

# McLean County

## Subdivision Ordinance



As Adopted January 19, 1999

And Amended July 20, 2010

**CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE**

**Chapter 36**

**McLean County  
Land Subdivision Ordinance**

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# **CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE**

## **CHAPTER 36**

### **LAND SUBDIVISION ORDINANCE**

#### **ARTICLE I – Title**

- 1.01 This Chapter shall be known, cited and referred to as the Land Subdivision Ordinance of the County of McLean, Illinois, in the Chapter at times referred to as "this Ordinance."

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### **ARTICLE II – General Provisions**

#### **2.01 JURISDICTION**

- A. This Ordinance shall apply to all subdivisions of land, as defined herein, located within the boundaries of McLean County but lying outside the corporate limits of any municipality located within the County, as such limits exist at the time the owner files a petition with the County Clerk requesting the approval of a subdivision within the unincorporated portion of the County.
- B. If any municipality located within the County has adopted an Official Plan, Official Map or Subdivision Ordinance pursuant to the applicable State law, the area subject to such plan or map shall be subject to the most restrictive rule or regulation of either ordinance.

#### **2.02 POLICY**

- A. The policy of the County of McLean shall be to consider the subdivision of land and planned unit developments and the subsequent development thereof as subject to the control of the County pursuant to any land use plans and development guides adopted by the County of McLean for the orderly, planned, efficient, and economical development of the County.
- B. Land to be subdivided or developed as a planned unit development shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and such land shall not be subdivided until all the provisions of Section 3.05 of this Ordinance have been met.
- C. All proposed public improvements shall conform to any land use plans or development guides adopted by the County. These regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the Zoning Ordinance of McLean County, the McLean County Private Sewage Disposal System Ordinance, the Illinois Water Well Construction Code, the Illinois Water Well Pump Installation Code, any applicable sanitary sewer codes or public water supply codes regulated by the Illinois Environmental Protection Agency or the Illinois Department of Public Health, and Chapter 605 (Road and Bridge Law) of the Illinois Compiled Statutes and as such provisions and standards may be amended.
- D. The County Engineer shall prepare and maintain a Manual of Practice for the Design of Public Improvements in McLean County. This manual shall include specific engineering direction for the construction of subdivisions. In developing and maintaining this manual, the County Engineer shall be directed by federal, state and local regulation and by accepted engineering practices.

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The Manual of Practice required by this section is hereby incorporated by reference into this Subdivision Code. Violations of the Manual of Practice shall be violations of this code and shall be punished as such. The first edition of the Manual of Practice was approved when the Subdivision Code was enacted. In accordance with the above, the County Engineer is authorized to make minor changes to the Manual of Practice.

### 2.03 PURPOSE

- A. All subdivisions hereafter planned and constructed within the jurisdiction of the County of McLean shall be in compliance with this Ordinance. This Ordinance is adopted for the following purposes:
1. To protect, provide, and promote the public health, safety, and general welfare of the County;
  2. To guide the future growth and development of the County in accordance with the Comprehensive Plan;
  3. To provide for adequate light, air and privacy; to secure safety from fire, flood, and other danger; and to establish acceptable population densities;
  4. To protect the character and the social and economic stability of all parts of the County and to encourage the orderly and beneficial development of all parts of the County;
  5. To protect and conserve the value of land throughout the County, the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
  6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public needs and facilities;
  7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building setback lines;
  8. To establish reasonable standards of design and procedures for subdivision and resubdivision in order to advance the efficient arrangement of land uses and to insure proper legal descriptions and monumenting of subdivided land;

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9. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision and other areas reasonably anticipated to be served by such facilities;
10. To prevent the pollution of air, land and surface waters; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability and beauty of the County and the value of the land;
11. To preserve the natural beauty and topography of the County and to insure appropriate development with regard to these natural features; to guide, regulate and control the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in the movement of land situated in the unincorporated portion of the County;
12. To provide for open spaces through the most efficient design and layout of the land, including the use of the minimum width and area requirements for lots, as established in the Zoning Ordinance of the County of McLean;
13. To promote flexibility in design and permit planned diversification in the location of structures in planned developments; and
14. To combine and coordinate the review of plans for proposed subdivisions and planned unit developments so that they can be reviewed simultaneously by all agencies involved in the review process.

### 2.04 RULES OF CONSTRUCTION

- A. The language set forth in this ordinance shall be interpreted in accordance with the following rules of construction, unless the context clearly requires a different construction:
  1. The singular includes the plural and the plural the singular.
  2. The present tense includes the past and future and the future includes the present.
  3. The word "shall" is mandatory, while the word "may" is permissive.
  4. Terms denoting a particular gender include each and every other gender.
  5. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition

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thereof, and any word appearing in parenthesis between a word and its definition shall be construed in the same sense as that word.

6. All words and terms not defined herein shall be construed in their generally accepted meaning.

2.05 DEFINITIONS - The following words and terms, whenever they occur in this Ordinance, shall be interpreted as herein defined.

Abutting (Contiguous, Adjacent). Having one or more common boundary lines or district lines.

Alley. A public right-of-way which is less than thirty (30) feet (9M) wide and affords a secondary means of access to abutting property. Frontage on an alley shall not be construed as satisfying the requirements related to frontage on a public street.

Alteration. A change in the size, shape, character, occupancy or use of a building or structure.

Area, Gross. The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley right-of-way and for public use.

Base Flood. The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The Base Flood is also known as the one hundred (100) year flood.

Base Flood Elevation. The Base Flood Elevation for the Special Flood Hazard Areas shall be delineated on the latest maps of the unincorporated areas of McLean County as prepared by the Federal Emergency Management Agency.

Block. A block is a tract of land bounded by public streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, rivers and lakes and/or other lines of demarcation. A block may be located in part within an incorporated city or village.

Building. Any permanently fixed structure used or intended for supporting or sheltering any use or occupancy.

Building Setback Line. A line within a lot, or other parcel of land, so designated on the preliminary plan, which defines the area between such line and the adjacent street right-of-way where an enclosed building, structure or obstructions are prohibited, except those permitted obstructions allowed by this Ordinance or the Zoning Ordinance.

Centerline. A line that divides a uniform right-of-way into two (2) equal parts.

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Collection Tile System. A tile system serving individual lots for the purpose of receiving water discharged from sources such as sand filters, footing tiles, and water softeners.

Committee. The Land Use and Development Committee of the County Board of McLean County, Illinois.

Comprehensive Plan. Includes the composite of the functional and geographic elements of the Comprehensive Plan of McLean County, Illinois, or any future version thereof, or any segment thereof in the form of plans, maps, charts, and textual materials, as adopted by the County Board.

County. Shall mean McLean County, Illinois.

County Board. Shall mean the County Board of McLean County, Illinois.

County Clerk. Shall mean the Clerk of McLean County, Illinois.

County Engineer. Shall mean the Registered Professional Engineer as appointed by the County Board as head of the Highway Department of McLean County or his designated representative.

County Planner. Shall mean the Planner of McLean County, Illinois.

Cross Slope. The degree of inclination measured across pavements rather than in the direction traffic moves on the pavement.

Cul-de-Sac. A minor street with only one outlet and ends with a turn-around.

Dedicate. Transfer of ownership of right-of-way or other parcel of land or improvement to a public or private entity without compensation.

Department of Building and Zoning. Shall mean the Department of Building and Zoning of McLean County, Illinois.

Developer. See Owner.

Development. 1) The act of changing and 2) the state of a tract of land after its function has been purposefully changed by man, including but not limited to, erection of buildings or structures on the land, and alterations to the land, the grading or plowing of land for agricultural purposes that do not alter the natural flow of storm water.

Director of Building and Zoning. Shall mean the Director of the Department of Building and Zoning of McLean County, Illinois or his designated representative.

Director of Environmental Health. Shall mean the Director of Environmental Health of the



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McLean County Health Department or his designated representative.

Drainageway, Improved. A portion of a right-of-way or easement used or intended principally for storm, surface or subsurface drainage, which meets or exceeds the design and construction standards for public drainageways.

Drainageway, Unimproved. A portion of right-of-way or easement whose use or intended principal use is storm, surface or subsurface drainage which does not meet or exceed the design and construction standards for public drainageway.

Driveway. A private access way for motor vehicles between a public or private street and one or more structures or off-street parking areas.

Double Frontage Lot (Through Lot). A lot that has a pair of opposite lot lines along two substantially parallel streets.

Dwelling. A building designed or used principally for residential occupancy, including, without limitation, single-family dwellings, two family dwellings and multiple-family dwellings.

Easement. That portion or quantity of land set aside in which a liberty, privilege, or advantage in land without profit, is dedicated and is distinct from fee ownership of the land, is granted either to the public, a particular person or a combination of both.

Engineer. A professional Engineer licensed by the State of Illinois.

Excavation. Any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting from said act.

Erosion Control Plan. A plan showing a functional means of controlling runoff to prevent sediments from leaving the project site and thus causing siltation in sewers, lakes, streams or adjacent property.

Existing Building. Any building erected prior to the adoption of this Ordinance or for which a legal building permit has been issued.

Existing Grade. The vertical location of the existing ground surface prior to excavating or filling.

Family. One (1) or more persons related by blood, marriage, or adoption, or a group of not more than five (5) persons not so related, together with his or their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit. A family may include two (2) roomers or boarders whether or not gratuitous. A family may include the occupants of a foster family home or a group home as defined by the Zoning Ordinance.

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Fill. Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by mechanical means to a new location and shall include the conditions resulting therefrom.

Final Grade. The vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

Final Plat. A map, plan, or layout showing the subdivision of land and indicating the location and boundaries of individual lots as described in this Ordinance.

Flood. A general and temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation or the runoff of surface waters from any source.

Floodway. That portion of the Special Flood Hazard Area required to store and convey the Base Flood.

Frontage. The linear measure between lot lines along a street, roadway or other public way.

Grade. The rise in elevation of any portion of the earth's surface or any improvement thereon, divided by the horizontal distance. The grade shall be expressed as a percentage and shown on all profile sheets.

Grading. The act of excavating or filling or any combination thereof and shall include the conditions resulting from any excavation or fill.

Land Improvement. Any sanitary sewerage system, storm sewer system, water supply and distribution system, roadway, parkway, sidewalk, pedestrian way or other improvement which is required or provided by this Ordinance.

Lot. A quantity of land described with such specificity that its location and boundaries may be established and which is designated by its owner or developer as land to be conveyed, used or developed as a unit including any easements appurtenant thereto.

Lot Area. The area of a horizontal plane bounded by the vertical planes through the front, side and rear lot lines.

Lot, Corner. A lot located at the intersection of two (2) or more streets; or a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.

Lot Depth. The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

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Lot Line. A line dividing one lot from another, or from the street right-of-way.

Lot of Record. A lot which is part of a subdivision recorded in the office of the McLean County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width. The horizontal distance between the side lot lines of a lot measured at the required front yard setback line. In the case of a corner lot either side along the public street may be designated as the front yard.

Manual. Shall mean the "Manual of Practice for the Design of Public Improvements in McLean County".

Median. An area used to separate motor vehicles moving in opposite directions.

Motor Vehicle. Any self-propelled vehicle designed primarily for transportation of persons or goods along streets, alleys or other public ways.

Municipality. Any incorporated town, city or village within McLean County, Illinois.

Natural Drainage. Watercourses formed in the topography of the earth prior to any manmade changes.

No Access Strip. A land area at least one (1) foot (.3 meters) wide along a lot line within which no driveways shall be permitted.

Official Zoning Map. The map adopted by the County Board in accordance with Chapter 55 of the Illinois Compiled Statutes or any other statute enacted in lieu thereof showing all zoning district boundaries in the unincorporated areas of McLean County.

Outlot. A lot depicted on a final subdivision plat which does not meet the requirements of the Ordinance for lots of record and which may not be used for buildings or parking lots or other improvements except in connection with an adjacent lot as permitted by the Zoning Ordinance.

Owner. Any person, firm, association, partnership, private corporation, public or quasi-public corporation, or a combination of any of these, or other legal entity having sufficient proprietary interest in the land sought to be subdivided or developed to commence and maintain proceedings under the provisions of this Ordinance.

Parcel. All contiguous land used or legally described and recorded as a single unit.

Parking Lot. An area not on public right-of-way, exclusive of driveways, which is used for the parking of motor vehicles. For purposes of computing the number of parking spaces in a

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lot, all areas used for parking under unified control on the same or contiguous parcels of land shall be considered as one (1) lot.

Parking Space. An area on a parking lot of sufficient size, according to the provisions of this Ordinance to store one (1) passenger vehicle, connected to a street or alley by a driveway or driving area and so arranged as to permit ingress and egress of the vehicle at all times without maneuvering on a sidewalk and without moving any other vehicles parking adjacent to the parking space.

Parkway. The unpaved land within a street right-of-way that is located between the back of the curb and the right-of-way line.

Pavement. A portion of the street designated for vehicular use measured from face to face of curb or edge to edge of paved wearing surface where there are no curbs.

Planned Unit Development. A lot or group of lots which is developed as a unit initially under single ownership or unified control, which includes two (2) or more principal buildings or uses, and is processed under the Planned Unit Development procedure of this Ordinance.

Preliminary Plan. A tentative map or plan of a proposed subdivision as described in this Ordinance.

Project. All of the various parts of proposed construction submitted to the Committee for approval.

Property Line. The lines bounding a lot or parcel delineating the land in individual ownership.

Public Improvements. Include streets, sidewalks, public utilities and other structures, fixtures or land appurtenances that are or are intended to be dedicated to a public or private entity.

Reserve. To set aside a parcel of land in anticipation of its acquisition for use by a public or private entity for public purposes.

Right-of-Way. A strip of land dedicated to or used by the public for vehicular and/or storm, surface or groundwater drainage.

Roadway. A portion of a right-of-way designated for motorized vehicular use.

Setback. The minimum longitudinal distance between the building or structure line and the related lot line abutting a street.

Setback Line. A line shown on a plat delineating the setback.

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Sidewalk. A tract of land used or intended principally for pedestrian passage.

Street. That portion of a public right-of-way used and maintained by the public which affords the principal means of access to adjacent lots of record or premises and meets the design and construction standards for the classification it holds under this Ordinance.

Street Classification. Streets shall be classified according to the IDOT standards.

Structure. Anything that is built or constructed, including but not limited to, any usable, permanent, in place device or appliance within the lot making a projection of six (6) inches (15cm) or more above grade and having a base greater than twelve (12) square feet (1 square meter). This does not, however, exclude such underground or surface structures such as tunnels, future foundations, or swimming pools in whole or in part below grade.

Subdivide. The division of land containing any number of lots, parcels or tracts or any division of land which creates one (1) or more additional lots for transfer of ownership and/or building development and is not excepted under the provisions of Section 2-14 of this Ordinance.

Subdivider. See Owner.

Subdivision. The configuration of lots of record, outlots, public rights-of-way and land improvements that result from subdividing land in accordance with the procedures, requirements and standards of this Ordinance.

Use. The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the regulations of the Zoning Ordinance.

Vacate. To terminate the legal existence of any easement, right-of-way or subdivision, and to so note on the final plat recorded with the McLean County Recorder.

Zoning Ordinance. The Zoning Ordinance of McLean County, Illinois.

### 2.07 INTERPRETATION, CONFLICT, AND SEPARABILITY

- A. In their interpretation and application, the provisions of the Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- B. Conflict with Public and Private Provisions.
  - 1. Public Provisions. The regulations in this Ordinance are not intended to interfere with, abrogate, or annul any other ordinance, resolution, rule or

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regulation, statute or other provision of law. Where any provision of the Ordinance imposes restrictions different from those imposed by any other resolution, ordinance, rule or regulation, or other provision of law, those provisions that are more restrictive or impose higher standards shall control.

2. Private Provisions. The regulations in this Ordinance are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Ordinance shall govern.
- C. Separability. If any part or provision of this Ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Ordinance or the application thereof to other persons or circumstances. The County Board hereby declares that it would have enacted the remainder of this Ordinance even without any such part, provision, or application.

### 2.08 SAVING PROVISION

This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, expressly provided for in this Ordinance.

### 2.09 AMENDMENTS

For the purpose of providing the public health, safety, and general welfare, the County Board may from time to time amend the provisions imposed by this Ordinance. The Committee in the manner prescribed by law shall hold public hearings on all proposed amendments.

### 2.10 CONDITIONS

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid power delegated by the State of Illinois to the County. The subdivider or owner has the duty of compliance with reasonable conditions laid down by the County Board for design, dedication, improvement, and restrictive use of land so as to conform to the physical and economical development of the County and to the safety and general welfare of the future owners of lots in the subdivision.

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### **2.11 RESUBDIVISION OF LAND**

- A. Procedure for Resubdivision. For any change in a recorded plat of a subdivision, if such change affects any street configuration shown on such plat, or affects any area reserved thereon for public use, or affects any lot line, such change shall be reviewed by the Committee and the County Board by the same procedure, rules and regulations as for a subdivision as provided by this Ordinance.
- B. Procedure for Subdivisions Where Future Resubdivision is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than one (1) acre (0.405 hectare) of land and there are indications that such lots will eventually be resubdivided into smaller lots, the Committee may require that such parcel of land allows for the future construction of new streets and the extension of existing adjacent streets. Easements providing for the future construction and extension of such streets may be made a requirement of the plat.

### **2.12 VACATION OF PLATS**

In accordance with State law, any plat or part thereof may be vacated by the owner of the parcel, at any time before the sale of any lot therein, by written vacation instrument to which a copy of the plat is attached. If there are public service facilities in any street, or other public way, or easement shown on said plat, the instrument shall reserve to the proper authority or other public entity or public utility owning such facilities the property, rights-of-way, and easements necessary for continuing public service by means of those facilities and for maintaining or reconstructing the same. The vacation instrument shall be approved by the County Board in the same manner as plats of subdivision, and shall also be approved by the public utilities involved.

### **2.13 VARIATIONS**

- A. Where the County Board finds that extraordinary hardships or practical difficulties may result from strict compliance with this Ordinance and/or the purposes of the regulations in this Ordinance may be served to a greater extent by an alternative proposal, the County Board may approve variations to these subdivision regulations so that substantial justice may be done and the public interest secured provided that such variation shall not have the effect of nullifying the intent and purpose of these regulations; and further provided that the County Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:
  - 1. The granting of the variation 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;

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2. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
  3. Because of the particular physical surrounding, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations in this Ordinance is carried out.
- B. Conditions. In approving variations, the County Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this Ordinance.
- C. Procedures. A petition for any such variation shall be submitted in writing by the subdivider at the time when the Preliminary Plan is filed for the consideration of the Committee. Such petition shall state fully the specific cases which, in the subdivider's opinion, meet the standards for granting variations as provided in Section 2.13 A of this Ordinance. The Committee shall then recommend approval or denial of these variations to the County Board.

### 2.14 OBLIGATIONS TO COMPLY

- A. It shall be unlawful for a person, firm, partnership, or corporation to subdivide any land under the jurisdiction of McLean County without following the procedures, satisfying the requirements, and meeting the standards specified in the Ordinance, provided however, the provisions of this Ordinance shall not apply in the following instances:
1. The division or subdivision of land into parcels or tracts of five (5) acres (2.02 hectares) or more in size which does not involve any new streets or easements of access;
  2. The division of lots or blocks of less than one (1) acre (0.405 hectare) in any recorded subdivision which does not involve any new streets or easements of access;
  3. The sale or exchange of parcels of land between owners of adjoining and contiguous land, provided that such transfer does not create a parcel that does not meet minimum requirements of this Ordinance;
  4. The conveyance of land or parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access;



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5. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
6. Conveyances made to correct descriptions in prior conveyances;
7. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access, provided that such transfer does not create a parcel that does not meet minimum requirements of this Ordinance;
8. The sale of a single lot of less than five (5) acres (2.02 hectares) from a larger tract when a survey is made by a registered land surveyor; provided that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land; or
9. The conveyance of parcels lawfully complying with the provisions of the Illinois Condominium Property Act.

Any division of land not exempted by one of the above listed exceptions shall be considered a subdivision under this Ordinance.

### 2.15 VIOLATION PENALTIES

Any person found guilty of violating any of the provisions of this ordinance shall, upon conviction thereof, be guilty of a petty offense and be fined by the court in an amount not to exceed five hundred dollars (\$500) for each offense. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation.

### 2.16 PLAT OFFICER

The Director of Building and Zoning is hereby designated as the Plat Officer. Final plats for the subdivision of land, where only one (1) new lot of less than five (5) acres (2.024 hectares) is created by the first and only subdivision of a tract as constituted on the 13th day of April, 1970, and where said new lot fronts upon an existing street with no new street involved, shall be submitted to the Plat Officer. The Plat Officer shall review the plat and, within fifteen (15) days of submission of all documents required, shall accept the plat if it meets the requirements of this Ordinance and certify such acceptance in lieu of acceptance by the County Board and certification of same by the County Clerk. Applications submitted to the Plat Officer shall include one (1) Mylar of the final plat, eight (8) contact prints of the plat, one (1) copy of supporting documents establishing this to be the first and only subdivision of this tract since the effective date of this Ordinance, four (4) copies of the Owners Certificate, and one (1)

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copy of the County Clerk's Tax Certificate. The Plat Officer shall also approve final plats for subdivisions that have a valid preliminary plan and such final plat substantially conforms to said preliminary plan.

### **2.17 LAND TRUSTS - DISCLOSURE OF BENEFICIAL INTERESTS**

Whenever any trustee of a land trust, or any beneficiary or beneficiaries of a land trust make application to the County of McLean for approval of a subdivision under this Ordinance relating to the land which is the subject of such trust, such application shall identify each beneficiary of such land trust by name and address and define his interest therein as required by Chapter 765 ILCS 405 of the Illinois Compiled Statutes. All such applications shall be verified by the applicant in his capacity as trustee, or by the beneficiary as a beneficial owner of interest in such land trust. If such application is filed by a body politic or other corporate entity, it shall be verified by a duly authorized officer of such body politic or other corporate entity for whom such application is made. Such verifications shall be in the form of one (1) of the examples cited in Appendix C of this Ordinance

### **2.18 TIMING**

See chart in Appendix D.

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### **ARTICLE III – Submission and Review Procedures**

#### **3.01 PRE-DESIGN CONFERENCE**

Prior to the submission of a Preliminary Plan as required by Section 3.02 of this Ordinance, or a final plat if the subdivider is exempted from the filing of a Preliminary Plan, the subdivider or owner of a proposed subdivision shall prepare a concept plan of the proposed subdivision and present twelve (12) copies of the plan to the Director of Building and Zoning for the purpose of initial review and comment. It will be the responsibility of the Director of Building and Zoning to distribute these plans to the Subdivision Review Committee, comprised of the Director of Building and Zoning, the County Engineer, the Director of Environmental Health, the County Planner, the Director of Regional Planning, the Township Road Commissioner, the Soil and Water Conservation District and other affected entities. The Director of Building and Zoning shall then set a date and time for a pre-application conference with the subdividers or owners and representatives of the Subdivision Review Committee as may wish to attend. The purpose of this conference will be to provide the subdivider or owner with the comments from the various departments so that the plan may be refined and presented as a preliminary plan in the form required by Section 3.02 of this Ordinance. Staff may waive the pre-design requirement if it is deemed unnecessary.

#### **3.02 PRELIMINARY PLAN**

Before subdividing any tract or parcel of land in the unincorporated areas of McLean County, the owner or subdivider shall prepare and submit a Preliminary Plan to be acted upon by the County Board in accordance with the laws of the State of Illinois and the following Preliminary Plan Submission Procedures.

- A. Submission - The owner or developer shall submit to the Director of Building and Zoning, for review and comment, ten (10) paper copies of a Preliminary Plan providing all information and in the form required by Section 4.02.
- B. Filing Fee - The owner or subdivider shall provide to the Director of Building and Zoning an application for approval of a Preliminary Plan accompanied by a filing fee, payable to the Treasurer of McLean County in an amount determined from the schedule provided in Appendix E. In addition to the filing fee, the owner or developer shall pay to the Department of Building and Zoning the cost to publish the Notice of Public Hearing for the Preliminary Plan. The notice shall be published in a daily newspaper of general circulation within the county. Said cost to be paid prior to the hearing. Failure to pay this cost prior to the hearing shall result in the cancellation of the hearing.
- C. Scheduling and Notification of Public Hearing - Upon receipt of such application, ten (10) copies of a corrected and amended Preliminary Plan and the required filing fee, the Director of Building and Zoning on behalf of the Committee shall set a date for a public hearing, said public hearing shall be scheduled no less than forty-five (45)

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days after the filing of the Preliminary Plan and shall be advertised in a newspaper of general circulation in McLean County at least fifteen (15) days but no more than thirty (30) days before the date of the public hearing. Said notice shall contain:

1. The name of the proposed subdivision or planned unit development, its commonly known location and legal description;
  2. A statement of what the application is requesting the County Board to approve;
  3. A statement of where copies of the application, the Preliminary Plan or Preliminary Development Plan and all other supporting documentation can be inspected by the public;
  4. A statement that all interested persons have the right to appear at the public hearing on such Preliminary Plan and present evidence; and
  5. The date, time and location of the public hearing.
- D. Distribution of the Preliminary Plan for Review - The Director of Building and Zoning shall distribute copies of the Preliminary Plan to the appropriate agencies.
- E. Staff Review and Comment - McLean County Staff and other departments and agencies as may be required shall review such Preliminary Plan and shall submit their recommendations for approval, modification, or disapproval of said Plan to the Director of Building and Zoning. The Director shall submit a written copy of these recommendations to the subdivider for their review. The subdivider shall have the opportunity to make any changes recommended by the reviewers before the Plan is forwarded to the Committee. Should the owner choose not to make the recommended changes the Director shall present a written report containing the staff recommendations for approval, modification, or disapproval to the Committee for its consideration.
- F. Public Hearing and Recommendation - The Committee shall conduct a public hearing on the Preliminary Plan during which it shall determine the extent to which said Plan conforms with the standards of this Ordinance. Said public hearing shall be held in compliance with the public notice requirements as cited in Section 3.02 C of this Ordinance. The Committee shall, not later than sixty (60) days after to adjournment of the public hearing, transmit its recommendation on the Preliminary Plan to the County Board. The Committee may recommend approval of a Preliminary Plan, denial of a Preliminary Plan, or with an approval recommendation conditioned upon the making of one (1) or more changes on the Preliminary Plan, with such changes enumerated in the Committee's recommendation. Once the Committee has acted upon the Preliminary Plan, their recommendation shall be transmitted in writing to the County Board. If the Committee recommends

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disapproval of the Plan, it shall furnish the County Board and the subdivider with a written statement setting forth the specific reason or reasons that the Plan fails to meet the requirements of this Ordinance or does not comply with any land use plans and development guides adopted by the County Board.

- G. County Board Approval or Rejection - Within sixty-five (65) days after its first regular meeting following receipt of the written recommendation from the Committee regarding the proposed Preliminary Plan, the County Board shall approve or reject such Preliminary Plan. Upon approval of the Preliminary Plan by the County Board, the owner or developer shall provide to the Director of Building and Zoning two (2) reproducible mylars and ten (10) paper copies of the approved Preliminary Plan who shall cause the signatures required on the "Notice of Approval" as provided by Section 4.02 C of this Ordinance to be affixed thereon. The Director of Building and Zoning shall then distribute the copies of the approved Preliminary Plan with such signatures affixed to the appropriate agencies. Failure of the County Board or its committee to act within the time frames designated in F & G above shall constitute a denial of the proposed Preliminary Plan.
- H. Extension of Time Periods by Mutual Consent - Time periods for review by the Committee and/or by the County Board may be extended by mutual consent of the owner or subdivider and the Committee and/ or County Board. Any such extension shall stay the running of all subsequent time periods.
- I. Extension of Preliminary Plans - Approved Preliminary Plans or portions thereof on which no Final Plat has been submitted for review and approval shall expire and be of no force or effect three (3) years after its approval, except:
  - 1. The recording of a Final Plat and necessary supporting documents pursuant to Sections 3.03 and 3.05 shall extend the life to three (3) years from the date of the recording; or
  - 2. If the life of a Preliminary Plan is extended by action of the County Board.

### 3.03 PUBLIC IMPROVEMENT ENGINEERING PLANS AND SPECIFICATIONS

Before subdividing any land subject to the requirements of this Ordinance, an owner or developer shall comply with the following public improvement plan and specification submission, review and approval procedure:

- A. Prerequisites - Approval and continuing validity of a Preliminary Subdivision Plan;
- B. Submission - The owner or developer shall submit engineering plans and specifications, as required in the Manual, for all public improvements proposed in or necessary to serve lots depicted in an approved Preliminary Plan or portion thereof.

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Such plans and specifications shall be in the form and include the content required by Section 4.03 of this Ordinance.

### C. Review and Approval -

1. The public improvement plans and specifications shall be reviewed and approved by the County Engineer.
2. The County Engineer will require the owner or developer to submit all data, plans, specifications and additional materials as may be necessary to completely and accurately determine the extent of compliance or non-compliance with the County's public improvement design standards and accepted engineering practice and to demonstrate that the proposed manner of construction and installation will meet or exceed all county public improvement construction standards as outlined in the Manual of Practice.
3. The public improvement plans and specifications which meet or exceed the County subdivision, public improvement design standards and otherwise demonstrate good and acceptable engineering design and practice shall be approved by the County Engineer. Any public water system shall be approved by either the McLean County Health Department or any governmental body or agency with the authority to regulate such installations.
4. Approval or disapproval by any reviewing authority shall be in writing and shall make reference to the public improvement plans and specifications.

### 3.04 PUBLIC IMPROVEMENT INSTALLATION AND INSPECTION PROCEDURES

The owner or developer of property desiring to install public improvements in an area depicted in a proposed final subdivision plat shall perform such installation in accordance with the following procedure:

#### A. Prerequisites to Installation -

1. For installations before Final Plat approval:
  - a. Approval and continuing validity of an approved preliminary plan;
  - b. Approval of public improvement engineering plans and specifications for any and all public improvements which are to be installed or the installation of which is to be commenced prior to the approval of a final plat; and
  - c. A public improvement bond and surety.
2. For installation after Final Plat Approval:
  - a. Approval of a Final Plat;
  - b. Posting of a Final Plat, Performance and Workmanship Bond and surety in the amount and form specified in Section 4.06 for all public

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improvements depicted in, adjacent to or necessary to serve lots or outlots depicted in an area for which final plat approval has been obtained.

- B. Inspection - During installation of public improvements, either before or after final plat approval, the owner or developer shall comply with the requirements of Section 1.15 of the "Manual of Practice for the Design of Public Improvements in McLean County" by which the County Engineer or his designated representative shall make periodic inspections. The developer shall be responsible for notifying the County Engineer before any work is performed. Failure to comply during installation or to maintain such installations in a manner that permits inspection shall constitute grounds for rejecting or revoking preliminary or final plat approval, forfeiting pledged security and, in addition, shall constitute a violation of this Ordinance.
- C. Plan Review, Inspection, and Testing Fee - The cost incurred by the County for review of public improvement plan and specifications as required by Section 3.03 of this Ordinance and the inspection and testing of public improvements as required by Section 3.04 of this Ordinance, shall be paid by the owner or developer. Such cost shall be equal to the actual cost incurred by the County in labor, materials, transportation and overhead for such review, inspection and testing as calculated by the County Engineer. At the time such plans and specifications are filed with the County Engineer, the owner or developer shall pay to the County a fee of two (2) percent of the costs as estimated by the County Engineer of such required land improvements. Said fee shall be applied as credit against the actual costs incurred by the County for review of such plans and the inspection and testing of such improvements. The balance of the actual costs for said inspection and testing shall be paid to the County before acceptance of the improvements. All land improvements to be installed under the provisions of this Ordinance shall be inspected by the County during the course of construction.
- D. Grading Plans Record Drawings - The owner or developer shall submit to the County Engineer for approval a record drawing of the grading plan which is required by Section 1.05-b of the Manual. The record drawings submitted shall be one (1) clear and legible transparent mylar and one (1) contact print of the approved grading plan and shall also depict the actual ground surface elevations on all lot corners and building paths in addition to the proposed elevations on the grading plan.

### 3.05 FINAL PLAT

Before subdividing any land, subject to requirements of this Ordinance, an owner or developer shall comply with the following final plat submission, review and approval procedure:

- A. Prerequisites -

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1. Approval and continuing validity of a Preliminary Subdivision Plan unless exempted from the requirement for a Preliminary Plan;
  2. Approval of the public improvement plans and specifications proposed in, adjacent to or necessary to serve lots or outlots depicted in the area for which final plat approval is sought;
  3. Payment of any and all applicable fees prior to recording.
  4. The posting of any required Final Plat Performance and Workmanship Bond and surety prior to recording the final plat. Making any required Public Land Dedications or cash contribution in lieu thereof and obtaining and filing with the County of any off-site easements or right-of-way for public improvements serving the site.
  5. The plat has been approved in writing by the Illinois Department of Transportation with respect to roadway access where such access is to a state highway or by the relevant local highway authority with respect to all other roadway access and by the McLean County Health Department or any other agency with respect to water supply or waste water disposal systems.
- B. Submission -
1. The owner or developer shall submit to the Director of Building and Zoning ten (10) paper copies of a Final Plat, in a form and providing all the information, data and supporting material required by Section 4.03 of this Ordinance and retaining the design characteristics of the approved Preliminary Plan and approved public improvement engineering plans and specifications.
  2. The subdivider shall pay to the Director of Building and Zoning a filing fee, payable to the Treasurer of McLean County in an amount determined in Appendix E.
- C. Distribution of Final Plat for Review and Comment - The Director of Building and Zoning shall distribute copies of the Final Plat for review and comment to the appropriate agencies.
- D. Staff Review, Referral and Recommendation - If upon review of the Final Plat by the Director of Building and Zoning and other members of the staff, it is determined that it substantially conforms with the approved Preliminary Plan and public improvement plans and specifications and if the supporting material meets all Ordinance requirements, then the Plat Officer may approve the Final Plat, subsequent to the posting of the Performance and Workmanship Bond, surety and related documents. If the Final Plat does not in some way substantially conform to the approved Preliminary Plan or if the supporting material does not conform to all



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Ordinance requirements, then the Final Plat shall be sent to the Committee for review. The Committee shall then review the Final Plat and recommend to the County Board either approval with conditions or disapproval. After final approval of the Final Plat the developer shall provide to the Director of Building and Zoning one reproducible mylar, one electronic data file as required by the Manual and ten (10) paper copies.

- E. Recording - Within forty-five (45) days from the date of adoption of an Ordinance approving the Final Plat, or within forty-five (45) days of the date on which the last of the prerequisites or conditions of an ordinance are met, whichever is later, the Director of Building and Zoning shall cause to be recorded a copy of the Final Plat, a certified copy of the approval of the Final Plat, and any supporting certificates necessary to accomplish the recording in the Office of the Recorder of Deeds, the cost of which shall be paid by the developer.
- F. Expedited Final Plat Submission, Review and Approval Procedure - Subdivision with Three Lots or Less -- Notwithstanding the sequential procedure for subdivision plan submission, review and approval specified elsewhere in this Ordinance, an owner or developer meeting the pre-requisites specified in this paragraph may utilize the expedited Final Plat process described herein:
  - 1. Prerequisites -
    - a. The plat depicts a total of not more than three (3) lots including outlots;
    - b. The plat includes all contiguous property in common ownership or unified control by the subdivider;
    - c. A new street or street improvement is not involved.
  - 2. Submission - Any person desiring to utilize the expedited final plat procedure, shall submit the following to the Director of Building and Zoning:
    - a. A written request to waive the preliminary plan and construction drawing, submission, review, and approval procedures;
    - b. Eight (8) copies of the final plat in a form providing all information, data and supporting material required by Section 4.4;
    - c. A filing fee in an amount outlined in Appendix E.
  - 3. Distribution of Final Plat for Review and Comment - The Director of Building and Zoning shall route one or more copies of the Final Plat to the staff members for review and comment. One copy of the final plat shall be provided to each member of the Committee prior to his or her consideration of the plat.

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4. Within forty-five (45) days from the submission of a Final Plat under this expedited review and procedure, the Committee shall review the submission to determine the extent to which it conforms to the requirements of this Ordinance. If the material meets all Ordinance requirements, then the Committee shall recommend approval to the County Board at the next scheduled County Board meeting. The County Board may approve such plats subject to the posting of any payments or dedications required by this Ordinance. If the Final Plat in some way does not conform to all Ordinance requirements, then the County Board may take one of the following actions:
  - a. By Ordinance, approve the Final Plat;
  - b. By Ordinance, approve the Final Plat with conditions;
  - c. Disapprove the Final Plat.
  - d. Require the submission of a preliminary plan and/or public improvement engineering plans and specifications.
5. Conformance with Other Requirements - Except as otherwise provided in this section, the recording of Final Plats, the posting of bonds, the submission of as-built plans and the release of bonds shall be as provided in this Chapter.

### 3.06 FINAL DEVELOPMENT PLANS FOR PLANNED UNIT DEVELOPMENTS

Prior to approval of a planned unit development the developer shall provide four (4) sets of final development plans to the Director of Building and Zoning. These plans shall conform as closely as possible to the requirements of this ordinance except that, with the recommendation of staff and approval of the County Board, certain design features unique to the site may be allowed.

### 3.07 PAYMENT, PERFORMANCE, AND WORKMANSHIP GUARANTEES

Prior to the approval of a final plat, the owner or developer shall present to the Director of Building and Zoning a Final Plat Improvement Payment, Performance and Workmanship Bond with appropriate evidence of security in the manner, amount and form described Section 4.6 of this Ordinance.

### 3.08 SUBMISSION OF RECORD DRAWINGS

After installation, completion, inspection, testing and receipt of engineering approval, but before final acceptance for maintenance of any public improvements within a subdivision, the owner or developer shall submit record drawings of the public improvement plans in the form and with the content required by Section 1.16 of the Manual.

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### **3.09 ACCEPTANCE FOR MAINTENANCE**

- A. After the completion of the required improvements the developer shall submit in writing a request for final inspection along with the record drawings and proof of payment of all bills. At this time a representative of the County Engineer and the Township Road Commissioner shall make a final inspection of the required improvements. If all improvements are found to be in compliance with the standards of this Ordinance, the County may recommend acceptance. Should any items not be in compliance with this Ordinance a final punch list shall be made and those items corrected before acceptance.
- B. Should the Township Highway Commissioner not accept the improvements, the owner or developer may then appeal as provided in Section 606 ILCS 5/6-325.
- C. Upon the finding that all improvements are in compliance with this Ordinance and the County recommends acceptance and the roads are accepted into the township system the homeowners association shall assume responsibility for all public improvements not related to the public streets.

### **3.10 FINAL SECURITY RELEASE**

Final Plat Public Improvement Payment, Performance and Workmanship Bonds - Two years after the date on which the improvements were accepted for maintenance, unless a material or workmanship claim is submitted and after a final inspection of the improvements, the County Engineer shall release the surety instrument and the Performance and Workmanship Bond will expire.

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### **ARTICLE IV – Form and Content**

#### **4.01 CONCEPT PLAN**

Said concept plan shall be drawn to an engineering scale and shall show the conceptual layout of streets, lots, drainage, and the location of major natural features such as lakes and streams. The members of the Subdivision Review Committee shall advise the owner or developer at the pre-application conference whether the concept plan is consistent with the requirements of this Ordinance, the McLean County Zoning Ordinance, the Comprehensive Plan adopted by the County Board, and all other applicable state, county and local laws and regulations.

#### **4.02 PRELIMINARY PLANS AND SUPPORTING MATERIAL**

- A. General - The developer submitting a Preliminary Plan shall submit all of the information required by this Section in the form specified herein. Failure of the subdivider to provide this information on the form required shall be sufficient grounds for the County to refuse to accept the filing of a Preliminary Plan or to reject a Preliminary Plan at any stage of the review and approval process as provided by Article III of this Ordinance.
- B. Minimum Area Included in a Preliminary Plan - A Preliminary Plan shall include not less than all contiguous property in common ownership or unified control.
- C. Required Form and Content of a Preliminary Plan and Supporting Documents - Plans, drawings, surveys, maps, schematics, and comparable material shall be submitted in the form and content as specified in Section 1.05 of the "Manual of Practice for the Design of Public Improvements in McLean County".

#### **4.03 PUBLIC IMPROVEMENT ENGINEERING PLANS AND SPECIFICATIONS**

- A. General - The developer submitting public improvement engineering plans and specifications shall submit all the information required by this Section in the form specified. Failure of an owner or developer to provide this information in the form required shall be sufficient grounds for the County to refuse to accept the filing of the public improvement engineering plans and specifications, to reject the plans and specifications at any stage in the review and approval process, or to reject a Final Plat depicting lots or outlots served by such public improvements.
- B. Minimum Material Submitted - Engineering plans and specifications shall be submitted for all public improvements proposed in or necessary to serve lots depicted in an approved Preliminary Plan or portion thereof. Such materials shall include, without limitation, plans, profiles, standard details, and special details drawn in sufficient detail and supported with sufficient data to make possible a complete and

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accurate determination of the extent of compliance or non-compliance with the Manual to permit construction and installation of the proposed improvements without additional or supporting engineering data.

### 4.04 FINAL PLAT

- A. General - The owner or developer submitting a final plat shall submit all information required by this Section in the form specified. Failure of an owner or developer to provide this information in the form required shall be sufficient grounds for the County to refuse to accept the filing of a Final Plat or to reject the final plat in any stage of the review and approval process.
- B. Area Included in a Final Plat
  - 1. A final plat shall not include any area not included in an approved and valid preliminary plan unless an exception of the Preliminary Plan requirements of Section 3.02 of this Ordinance has been approved in accordance with Section 3.05 F;
  - 2. A final plat shall not depict any public improvements or lots served by, which are to be served by, or which under this Ordinance require service by public improvements unless the public improvement engineering plans and specifications for such public improvements have been submitted, reviewed and approved.
- C. Required Form and Content of Final Subdivision Plats and Supporting Documents- Final Plats, certificates, and comparable material shall be submitted in the form and content as specified in Section 1.05 of the Manual.

### 4.05 FINAL DEVELOPMENT PLANS FOR PLANNED UNIT DEVELOPEMENTS

Final development plans shall contain the same basic information as required by the public improvement and engineering plans and specifications but may have design features unique to the particular project.

### 4.06 PERFORMANCE AND WORKMANSHIP GUARANTEES

- A. Final Plat Public Improvement Payment, Performance and Workmanship Bond -
  - 1. Nature of the Obligation - Any owner, developer or subdivider shall submit a Final Plat Public Improvement Payment, Performance and Workmanship Bond obligating the signer(s) to do each of the following:
    - a. Install all public improvements depicted on or in an approved preliminary plan, the engineering plans and specifications or final plat.

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- b. Pay all plan review and inspection fees.
- c. Prepare and submit to the County one (1) complete set of plans and specifications showing such required land improvements as actually installed in the manner described in Section 4.07.

All improvements shall be completed within two (2) years following the approval of the final plat by the County Board and prior to acceptance of the improvements for maintenance. In addition, the execution of the subdivider's Final Plat Public Improvement Payment, Performance and Workmanship Bond shall obligate the signer(s) to guarantee the improvements against faulty materials and workmanship for a period of two (2) years following acceptance of the improvements for maintenance by the Township Road Commissioner.

### 2. Penal Amount of Bond and Security

- a. Penal Amount - The penal amount of the final plat public improvement payment and performance and workmanship bond shall be the higher of the following:
  - i. Should the developer start construction prior to submitting a final plat he shall provide a bond with a surety in an amount equal to twenty-five percent (25%) of the estimated cost of the improvements.
  - ii. At the time of final platting a new surety in the amount of one hundred percent (100%) of the estimated cost of all uncompleted work plus a warrantee of fifteen percent (15%) of the entire cost of the improvements. This amount may be reduced to fifteen percent (15%) of the total estimated cost upon acceptance of the improvements.
- b. Surety - The Performance and Workmanship Bond shall be secured in one of the following ways and in the form specified in Appendix B:
  - i. Escrow Account - The subdivider shall provide to the Director of Building and Zoning an escrow agreement to be held by a local bank or savings and loan association. All withdrawals from such account shall be subject to release by the County Engineer and paid as directed by the County Engineer as the work progresses and is approved by the County Engineer. Upon written acceptance by the appropriate highway authority, an amount equal to fifteen percent (15%) of the Engineer's estimate shall be held for a period of two (2) years until released in accordance with Section 3.10 A of this Ordinance.

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- ii. Irrevocable Letter of Credit - In lieu of an escrow account, the subdivider shall provide to the Director of Building and Zoning an Irrevocable Letter of Credit from a local bank or savings and loan association in the form and content required by this Ordinance. The subdivider may, with approval of the County Engineer, reduce the amount of the Letter of Credit as work progresses by providing a new letter of credit in an amount specified by the County Engineer. Upon completion of the improvements and written acceptance by the appropriate highway authority, the subdivider shall either provide a new Letter of Credit or an Escrow Account in an amount equal to fifteen percent (15%) of the Engineer's estimate which shall be held for a period of two (2) years or until released in accordance with Section 3.10 of this Ordinance.

All instruments of security provided shall be reviewed and approved as to form and content by the State's Attorney.

### 4.07 RECORD DRAWINGS

Record drawings shall meet all requirements of Section 1.16 of the Manual.

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### **ARTICLE V – Planned Unit Developments**

McLean County recognizes that due to the uniqueness of certain tracts of land that strict adherence to this ordinance would not allow the best utilization of the property. For this reason, planned unit developments are allowed to let developers incorporate certain unique design features into a proposed development. The owner or developer shall submit plans and specifications according to this ordinance for review by staff and recommendation to the Committee and ultimately the full County Board for final approval.

The development plans should meet all requisite zoning regulations and follow as closely as possible the standards outlined in the Manual of Practice.



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### **ARTICLE VI – Erosion and Sediment Control**

#### **6.01 General Applicability**

All subdivision of property that requires construction of public improvements shall be required to have erosion and sediment control.

#### **6.02 Standards for Design and Maintenance of Control Measures for Soil Erosion, Sediment and Storm Water**

All control measures required under this ordinance shall conform to the design criteria, standards, and specifications provided in the Manual, now in effect or as hereafter amended. All control measures installed shall be sufficient to prevent sediment from leaving the permit site during a five-year frequency storm event. The County Engineer may require additional control measures pursuant to the Standards if determined as necessary after site inspection. A copy of the erosion control plan filed with the IEPA and a copy of the NPDES permit shall be furnished to the County Engineer.

#### **6.03 Maintenance of Erosion, Sediment, and Temporary Storm Water Control Measures**

On-site sediment control measures shall be constructed and functional prior to initiating clearing, grading, stripping, excavation or fill activities on the site.

Sediment control measures and temporary storm water control measures are to be maintained so they are operating effectively until permanent ground surface protection and permanent storm water control measures are established in accordance with the Manual.

Written approval shall be obtained from the County Engineer prior to making any modification to the approved erosion and sediment control plan.

If at any time it is determined by the County Engineer that the erosion control plan is not being followed or that proper maintenance of the erosion control measures is not being performed, he will notify the developer in writing of these deficiencies. If corrective action is not taken within ten (10) calendar days of the date of the notification a stop work may be placed on the site until corrective action is taken or the County Engineer may do any necessary work and make a demand on the performance bond for reimbursement.

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### **ARTICLE VII – Stream Buffer Regulations**

#### **7.01 FINDINGS: The McLean County Board hereby finds:**

Vegetated buffers adjacent to stream systems provide environmental protection and resource management benefits that include the following:

- A. Restoring and maintaining the chemical, physical and biological integrity of water resources.
- B. Removing pollutants delivered from urban stormwater.
- C. Reducing erosion and sediment entering streams.
- D. Stabilizing stream banks.
- E. Providing infiltration of stormwater runoff.
- F. Maintaining base flow of streams.
- G. Contributing to the organic matter that is a source of food and energy for the aquatic ecosystem.
- H. Providing tree canopy to shade streams and promote desirable aquatic organisms.
- I. Providing riparian wildlife habitat.
- J. Furnishing scenic value and recreational opportunity.

#### **7.02 PURPOSE: The McLean County Board therefore declares that the purpose of this article is to protect, establish and maintain vegetation in buffer and wetland areas by implementing specifications for the establishment, protection and maintenance of vegetation along all stream systems within our jurisdictional authority. Furthermore, it is the intent of the McLean County Board to establish minimal, acceptable requirements for the design of buffers to protect the streams, wetlands, and floodplains of the County; to protect the water quality of watercourses, reservoirs, lakes and other significant water resources within the County; to protect the County's riparian and aquatic ecosystems; and to provide for the environmentally sound use of the County's land resources.**

#### **7.03 DEFINITIONS: When used in this article the following terms shall have the following meaning:**

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- A. Active Channel: The area of the stream channel that is subject to frequent flows (approximately once per one and a half years) and that includes the portion of the channel below the floodplain and the floodway.
- B. Base Flood: The flood having a one per cent probability of being equaled or exceeded in any given year. The Base Flood is also known as the 100-year flood.
- C. Best Management Practices: Conservation practices or management measures that control soil loss and reduce water quality degradation caused by nutrients, animal wastes, toxins, sediment and runoff. (Also identified as BMP'S)
- D. Buffer: A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake or reservoir. Alteration of this area is strictly limited.
- E. County: Unincorporated areas of the County.
- F. Development:
  - 1. Any human-made alteration of property for any purpose including but not limited to clearing, stripping, grading, filling and construction activities.
  - 2. Subdivision or the division of a tract or parcel of land into two or more parcels.
  - 3. The combination of any two or more lots, tracts, or parcels of property for any purpose.
  - 4. The preparation of land for any of the above purposes.
- G. Flood Plain: Those areas that are subject to inundation by the base flood and identified as such on the most recent Flood Insurance Rate Map of McLean County, Illinois and incorporated areas prepared by the Federal Emergency Management Agency, a copy of which is on file in the Department of Building and Zoning.
- H. Floodway: That portion of the flood plain identified as such on the most recent Flood Insurance Rate Map for McLean County, Illinois and incorporated areas prepared by the Federal Emergency Management Agency, a copy of which is on file in the Department of Building and Zoning.
- I. Nontidal Wetland: Property not influenced by tidal fluctuations that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

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- J. Nonpoint Source Pollution: Pollution that is generated by land use activities (rather than pollution from an identifiable or discrete source) and is conveyed to waterways through natural processes, such as rainfall, stormwater runoff, or groundwater seepage rather than direct discharges.
- K. One Hundred Year Floodplain: Those lands subject to inundation by the 100-year flood or the flood having a one-percent probability of being equaled or exceeded in any given year.
- L. Person: Any individual, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.
- M. Protected Property: Any property in the unincorporated areas of the County, (1) designated as a stream system on the stream buffer map attached hereto as Appendix A together with the buffer areas defined in this article based on stream order; and (2) any stream system located and identified by the Director of Building and Zoning based on field observation or on information supplied to the Director, together with the buffer areas defined in this article based on stream order.
- N. Pollution: Any contamination or alteration of the physical, chemical or biological properties of any waters that will render the waters harmful or detrimental to:
1. Public health, safety or welfare.
  2. Domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses.
  3. Livestock, wild animals or birds.
  4. Fish or other aquatic life.
- O. Stream Channel: Part of a watercourse either naturally or artificially created that contains an intermittent or perennial base flow of groundwater origin. Base flows of groundwater origin can be distinguished by any of the following physical indicators:
1. Hydrophytic vegetation, hydric soil, or other hydrologic indicators in the area(s) where groundwater enters the stream channel in the vicinity of the headwaters, channel bed, or channel banks.
  2. Flowing water not directly related to a storm event.

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3. Historical records of a local high groundwater table, such as well and stream gauge records.
- P. Stream Order: A classification system for streams based on a stream hierarchy. The smaller the stream, the lower its numerical classification. For example, a first-order stream does not have tributaries and normally originates from springs and/or seeps.
- Q. Stream System: A stream channel together with one or both of the following:
  1. 100-year floodplain.
  2. Hydrologically related nontidal wetland.
- R. Streams: Perennial and intermittent watercourses identified through site inspection and the McLean County Stream Order Map.
- S. Water Pollution Hazard: A land use or activity that causes a relatively high risk of potential water pollution.

### 7.04 OBLIGATION TO COMPLY:

- A. When subdividing land according to this Ordinance, it shall be unlawful for any person to undertake, initiate or cause to occur on any Protected Property in the County without first complying with the requirements of this article and obtaining a site development permit from the County for such activity.
- B. The obligation to comply with this article shall not apply in the following instances:
  1. That part of any development for which a waiver or variance is granted pursuant to the terms of this article.
  2. Agricultural operations as defined in the County Zoning Ordinance.
  3. All property zoned A-Agriculture District.
  4. Any development for which a valid building or site development permit or subdivision plan was issued or approved prior to the effective date of this article, and such permit or plan has not expired.
  5. All property zoned R-1 Single Family Residence District and R-2 Two Family Residence District prior to the effective date of this article.

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### 7.05 APPLICATION FOR PERMIT:

- A. Application for a site development permit shall be made by the owner of the property or his authorized agent to the Department of Building and Zoning on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner and developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee of \$125.00 (A separate filing fee shall not be required for applications processed as part of the subdivision process). Each application shall include certification that any site development shall be in accordance with the plans approved upon issuance of the permit.

A licensed professional engineer shall sign each application for more than five acres.

- B. The application shall set forth an informative, conceptual and schematic representation of the proposed activity by means of maps, graphs, charts, or other written or drawn documents so as to enable the Director of Building and Zoning an opportunity to make a reasonably informed decision regarding the proposed activity and whether it complies with this article.
- C. The application shall contain the following information for the proposed activity:
1. Location or vicinity map.
  2. Field delineated and surveyed streams, springs, seeps, bodies of water, and wetlands (include a minimum of 200 feet into adjacent properties).
  3. Field delineated and surveyed forest buffers.
  4. Limits of the ultimate 100-year floodplain.
  5. Hydric soils mapped in accordance with the NCRS soil survey of the site area.
  6. Steep slopes greater than fifteen (15) percent for areas adjacent to and within two-hundred (200) feet of streams, wetlands and other water bodies.
  7. A narrative of the species and distribution of existing vegetation within the buffer zone required by this article.

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- D. A buffer plan shall be submitted in conjunction with the required application meeting the design, management and maintenance requirements of this article (Sections 7.06 and 7.07).
- E. Review and Approval. Each application for a site development permit shall be reviewed and acted upon according to the following procedures:
  - 1. The Director of Building and Zoning will review each application for a site development permit to determine its conformance with the provisions of this article. The Director may also refer any application to the McLean County Soil and Water Conservation District and/or any other local government or public agency within whose jurisdiction the site is located for review and comment. Within ninety (90) days after receiving an application, the Director of Building and Zoning shall in writing:
    - a. Approve the permit application if it is found to be in conformance with the provisions of this article and issue the permit;
    - b. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this article, and issue the permit subject to these conditions;
    - c. Request changes and/or additional information, necessary to secure substantially the objectives of this article, and indicate the procedure for submitting a revised application; *or*
    - d. Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.
  - 2. No site development permit shall be issued for an intended development site unless:
    - a. The development, including but not limited to subdivisions and planned unit development, has been approved by the County where applicable, and
    - b. All relevant federal and state permits (i.e., for floodplains and wetlands) have been received for the portion of the site subject to soil disturbance.
- F. Expiration of Permit. Every site development permit shall expire and become null and void if the work authorized by such permit has not been commenced within one year or is not completed by a date which shall be specified in the permit; except that the County may, if the permittee presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within

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the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit. The County may require modification of the stream buffer plan to prevent any increase in water pollution or sediment runoff resulting from any extension.

G. Appeals. The applicant may appeal the decision of the Director of Building and Zoning as provided in Section 7.05, to the Zoning Board of Appeals. Upon receipt of an appeal, the Zoning Board of Appeals shall schedule and hold a public hearing after giving notice thereof as required by law. The Zoning Board of Appeals shall render a decision within thirty (30) days after the hearing. Factors to be considered on review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of any retention facilities; possible saturation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainageways; nature and type of soil which when disturbed by the proposed development activities may create earth movement and produce slopes that cannot be landscaped; and excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation. The decision of the Zoning Board of Appeals shall be final.

H. Retention of Plans. Plans, specifications, and reports for all site developments shall be retained by the County.

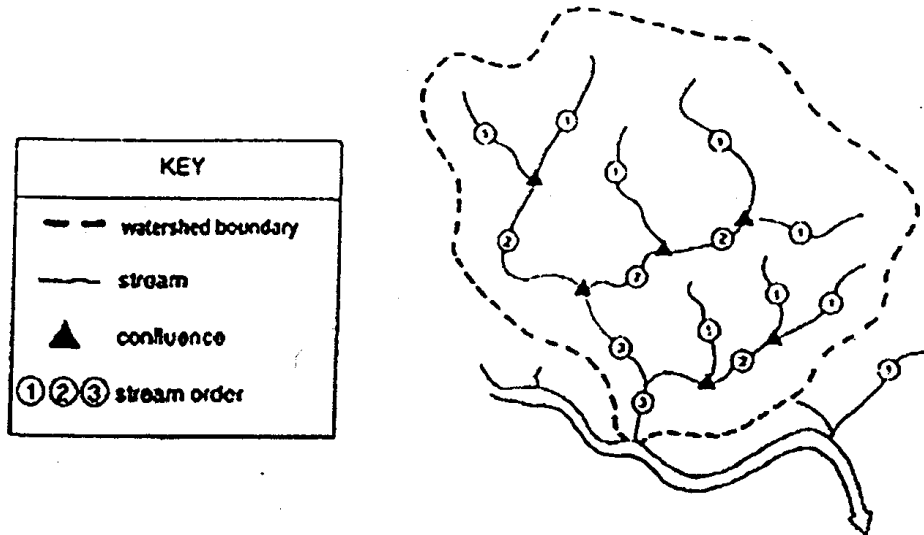
7.06 DESIGN STANDARDS FOR BUFFERS: A buffer for a stream system shall extend along both sides of a stream and include a minimum distance adjacent to wetlands, floodplains and slopes. The buffer width shall be adjusted to include contiguous sensitive areas, such as steep slopes or erodible soils, where development or disturbance may adversely affect water quality, streams, wetlands, or other water bodies.

A. The buffer shall begin on each side of the stream bank of the active channel and floodway in accordance with the following minimum criteria.



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Figure 1: Stream Order (Source: Schueler, 1995)



1. The required width for all buffers (i.e., the base width) shall be in the areas described below:

Stream Order 1	10 feet from the centerline on each side.
Stream Order 2	25 feet from the centerline on each side.
Stream Order 3	50 feet on each side of the stream bank of the active channel and floodway.
Stream Order 4	100 feet on each side of the stream bank of the active channel and floodway.
Stream Order 5	100 feet on each side of the stream bank of the active channel and floodway.
Stream Order 6	100 feet on each side of the stream bank of the active channel and floodway.

2. Steep slopes. The buffer width shall be modified if steep slopes are within close proximity to the stream and drain into the stream system. In those cases, the buffer width shall be adjusted by either Method A or Method B below.

### METHOD A

Percent Slope	To total width of Buffer
15-17%	add 10 feet
18-20%	add 30 feet
21-23%	add 50 feet
24-25%	add 60 feet

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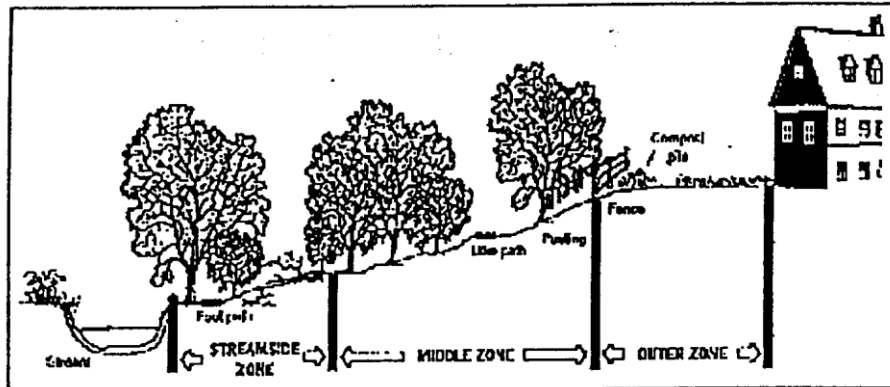
### METHOD B Type of Stream Use

Percent Slope	Water Contact/ Recreational Use	Sensitive Stream Habitat
0 to 14%	no change	add 50 feet
15 to 25%	add 25 feet	add 75 feet
greater than 25%	add 50 feet	add 100 feet

3. 100-Year Floodplain. Where the floodplain extends beyond the minimum buffer width as specified above, then buffers shall be extended to encompass the entire 100-year floodplain and a zone with a minimum width of twenty-five (25) feet beyond the edge of the floodplain.
  4. Wetlands or Critical Areas. When wetland or critical areas extend beyond the edge of the required buffer width, the buffer shall be adjusted so that the buffer consists of the extent of the wetland plus a twenty-five (25) foot zone extending beyond the wetland edge.
  5. The buffer width may be reduced at some points as long as the average width of the buffer meets the minimum requirement. This averaging of the buffer may be used to allow for the presence of an existing structure or to recover a lost lot (due to these regulations), as long as the streamside zone (Zone 1) is not disturbed by the reduction and no new structures are built within the 100-year floodplain. The Director of Building and Zoning may require the submission of additional information to evaluate the proposed width reduction. Such reduction shall only be allowed where no feasible alternative exists.
- B. Water Pollution Hazards. The following land uses and/or activities are designated as potential water pollution hazards and must be set back from any stream or waterbody by the distance indicated by the width of the buffer or the width indicated below, whichever is greater.
1. Storage of hazardous substances – (150 feet).
  2. Above ground or underground petroleum storage facilities – (150 feet).
  3. Drain fields for sewage disposal and treatment systems are not allowed in the stream buffer if the stream buffer is in a floodplain.
  4. Solid waste landfills or junkyards – (300 feet).

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5. Surface discharges from a wastewater treatment plant are not allowed in the stream buffer.
  6. Land application bio-solids – (200 feet).
- C. The stream buffer shall be composed of three distinct zones with each zone having its own set of allowable uses and vegetative targets as specified in this article.

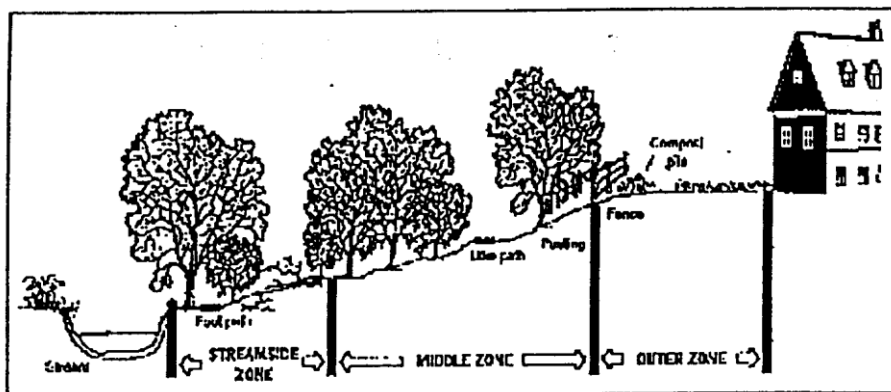


**Figure 2: Three Zone Buffer System (Adapted from Welsch, 1991)**

1. Zone 1, Streamside Zone
  - a. Protects the physical and ecological integrity of the stream ecosystem.
  - b. Begins at the edge of the stream bank of the active channel and extends twenty-five (25) feet or the width of the stream buffer from the top of the bank, whichever is less.
  - c. Allowable uses within this zone are highly restricted to:
    1. Flood control structures
    2. Utility rights-of-way
    3. Hiking and biking paths
    4. Road crossings, where permitted
  - d. Target for the streamside zone is undisturbed natural vegetation.
2. Zone 2, Middle Zone
  - a. Protects key components of the stream and provides distance between upland development and the streamside zone.

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- b. Begins at the outer edge of the streamside zone and extends a minimum of fifty (50) feet or to the middle of the stream buffer whichever is less. Additional buffer width is specified in Section 7.06(A)(1).
  - c. Allowable uses within the middle zone are restricted to:
    - 1. Biking or hiking paths.
    - 2. Stormwater management facilities with the approval of the County.
    - 3. Recreational uses as approved by the County.
    - 4. Limited tree clearing with approval from the County.
  - d. Targets mature native vegetation adapted to the region.
2. Zone 3, Outer Zone.



**Figure 2: Three Zone Buffer System (Adapted from Welsch, 1991)**

- a. Provides a traditional greenspace between development and sensitive Zone 1 and 2 areas, preventing encroachment of impervious cover into the buffer, and filters runoff from residential and commercial development.
- b. Begins at the outward edge of Zone 2 and provides a minimum width of twenty-five (25) feet between Zone 2 and the nearest permanent structure, or the width of the stream buffer whichever is less.
- c. Restricts permanent structures or impervious cover with the exception of paths.

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- d. Encourages the planting of native vegetation to increase the total width of the buffer.
- D. Stream Restoration. In cases in which the Director of Building and Zoning determines that a waterway is significantly degraded, he/she may authorize or require stream restoration rather than protection of the waterway in its existing condition. Significant degradation shall be determined by the presence of any of the following:
1. Erosion present to the degree that waterway banks are unstable.
  2. Sedimentation present to the degree that aquatic plant life is restricted.
  3. History of flooding
  4. Bank scour caused by high water velocity
  5. Channelization – the straightening and/or deepening of streams
  6. Presence of non-native, invasive plant species

Stream Restoration is the process of returning a waterway and its surrounding ecosystem to a close approximation of its condition prior to disturbance. Stream restoration may include activities such as re-meandering a channelized waterway, re-vegetating a waterway with appropriate native plantings, and re-grading a waterway to mitigate scouring and erosion problems.

- E. Stream buffer areas may grow into their natural vegetative state, but methods to enhance the vegetation may be required when deemed necessary by the Director of Building and Zoning to ensure the preservation and propagation of the buffer area. Buffer areas may also be enhanced through reforestation or other growth techniques as a form of mitigation for achieving buffer preservation requirements. The Director of Building and Zoning may require planting of vegetation from the following list:

### Stream buffer plant list.

The following plants are acceptable for replanting in the buffer area.

### **Trees:**

Flood Tolerant Native Northern Illinois Trees

River birch *Betula nigra*

Hophornbeam *Carpus caroliniana*

Green ash *Fraxinus pennsylvanica*

American larch *Larix laricina*

Red mulberry *Morus rubra*

Sycamore *Platinus occidentalis*

Eastern cottonwood *Populus deltoids*

Swamp white oak *Quercus bicolor*

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Black willow *Salix nigra*  
Bald cypress *Taxodium distichum*  
White cedar *Thuja occidentalis*  
American elm *Ulmus americana*  
Flood Tolerant Native Northern Illinois Shrubs  
False indigo *Amorpha fruticosa*  
Red chokeberry *Aronia arbutifolia*  
Buttonbush *Cephalanthus occidentalis*  
Silky dogwood *Cornus amomum*  
Gray dogwood *Cornus racemosa*  
Red-osier dogwood *Cornus serica*  
Cockspur hawthorn *Crataegus crus-galli*  
Spicebush *Lindera benzoin*  
Ninebark *Physocarpus opulifolius*  
American black currant *Ribes americanum*  
Wild gooseberry *Ribes missouriense*  
Swamp rose *Rosa palustris*  
Peachleaf willow *Salix amygdaloides*  
Pussy willow *Salix discolor*  
Sandbar willow *Salix interior*  
Elderberry *Ambucus canadensis*  
Meadowsweet *Spiraea alba*  
Arrowwood viburnum *Viburnum dentatum*  
Nannyberry *Viburnum lentago*  
Highbush cranberry *Viburnum trilobum*  
Flood Tolerant Native Northern Illinois Vines  
Groundnut *Apios americana*  
Virgin's bower *Clematis virginiana*  
Riverbank grape *Vitis riparia*

### **Seed Mixes:**

Detention Basin Seed Mix. (For saturated soils in a wetland or pond with highly fluctuating water levels and poor water quality associated with urban stormwater wetlands and ponds.)

### **Permanent Grasses/Sedges:**

Brown fox sedge *Carex vulpinoidea*  
Barnyard grass *Echinochloa crusgalli*  
Blunt spike rush *Eleocharis obtusa*  
Fowl manna grass *Glyceria striata*  
Common rush *Juncus effuses*  
Torrey's rush *Juncus torreyi*  
Rice cut grass *Leersia oryzoides*

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Switch grass *Panicum virgatum*  
Great Bulrush (softstem) *Scirpus validus creber*

### Temporary Cover:

Redtop *Agrostis alba*  
Seed oats *Avena sativa*  
Annual rye *Lolium multiflorum*  
Forbs and Shrubs:  
Wingstem *Actinomeris alternifolia*  
Common water plantain *Alisma subcordatum*  
Swamp milkweed *Asclepias incarnata*  
Bidens, various *Bidens sp.*  
Buttonbush *Cephalanthus occidentalis*  
Rosemallow, various *Hibiscus sp.*  
Monkey flower *Mimulus ringens*  
Ditch stonecrop *Penthorum sedoides*  
Smartweed *Polygonum pensylvanicum*  
Common arrowhead *Sagittaria latifolia*  
Wetland Edge Seed Mix. (For sites with stable saturated soil conditions and good water quality.)  
Permanent Grasses/Sedges:  
Bottlebrush sedge *Carex lurida*  
Sedge, various *Carex sp.*  
Brown fox sedge *Carex vulpinoidea*  
Great spike rush *Eleocharis palustris major*  
Canada wild rye *Elymus canadensis*  
Fowl manna grass *Glyceria striata*  
Rice cut grass *Leersia oryzoides*  
Dark green rush *Scirpus atrovirens*  
Chairmaker's rush *Scirpus pungens*  
Great bulrush (softstem) *Scirpus validus creber*

### Temporary Cover:

Seed Oats *Avena sativa*  
Annual rye *Lolium multiflorum*  
Wingstem *Actinomeris alternifolia*  
Slender false foxglove *Agalinis tenuifolia*  
Common water plantain *Alisma subcordatum*  
Swamp milkweed *Asclepias incarnate*  
Panicked aster *Aster simplex*  
Bidens, various *Bidens sp.*  
Wild senna *Cassia hebecarpa*  
Common boneset *Eupatorium perfoliatum*

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Sneezeweed *Helenium autumnale*  
Blue flag iris *Iris virginica shrevei*  
Great blue lobelia *Lobelia siphilitica*  
Seedbox *Ludwigia alternifolia*  
Monkey flower *Mimulus ringens*  
Wild golden glow *Rudbeckia laciniata*  
Common arrowhead *Sagittaria latifolia*  
Blue vervain *Verbena hastata*  
Ironweed, various *Vernonia sp*  
Forbs:  
Wet-to-Mesic Prairie Seed Mix. (For sites with medium to wet soils.)  
Permanent Grasses/Sedges:  
Big bluestem grass *Andropogon gerardii*  
Blue joint grass *Calamagrostis canadensis*  
Canada wild rye *Elymus canadensis*  
Switch grass *Panicum virgatum*  
Indian grass *Sorghastrum nutans*  
Prairie cord grass *Spartina pectinata*  
Temporary Cover:  
Redtop *Agrostis alba*  
Seed oats *Avena sativa*  
Annual rye *Lolium multiflorum*  
Timothy *Phleum pratense*  
  
Forbs:  
Heath aster *Aster ericoides*  
New England aster *Aster novae-angliae*  
White wild indigo *Baptisia leucantha*  
Partridge pea *Cassia fasciculata*  
Tall coreopsis *Coreopsis tripteris*  
Illinois tick trefoil *Desmodium illinoense*  
Rattlesnake master *Eryngium yuccifolium*  
Bottle gentian *Gentiana andrewsii*  
Sneezeweed *Helenium autumnale*  
Sawtooth sunflower *Helianthus grosseserratus*  
Roundheaded bush clover *Lespedeza capitata*  
Marsh blazing star *Liatris spicata*  
Prairie bergamot *Monarda fistulosa*  
Wild quinine *Parthenium integrifolium*  
False dragonhead *Physostegia virginianum*  
Common mountain mint *Pycnanthemum virginianum*  
Yellow coneflower *Ratidbida pinnata*  
Black-eyed susan *Rudbeckia hirta*  
Wild golden glow *Rudbeckia laciniata*  
Sweet black-eyed susan *Rudbeckia subtomentosa*



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Compass Plant *Silphium laciniatum*  
Cup Plant *Silphium perfoliatum*  
Prairie Dock *Silphium terebinthinaceum*  
Early Goldenrod *Solidago juncea*  
Stiff Goldenrod *Solidago rigida*  
Wrinkled Goldenrod *Solidago rugosa*  
Spider-Wort *Tradescantia ohioensis*  
Hairy tall ironweed *Vernonia altissima taeniotriche*  
Culver's Root *Veronicastrum virginianum*  
Golden Alexanders *Zizia aurea*

### Invasive Species:

The following plants are exceptionally invasive and will damage native ecosystems. Most of these plants are on the Illinois Banned Species list and are illegal to buy, sell, or plant, in the State of Illinois.

Tree of Heave *Ailanthus altissima*  
Autumn Olive *Eleagnus embellatus*  
Tartarian Honeysuckle *Lonicera tartarica*  
Glossy Buckthorn *Rhamnus frangula*  
Common Buckthorn *Rhamnus cathartica*  
Saw-toothed Buckthorn *Rhamnus arguta*  
Dahurain Buckthorn *Rhamnus davurica*  
Japanese Buckthorn *Rhamnus japonica*  
Chinese Buckthorn *Rhamnus utilis*  
Kudzu *Pueraria lobata*  
Round-leaved Bittersweet *Celastrus orbiculatus*  
Japanese Honeysuckle *Lonicera japonica*  
Multiflora Rose *Rosa multiflora thunb.*  
Purple loosestrife *Lythrum salicaria*

### 7.07 BUFFER MANAGEMENT & MAINTENANCE:

- A. The buffer, including wetlands and floodplains, shall be managed to enhance and maximize the unique value of these resources. Buffers shall be vegetated either in their natural state or using appropriate, nursery stock vegetation as noted in Section 7.06(E). Soil disturbance in buffer areas shall be minimized. Every attempt should be made to reduce or eliminate cut and fill activities, topsoil respread, and soil compaction. Maintaining existing and/or development of buffer areas in naturally occurring soils is preferred. Where necessary, invasive species removal may be allowed prior to establishment of native vegetation. Management includes specific limitations on alteration of the natural conditions of these resources. The following practices and activities are prohibited within Zones 1 and 2 of the buffer unless prior approval is obtained from the Director of Building and Zoning.

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1. Clearing of existing vegetation.
  2. Soil disturbance by grading, stripping or other practices.
  3. Filling or dumping.
  4. Drainage by ditching, under-drains or other systems.
  5. Use, storage, or application of pesticides, except for spot spraying of noxious weeds or non-native species consistent with recommendations of the County; and the approved use of pesticides to mitigate or prevent risks to the public's health applied by an Illinois Department of Agriculture licensed Pesticide Applicator/Operator or persons certified by the Illinois Department of Agriculture for special applications.
  6. Housing, grazing, or other maintenance of livestock.
  7. Storage or operation of motorized vehicles, except for maintenance and emergency use approved by the Director of Building and Zoning.
- B. The following structures, practices, and activities are permitted in the buffer with specific design or maintenance features, subject to review and approval of the Director of Building and Zoning.
1. Roads, bridges, paths, and utilities:
    - a. An analysis needs to be conducted to ensure that no economically feasible alternative to the proposed road, bridge, path, or utility is available.
    - b. The right-of-way shall be the minimum width needed to allow for maintenance access and installation.
    - c. The angle of the crossing shall be perpendicular to the stream or buffer in order to minimize clearing requirements.
    - d. A minimum number of road crossings shall be used with no more than one crossing for every 1,000 lineal feet of buffer for stream classification three (3) or greater.
  2. Stormwater Management, Structures and Facilities
    - a. An analysis needs to be conducted to ensure that no economically feasible alternative to the proposed stormwater management facility is available and that a project is either necessary for flood

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control or significantly improves the water quality or habitat in the stream.

- b. In new developments, which include stream order three (3) or higher, on-site and non-structural alternatives will be preferred over larger facilities within the stream buffer.
  - c. When constructing stormwater management facilities, the area cleared will be limited to the area required for construction and adequate maintenance access as outlined in the most recent edition of the Illinois Urban Stormwater Manual published by the United States Department of Agriculture – Natural Resources Conservation Service.
  - d. Material dredged or otherwise removed for a stormwater management facility shall be stored outside the buffer.
- 3. Stream restoration projects.
- 4. Water quality monitoring and stream gauging.
- 5. Individual trees within the buffer that are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the stream may be removed.
- 6. Other timber cutting techniques approved by the County may be undertaken within the buffer under the advice and guidance of IDNR or a horticulturalist if necessary to preserve the buffer from extensive pest infestation, disease infestation, or threat from fire.
- C. All preliminary plans and final plats shall clearly:
  - 1. Show the extent of any buffer on the subject property.
  - 2. Label the buffer.
  - 3. Provide a note stating that disturbance and use of the buffer area is subject to restrictions pursuant to Stream Buffer requirements.
  - 4. Provide an ingress/egress easement to the stream buffer area in favor of the County for stream buffer inspection purposes.
- D. The Director of Building and Zoning shall inspect the buffer annually and immediately following severe storms for evidence of sedimentation deposition,

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erosion, or concentrated flow channels and recommend to the buffer owner corrective actions to ensure the integrity and function of the buffer.

- E. Buffer areas may be allowed to grow into their vegetative target state naturally, but methods to enhance the successional process such as active restoration may be used when approved by the Director of Building and Zoning to ensure the preservation and propagation of the buffer area. Forest buffer areas may also be enhanced through re-forestation or other growth techniques as a form of mitigation for achieving buffer preservation requirements.
- F. Permanent boundary markers, in the form of signage approved by the County shall be installed prior to the beginning of construction. Signs shall be placed at the outer edge of the middle zone.

### 7.08 ENFORCEMENT PROCEDURES.

- A. The Director of Building and Zoning and the Director's designee are authorized and empowered to enforce the requirements of this article in accordance with the procedures of this section.
- B. The Director of Building and Zoning or designee shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the site development permit as approved. The applicant shall maintain and make available upon demand the approved stream buffer plan bearing the stamp of approval of the County. In order to obtain inspections and to ensure compliance with the approved plan and this article, the permittee shall notify the County within two (2) working days of the completion of the construction stages specified below:
  - 1. Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading,
  - 2. After stripping and clearing (if over one acre),
  - 3. After rough grading (if over one acre),
  - 4. After final grading,
  - 5. After seeding and landscaping deadlines (if over one acre), and
  - 6. After final stabilization and landscaping, prior to removal of sediment controls.

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If site development is to be done in phases or areas, the permittee shall give notice and request inspection at the completion of each of the above work stages in each phase or area. If an inspection is not made and notification of the results given within five working days after notice is received by the County from the permittee, the permittee may continue work at his/her own risk without presuming acceptance by the County. Notification of the results of the inspection shall be given in writing.

### C. Special Precautions.

1. If at any stage of the development the County determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the County may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer and/or engineering geologist which may be made requirements for further work.
2. Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large developments or where unusual site conditions prevail, the County may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.

### D. Amendment of Plans. Major amendments of the site development permit or stream buffer plan shall be submitted to the Director of Building and Zoning and shall be processed and approved or disapproved in the same manner as the original plan. Field modifications of a minor nature may be authorized by the Director of Building and Zoning by written authorization to the permittee. The County Engineer shall be authorized to determine the level of modification.

### E. Stop-Work Order; Revocation of Permit. In the event any person holding a site development permit pursuant to this article violates the terms of the permit, or carries on site development in such a manner as to materially adversely affect the health, welfare, or safety of the public or so as to be materially detrimental to the public welfare or injurious to property, the County may suspend or revoke the site development permit.

## CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE

1. Suspension of a permit shall be by a written stop-work order issued by the County and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the next regularly scheduled meeting of the Zoning Board of Appeals at which the conditions of sub-paragraph Section 7.08(E)(2) below can be met.
2. No site development permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee, either personally or by first class mail, and shall state:
  - a. The grounds for complaint or reasons for suspension or revocation in clear and concise language; and
  - b. The time when and place where such hearing will be held.

Such notice shall be served on the permittee at least five (5) days prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked or the plan modified. In making its decision the Zoning Board of Appeals shall issue written findings of fact supporting its decision.

### F. Penalties.

1. Any person convicted of violating any provision of this article or any approved stream buffer plan shall be punished by a fine not to exceed \$1,000.00 for each violation. Every day that such violation(s) continue will be considered a separate offense.
2. Any person who knowingly makes any false statements in any application, record, or plan required by this article shall upon conviction be punished by a fine of not more than \$1,000.00 for each violation.

### G. Injunctive Relief. If a property owner or permit holder fails after ten days notice to correct any violation of this article or violation of any approved permit and stream buffer plan, the Director of Building and Zoning may make application to the Circuit Court for an injunction requiring conformance with this article or other equitable relief necessary in order to secure compliance with this article. If the Director of Building and Zoning is authorized to enter onto private property to

## CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE

restore a stream buffer, the Owner shall be liable for damages in an amount equal to twice the cost of restoring the buffer.

### 7.09 VARIANCES.

- A. The Zoning Board of Appeals may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in this article.
1. A verified petition of the applicant for a site development permit stating fully the grounds of the petition shall make application for any exception and the facts relied upon by the applicant. Such petition shall be filed with the site development permit application. In order for the petition to be granted, it shall be necessary that the Zoning Board of Appeals find all of the following facts with respect to the land referred to in the petition:
    - a. That the land is of such shape or size or is affected by such physical conditions or is subject to such title limitations of record that it is impossible or impractical for the applicant to comply with all of the requirements of this article;
    - b. That the exception is necessary for reasonable use of the site and in order to avoid a substantial loss in value of the site; and
    - c. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.
  2. Each application for an exception shall be referred to the Director of Building and Zoning for review. The County shall transmit its recommendations to the Zoning Board of Appeals which shall review such recommendations prior to granting or denying the exception.
  3. The Zoning Board of Appeals shall hold a public hearing on each application for exception within thirty (30) days after receiving application. After public hearing, the Zoning Board of Appeals may approve the site development permit application with the exceptions and conditions it deems necessary, or it may disapprove such site development permit application and exception application, or it may take such other action as appropriate in order to meet the purpose and intent of this article.

### 7.10 CONFLICT WITH OTHER CODES AND REGULATIONS: Where the standards and management requirements of this Stream Buffer article are in conflict with other laws, regulations and policies regarding streams, steep slopes, erodable soils, wetlands,

## **CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE**

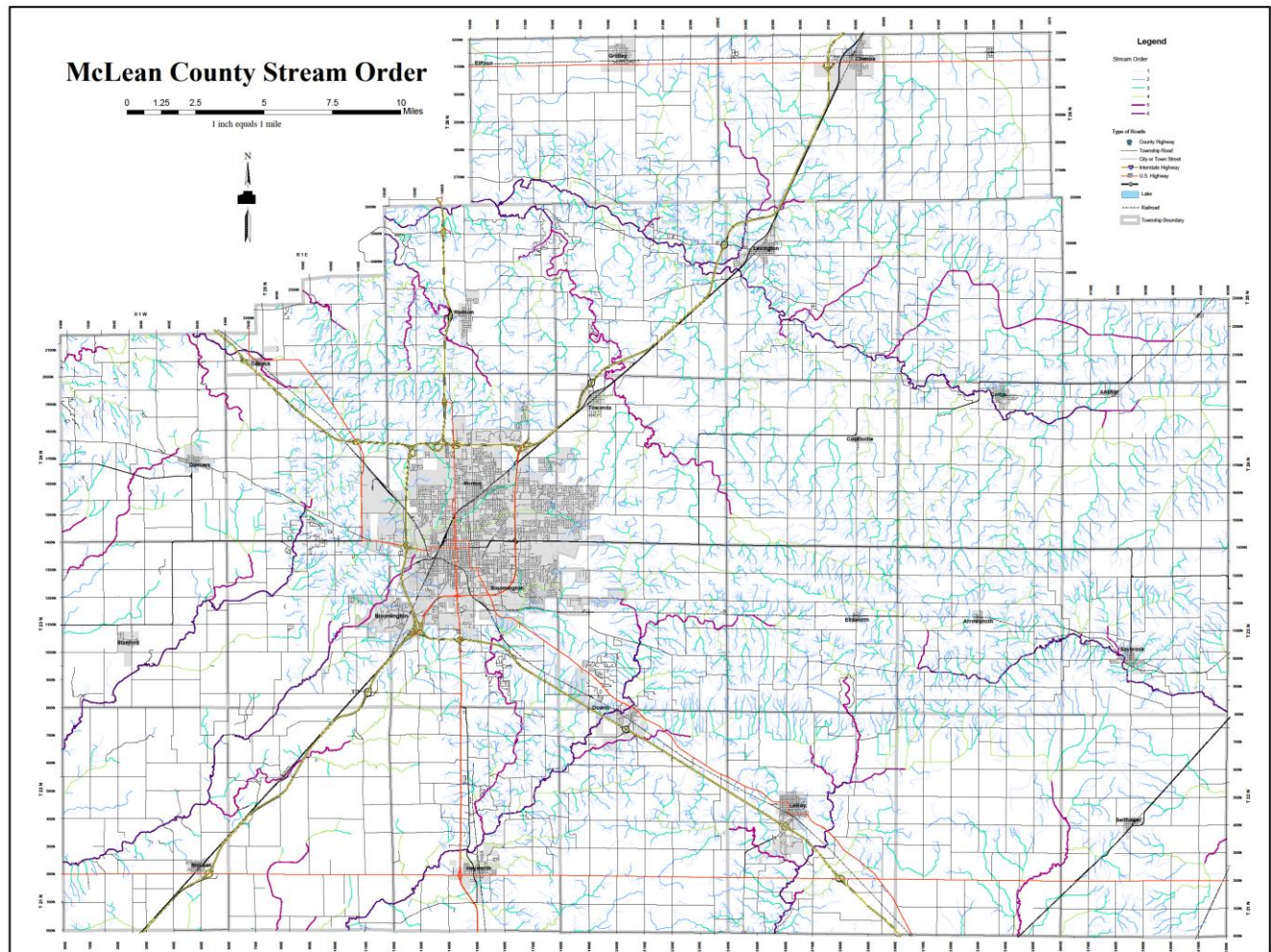
floodplains, timber harvesting, land disturbance activities, or other environmental protective measures, the more restrictive code or regulation shall apply.

7.11 SEVERABILITY: The provisions of this article shall be deemed severable and the invalidity of any portion shall not affect the validity of the remaining provisions. (7-20-2010)



# CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE

## APPENDIX A – Stream Buffer Map



## CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE

### APPENDIX B – Workmanship Bond, Escrow Receipt, Irrevocable Letter of Credit

#### PUBLIC IMPROVEMENT PAYMENT PERFORMANCE AND WORKMANSHIP BOND

I ( *subdivider and obligor* ) desire to subdivide a parcel of land in an unincorporated area of McLean County. I understand that I am subject to the subdivision ordinances of the County of McLean, to the Plat Act of the State of Illinois, and to other laws and regulations. I am submitting this bond in satisfaction of ordinance requirements upon me. I agree to all provisions of the subdivision ordinance, to construct the subdivision according to the plans submitted, to do all matters listed within this document, and to post security for this bond as listed below. The purpose of this Public Improvement Payment Performance and Workmanship Bond is to assure the health, safety, and welfare of the citizens of the County of McLean. This goal is achieved by my agreement to complete the subdivision as proposed in accordance with all laws, ordinances, regulations and construction guidelines. My bond and security assure that if I fail to complete the subdivision as promised, or fail to meet the requirements of this agreement, the County of McLean may use the security posted to take all necessary action to complete the subdivision or to satisfy my responsibilities under this agreement. By this Bond I hereby bind myself, my heirs, assigns, and successors in interest to the terms and conditions herein.

A petition has been filed with the County Board of the County of McLean for acceptance of a tract of land as a subdivision to the County of McLean, under the name and title of “( *SUBDIVISION NAME* ) SUBDIVISION in McLean County, Illinois,” per plat of ( *surveyor’s name* ), Registered Illinois Land Surveyor Number ( *surveyor’s number* ), consisting of ( *number of lots* ) lots and street, dated ( *date of petition* ), the plan of which plat received preliminary approval by the County Board of McLean County, Illinois, on ( *date plat approved by County Board* ).

The legal description of the property sought to be divided for which a final plat will be presented and for which property this agreement and bond is given is attached as Exhibit A and incorporated into this document by reference.

All improvements required by the Subdivision Ordinance, and detailed on the plans shall be completely installed prior to acceptance of the improvements of the streets by the township road commissioner.

## CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE

I ( subdivider and obligor ), promise and guarantee that all construction on said proposed subdivision improvements shall be done in a worth workmanlike manner and in compliance with the Subdivision Ordinance of the County of McLean, the proposed plans and construction specifications. All required improvements shall be made by the subdivider at his/her expense with reimbursement by the County.

The proposed subdivision shall be at all times subject to inspections and approval by the County of McLean, and all construction shall be completed pursuant to the schedule found on the attached Exhibit B and incorporated by reference. All improvements in this subdivision shall be completed by me no later than ( date ). If I fail to complete the subdivision by the above date, the County may, but need not, make or contract for whatever improvements are necessary to complete the subdivision in accordance with this ordinance. I shall be liable for any moneys spent or contracts entered into by the County of McLean to complete the subdivision. The security posted shall be applied first and I shall be responsible for any amounts above and beyond the security necessary to complete the subdivision up to the appropriate standards. I hereby waive any claim or argument regarding any amounts spent by the County to complete the subdivision.

I ( subdivider and obligor ), guarantee that I will maintain the tract and any improvements made to the standards of the subdivision ordinance and the plans as submitted until the subdivision is accepted by the township road commissioner or appropriate road authority. I shall be responsible for making a written demand upon the township road commissioner to accept the roads. Until the subdivision is accepted, the subdivision shall remain a private subdivision and I shall be responsible for the upkeep of the subdivision. I shall include in the plat of the subdivision a declaration that I am responsible for all the roads until accepted by the appropriate road authority.

I ( subdivider and obligor ), promise to:

- A. Pay all plan review and inspection fees: and
- B. Prepare and submit the complete set of plan and specifications showing such required land improvements as actually installed.

I ( subdivider and obligor ), guarantee the materials and workmanship of the public improvements to be installed upon the site for a period of two (2) years after the completion and

## CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE

acceptance. I shall make any necessary repairs to said improvements for two (2) years after the township road commissioner or appropriate road authority accepted the roads. If I fail to make the required repairs or to properly maintain the subdivision, the County of McLean may, but need not, make the repairs or do the appropriate maintenance. I shall be liable for all moneys spent or contracts entered into by the County to make the repairs or do the required maintenance. The security posted shall be applied first and I shall be liable for any amounts above and beyond the security necessary to repair and maintain the subdivision. I hereby waive any claim or argument regarding any amounts spent by the County to repair or maintain the subdivision.

No one shall be entitled to the issuance of building permit until the Final Plat is approved. I ( subdivider and obligor ), shall be responsible for advising any purchaser of any lot in this subdivision of this limitation.

I ( subdivider and obligor ), guarantee that all damage, liability or costs incurred by the County of McLean, its officers and/or employees which damage, liability or costs are caused by or results from the construction operation or repairs made by ( subdivider and obligor ) to said improvements, or by the County's efforts to bring the subdivision into compliance with the ordinance, or to repair and maintain the subdivision will be reimbursed by me, ( subdivider and obligor ).

I ( subdivider and obligor ) shall save and hold the County of McLean, Its officers and employees, harmless from any and all liability whatsoever arising from the subdivision of the above parcel or from my operations as subdivider and for any and all claims whatsoever arising from the County's efforts to complete, repair, or maintain the subdivision pursuant to this bond. I agree to indemnify the County for any claims, costs, expenses, judgments, and attorney fees incurred by or on behalf of the County of McLean as a result of my subdivision of the above property and pursuant to this agreement, whether or not the County of McLean exercised its rights to complete, repair, or maintain the subdivision.

( subdivider and obligor ) is held and firmly bound unto the County of McLean, Illinois, a body politic and corporate, ( subdivider and obligor ) in the penal sum of ( dollar amount of bond ), dollars, lawful money of the United States, for which we and each of us hereby bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally in the following manner.

## CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE

I ( subdivider and obligor ), by execution of this agreement and bond, promise and guarantee to pay to the County of McLean the penal sum set forth in this bond agreement as secured:

- A. by escrow account evidenced by an Escrow Receipt, from the ( name of bank ) dated ( date of escrow receipt ), and incorporated herein by reference as Exhibit ( exhibit letter ),
- B. by an Irrevocable Letter of Credit from ( name of bank ), dated ( date of Letter of Credit ), and incorporated herein by reference as Exhibit ( exhibit letter ),

as a contribution to the cost of constructing said required land improvements, as a contribution to maintaining said improvements in accordance with the promises contained in this agreement and as my guarantee of the payment of the plan review and inspection fees. Upon certification by the County Engineer that the Subdivision has not been completed, repaired, or maintained according to this agreement or that the plan review fees have not been paid or that the inspection fees have not been paid, the above security shall be paid over to the County of McLean by my surety of bank without question or delay. This security shall be in full force and effect from the date signed by ( subdivider and obligor ), the obligor and until two (2) years after the improvements have been accepted by the township road commissioner or the appropriate road authority.

Should any Court of Law find any part of this agreement unenforceable, the unenforceable term may be modified or eliminated by the Court, thereby leaving the remaining terms of this agreement in full force and effect.

The conditions of this obligations as such that is the above ( subdivider and obligor ) shall keep, do, and perform all matters and things set forth and specified in this agreement and bond to be done by ( subdivider and obligor ) and performed by ( subdivider and obligor ) at the time and in the manner as declared in this obligation and the Subdivision Ordinance of the County of McLean, or ( subdivider and obligor ), shall pay over, make good, reimburse, and save the County of McLean harmless from all loss and damage which the County of McLean may sustain by reason of failure or default on the part of ( subdivider and obligor ), then this

**CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE**

obligation shall be null and void. Otherwise, this bond and agreement shall remain in full force and effect.

SUBDIVIDER AND OBLIGOR:

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

Date: \_\_\_\_\_

State of Illinois        )  
County of McLean     )

I, \_\_\_\_\_ Notary Public in and for the County and State, do hereby certify that \_\_\_\_\_ who are each personally known to me to be the same person(s) whose name(s) (is) (are) subscribed to the foregoing statement, appeared before me this day in person and acknowledged that he/she/they signed the above instrument as his/her/their voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

## CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE

( Financial institution letterhead )

### ESCROW RECEIPT

The undersigned financial institution, by its duly authorized officers and agents, acknowledges and certifies to \_\_\_\_\_ (*name of subdivider and or owner*) (hereinafter caller “Subdivider”) and to the County of McLean, Illinois, (hereinafter caller the “County”) effective the \_\_\_\_\_ day of 20\_\_\_\_, as follows:

1. That it maintains a regular office for the transaction of its business in McLean County, Illinois.
2. That it received and now holds in escrow pursuant to the terms hereof, the sum of \_\_\_\_\_ United States Dollars ( \$ \_\_\_\_\_ ) received from the subdivider.
3. That this escrow account has been established by Subdivider as security on Subdivider’s “Public Improvement Payment, Performance and Workmanship Bond” filed with the County pursuant to the Subdivision Ordinance of McLean County for the \_\_\_\_\_ Subdivision, dated the \_\_\_\_\_ day of 20\_\_\_\_, and shall be held and disbursed in accordance with said bond and said ordinance as follows:
  - A. The account, including interest earned thereon, shall be held by the undersigned condition upon the satisfactory compliance with the terms as set forth in the “Public Improvement Payment, Performance and Workmanship Bond” furnished to the County of Mclean, Illinois, dated \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ .
  - B. All withdrawals from the principle shall be made subject to the release of the County of McLean, Illinois, by the County Engineer and the same may be paid as work progress and is completed, subject to the said County Engineer’s approval. Interest accrued to the account may not be withdrawn at any time without the approval by the County of McLean.
  - C. Upon completion of the improvements, approval by the County Engineer, and written acceptance thereof by the appropriate township officials, the amount of \_\_\_\_\_ United States Dollars ( \$ \_\_\_\_\_ ) shall remain upon deposit in the escrow account until the expiration of two years after such completion and upon final release by said County Engineer.

\_\_\_\_\_  
(Name of Financial Institution)

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

**CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE**

Printed Name: \_\_\_\_\_

ITS: \_\_\_\_\_

ATTEST:

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

Printed Name: \_\_\_\_\_

ITS: \_\_\_\_\_

SIGNED BY THE SUBDIVIDER AND/OR OWNER

\_\_\_\_\_  
DATED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

ITS: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_

Assistant State's Attorney

Civil Division, McLean County, Illinois



**CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE**

( Financial institution letterhead )

IRREVOCABLE LETTER OF CREDIT

DATE: \_\_\_\_\_

THE : \_\_\_\_\_  
Name of Financial Institution

TO: The County of McLean, Illinois

We hereby authorize you to draw from our financial institution up to an aggregate amount of \_\_\_\_\_ United States Dollars (\$ \_\_\_\_\_ ) from the account of \_\_\_\_\_ (name of subdivision) \_\_\_\_\_ subdivider and /or owner ( hereinafter referred to as “Subdivider “).

This Letter of Credit is available to you upon your presentation of a request for payment, accompanied by a signed statement from the County Engineer of McLean County that \_\_\_\_\_ ( name of subdivider )

1. has failed to complete the requires construction of the subdivision improvements required for the \_\_\_\_\_ Subdivision in accordance with the McLean County Subdivision Ordinance, or
2. has failed to comply with any respect with the McLean County subdivision Ordinance, or
3. has failed to comply with the Public Improvement Payment, Performance and Workmanship Bond signed by the Subdivider and dated \_\_\_\_\_ .

We hereby agree to honor each draft drawn under and in compliance with the terms of this letter, if and when duly presented at this office in \_\_\_\_\_, Illinois until the expiration of two (2) years after the approval by the County Engineer and acceptance by the appropriate township officials of all such subdivision improvements within said subdivision, or until such later date as any written claim by the County against the subdivider or his financial institution is finally resolved.

The irrevocable credit established by us shall remain in effect without regard to any default in payments of sums owed to us by the Subdivider and without regard to other claims which we may have against the Subdivider. It is recognized that the County of McLean is according the Subdivider the permission to proceed with the development of the subdivision expressly upon the guarantee of the irrevocable nature of this commitment. It is further acknowledged that the consideration of this irrevocable commitment is provided by agreement between this financial institution and the Subdivider.

**CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE**

SIGNED:

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

Printed Name:\_\_\_\_\_

ITS: \_\_\_\_\_

ATTEST:

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

Printed Name:\_\_\_\_\_

ITS: \_\_\_\_\_

**CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE**

**APPENDIX C – Forms**

COUNTY CLERK’S CERTIFICATE

STATE OF ILLINOIS)

SS

COUNTY OF MCLEAN)

I, Kathy Michael, County Clerk of McLean County, State of Illinois, do hereby certify that on the \_\_\_\_\_ day of 20\_\_\_\_, there were no delinquent taxes unpaid, special assessments, or delinquent special assessments against the tract of land owned on the plat of \_\_\_\_\_ Subdivision, final plat, attached to this certificate and described in the Certificate of the Surveyor attached hereto and to said plat.

\_\_\_\_\_  
\_\_\_\_\_, County Clerk  
McLean County, Illinois

Tax Number \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

**CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE**

**OWNER'S CERTIFICATE**

STATE OF ILLINOIS)

SS

COUNTY OF McLEAN)

KNOW ALL MEN BY THESE PRESENTS: That I, the undersigned, hereby certify that I am the owner of all the premises embodied in the attached Plat of \_\_\_\_\_ Subdivision to McLean County, Illinois, and that I have caused said plat to be made and that it is a true and correct plat of the \_\_\_\_\_ Subdivision to McLean County, Illinois, as laid off into a lots and streets by \_\_\_\_\_, Registered Illinois Land Surveyor Number \_\_\_\_\_. The undersigned, hereby dedicates to the Township of \_\_\_\_\_, McLean County, Illinois, and sets apart for the use of the general public forever all of the streets and thoroughfares as indicated and shown on said Plat; and I further dedicate easements within the right-of-way of such streets and thoroughfares to the applicable public utility companies for those utility installations that are permitted by this and other resolutions and codes of the County to be installed in street or thoroughfare right-of-way.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Owner) (SEAL)

**NOTARY CERTIFICATE**

STATE OF ILLINOIS)

SS

COUNTY OF McLEAN )

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that \_\_\_\_\_, is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she signed, sealed, and delivered the said instrument as her free and voluntary act for the uses and purposes therein set forth, including the release and waiver of Homestead, and also including the dedication of all streets and highways to the use of the general public forever, and including the grant to certain general utility easements to the applicable public utility companies.

Given under my hand and notary seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

Prepared by and return to: \_\_\_\_\_

**CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE**

**TOWNSHIP HIGHWAY COMMISSIONER PLAT ACCESS CERTIFICATE**

STATE OF ILLINOIS

SS

COUNTY OF McLEAN)

I, \_\_\_\_\_, Highway Commissioner of \_\_\_\_\_ Township of

McLean County, Illinois, hereby certify that the Road Access is approved as shown on the  
\_\_\_\_\_ Subdivision Plat.

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

\_\_\_\_\_  
Signature

**COUNTY PLAT ACCESS CERTIFICATE**

STATE OF ILLINOIS

SS

COUNTY OF McLEAN)

I, \_\_\_\_\_, County Highway Engineer of McLean County, Illinois, hereby certify that  
the Road Access is approved as shown on the \_\_\_\_\_ Subdivision Plat.

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

\_\_\_\_\_  
Signature

**CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE**

PLAT OFFICER’S CERTIFICATE

I hereby certify that the attached final plat for Lot \_\_\_\_\_ of the \_\_\_\_\_ Subdivision, Section \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_ East of the Third Principal Meridian is in compliance with the land subdivision regulations of the County of McLean, State of Illinois, as set forth on this date; and therefore, pursuant to said regulations, I hereby accept said attached final plat.

Dated at Bloomington, McLean County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

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

Parcel No. \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

**CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE**

**SCHOOL DISTRICT CERTIFICATE**

I \_\_\_\_\_, owner of the property described in the Surveyor's Certificate of the tract of land platted as \_\_\_\_\_ Subdivision, certify that to the best on my knowledge and belief that said platted land is located within the boundaries of \_\_\_\_\_ School District in McLean County, Illinois.

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

Owner Printed Name \_\_\_\_\_

Owner Signature \_\_\_\_\_

**NOTARY CERTIFICATE**

STATE OF ILLINOIS)  
SS  
COUNTY OF McLEAN )

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that \_\_\_\_\_, is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she signed, sealed, and delivered the said instrument as her free and voluntary act for the uses and purposes therein set forth, including the release and waiver of Homestead, and also including the dedication of all streets and highways to the use of the general public forever, and including the grant to certain general utility easements to the applicable public utility companies.

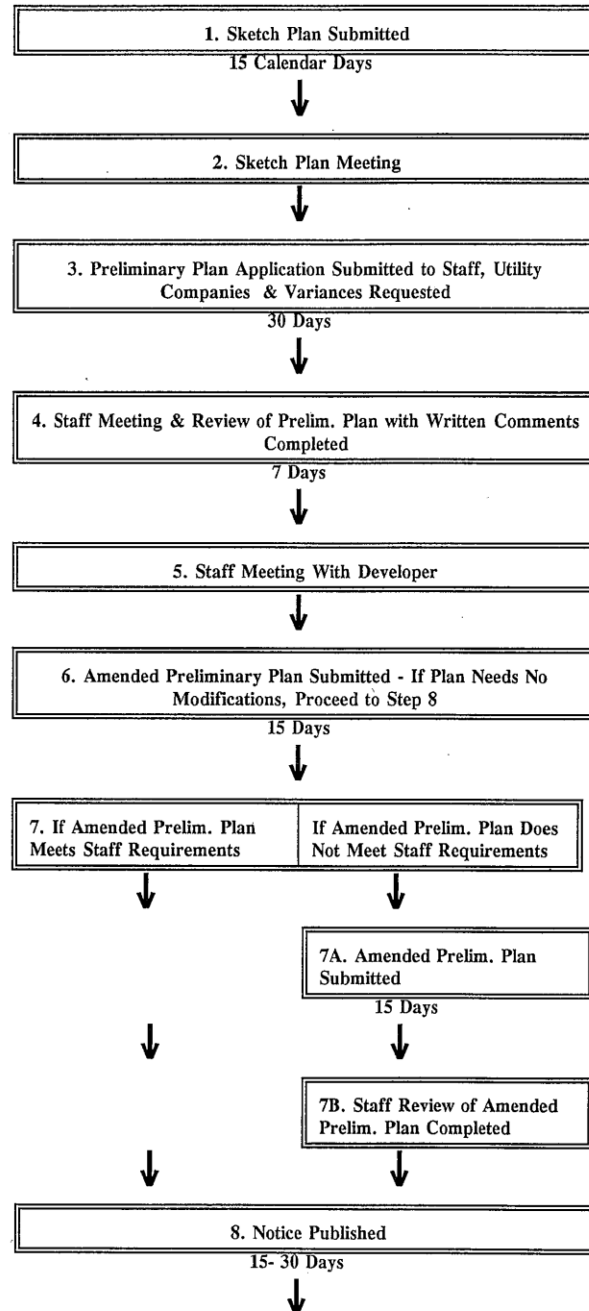
Given under my hand and notary seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

APPENDIX D – Timing Chart

SUBDIVISION PROCESS IF PRELIMINARY PLAN IS REQUIRED

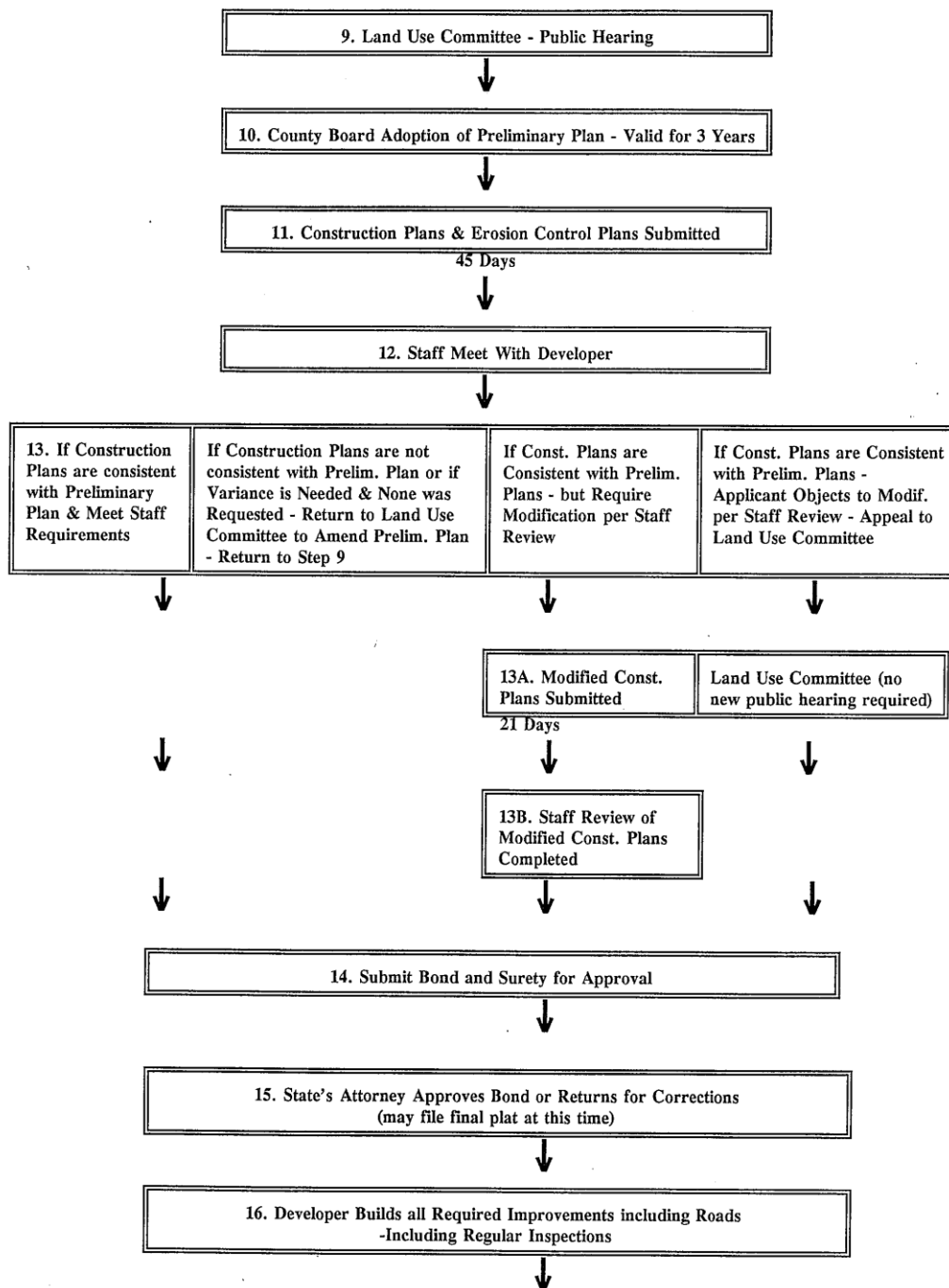
McLean County, Illinois





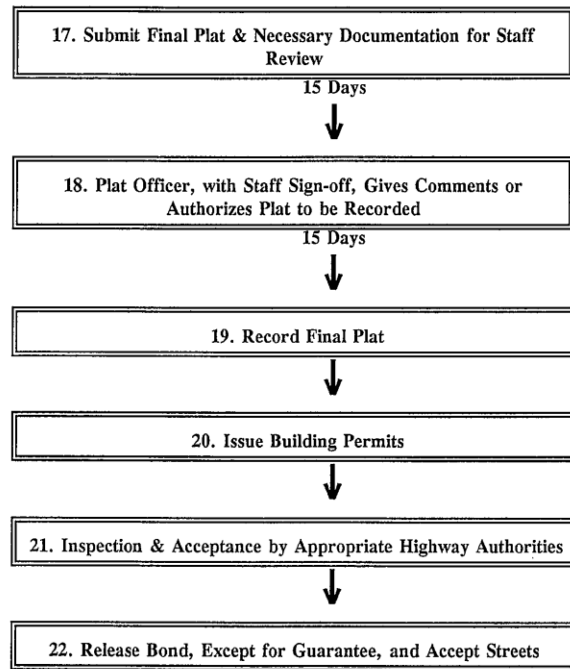
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Page 3



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## **CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE**

### **APPENDIX E – Filing Fees**

- A. Preliminary Plan -- **\$250 plus \$25 per lot**
  
- B. Final Plat -- **\$150 plus \$25 per lot**

## CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE

### APPENDIX F – Text Ordinances

#### ORDINANCE McLEAN COUNTY LAND SUBDIVISION REGULATIONS

WHEREAS, the Land Use and Development Committee of the McLean County Board has proposed a comprehensive text amendment of Chapter 36 of the McLean County Land Subdivision Ordinance; and

WHEREAS, the Land Use and Development Committee of the McLean County Board, after due notice as required by law, has held public hearings on said proposal identified as File S-98-04 on May 11, 1998, June 4, 1998, July 9 and 1998, August 7, 1998; and

WHEREAS, the Land Use and Development Committee of the McLean County Board has held work sessions on said text amendment at their regularly scheduled meetings on September 3, 1998 and October 1, 1998; and

WHEREAS, the Land Use and Development Committee of the McLean County Board held further public hearings on December 3, 1998 and January 7, 1999 and recommended that the said land subdivision regulations be amended according to the attached document; and

WHEREAS, the County Board of McLean County deems it necessary and proper and in the public interest to so amend said land subdivision regulations of said county; now therefore,

BE IT ORDAINED that Chapter 36 of the McLean County Land Subdivision Ordinance be and hereby is amended according to the attached document.

AND BE IT FURTHER ORDAINED that the said amendment to the said land subdivision ordinance shall be in full force and effect on and after January 19, 1999.

Adopted by the County Board of McLean County Illinois this 19th day of January, 1999.

ATTEST:

APPROVED:

  
Peggy Ann Milton, County Clerk  
McLean County, Illinois

  
Gary C. Riss, Chairman  
McLean County Board

## CHAPTER 36 – McLEAN COUNTY, ILLINOIS SUBDIVISION ORDINANCE

### AMENDATORY ORDINANCE AMENDING THE McLEAN COUNTY SUBDIVISION ORDINANCE

WHEREAS, the Land Use and Development Committee of the McLean County Board has proposed to amend Chapter 36 of the of the McLean County Land Subdivision Ordinance to add a section regulating stream buffers; and

WHEREAS, the Land Use and Development Committee of the McLean County Board, after due notice as required by law, has held a public hearing on said proposal identified as File S-10-06 on June 3, 2010 and July 1, 2010; and

WHEREAS, the Land Use and Development Committee of the McLean County Board has found stream buffering will mitigate erosion problems by slowing the water down upstream and by reducing the amount of water entering waterways; and

WHEREAS, the Land Use and Development Committee of the McLean County Board has found stream buffering will protect and improve water quality; and

WHEREAS, the Land Use and Development Committee of the McLean County Board has found that waterway aesthetics will be enhanced for adjacent property owners and the community at large with stream buffering; and

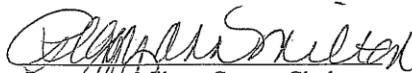
WHEREAS, the County Board of McLean County deems it necessary and proper and in the public interest to so amend said land subdivision regulations of said county; now therefore,

BE IT ORDAINED that Chapter 36 of the McLean County Land Subdivision Ordinance be and hereby is amended according to the attached document.

Adopted by the County Board of McLean County, Illinois this 20<sup>th</sup> day of July, 2010

ATTEST:

APPROVED:

  
Peggy Ann Milton, County Clerk  
McLean County, Illinois

  
Matt Sorensen, Chairman  
McLean County Board