the adopted amending ordinance shall be filed in the office of the Village Clerk. The Village Clerk shall file with the County Recorder of Champaign County a copy of the amending ordinance.

(B) Before any action shall be taken as provided in this section, any private party or parties proposing an amendment to this chapter shall deposit with the Village Treasurer an application fee as set from time to time by Resolution of the Board of Trustees to cover the approximate cost of this procedure, and under no condition shall the sum or any part thereof be refunded for failure of the change to be adopted by the Board of Trustees.

§ 154.121 UNCONSTITUTIONALITY.

If any part or parts of this chapter shall be held to be unconstitutional, the unconstitutionality shall not affect the validity or remaining parts of this chapter.

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§ 154.122 SAVING CLAUSE.

Nothing herein hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any prior constitution or Ordinance. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

§ 154.123 APPLICABILITY.

When this Ordinance imposes a greater restriction than those imposed or required by the provisions of exiting Ordinances or rules and regulations, this Ordinance shall control. When the provisions of existing Ordinances or rules and regulations impose greater restrictions than those imposed or required by this Ordinance, they shall control. Areas within the Sangamon River Floodplain and other regulated floodplains are subject to the requirements of the Flood Hazard Area Development Regulations