



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 020-109
DATE OF PASSAGE December 22, 2020

An Ordinance amending Chapter 43 of the Code of Ordinances, City of Aurora, Illinois, commonly known as the "Subdivision Control Ordinance"

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, WHEREAS, the City Council of the City of Aurora has determined that it is necessary and desirable to amend Chapter 43, being the Subdivision Control Ordinance, in order to update and improve certain Sections of said Ordinance to better carry out the purpose and intent of said Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That the City Council of the City of Aurora, Illinois finds as fact all of the preamble recitals of this Ordinance.

Section Two: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

Section Three: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Four: That the amendments to Chapter 43, being the Subdivision Control Ordinance, are hereby adopted as set forth in said Exhibit "A".

Section Five: That except as set forth in Section Six, this Ordinance shall be in full force and effect, and shall be controlling, on and after January 1, 2020.

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Section Six: The City Clerk and the Corporation Counsel, immediately upon approval of this ordinance, shall be and hereby are jointly and individually authorized to oversee the codification of the provisions set forth in Exhibit "A". To the extent that the codification requires any alterations to the numbering or other formatting of any of the provisions to conform to the structure or format of the code, such alterations and changes to any internal references corresponding thereto are expressly authorized.

THE HISTORY OF THE CITY OF BOSTON

FROM THE FIRST SETTLEMENT IN 1630
TO THE PRESENT TIME
BY
JOHN H. COLEMAN, M.D.
OF THE CITY OF BOSTON

PUBLISHED BY
J. B. LEECH, 15 N. ASH ST. BOSTON.

1889.

Copyright, 1889, by John H. Coleman.

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Accepted for mailing at special rate of postage provided for in Act of October 3, 1917, authorized on July 1, 1918.

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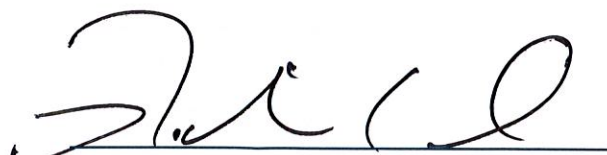
PASSED AND APPROVED ON December 22, 2020

AYES 11 NAYS 0 NOT VOTING 0 ABSENT 1

ALDERMAN	Vote
Alderman Llamas, Ward 1	absent
Alderman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Hart-Burns, Ward 7	yes
Alderman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderman Lofchie, Ward 10	yes
Alderman Jenkins, At Large	yes
Alderman O'Connor, At Large	yes

ATTEST:


City Clerk


Mayor

1 Chapter 43 - SUBDIVISIONS

2 ARTICLE I. - IN GENERAL

3 Sec. 43-1. - Title.

4 This chapter shall be known as the ~~Aurora~~-Subdivision Control
5 Ordinance.

6 (Code 1969, § 43-1)

7 Sec. 43-2. - Purpose.

8 In addition to regulating and ensuring the ~~While it is obvious~~
9 ~~that regulations are needed to ensure~~ orderly extension of city
10 streets, the provisions ~~other purposes~~ of this chapter are intended
11 ~~are~~ to:

12 (1) Ensure sound, harmonious subdivision development and
13 community growth, and to safeguard the interests of the
14 homeowner, the subdivider, the investor and the city;

15 (2) Provide permanent assets to the locality and to the
16 city;

17 (3) Prevent scattered development beyond existing public
18 utilities and prevent excessive development costs;

19 (4) Ensure the development of land for the highest possible
20 use with all the necessary protection against deterioration
21 and obsolescence; and

22 (5) Provide common grounds of understanding and a sound
23 working relationship between the city and the developer.

24 (Code 1969, § 43-2)

1 Sec. 43-3. - Applicability; compliance.

2 (a) No person shall subdivide any tract of land which is
3 located within the city or in any unincorporated area which is
4 located entirely or in part within one and one-half (1½) miles
5 of the nearest limits of the city, as they exist from time to
6 time, except in conformity with the provisions of this chapter.

7 (b) The subdivision plans and plats, proposed improvements
8 to be installed and all procedures relating thereto shall in all
9 respects be in full compliance with the regulations in this
10 chapter.

11 (Code 1969, § 43-3)

12 Sec. 43-4. - Provisions declared minimum.

13 In interpretation and application, the provisions of this
14 chapter shall be held to be the minimum requirements.

15 (Code 1969, § 43-4)

16 Sec. 43-5. - Conflicting provisions.

17 Where the conditions imposed by any provision of this chapter
18 on the use of land are either more restrictive or less restrictive
19 than comparable conditions imposed by any other provision of this
20 chapter or of any other law, ordinance, rule or regulation of any
21 kind, the regulations which are more restrictive or which impose
22 higher standards or requirements shall govern.

23 (Code 1969, § 43-5)

24 Sec. 43-6. - Abrogation and greater restrictions.

1 This chapter is not intended to abrogate any easement,
2 covenant or any other private agreement, provided that where the
3 regulations of this chapter are more restrictive or impose higher
4 standards or requirements than such easements, covenants or other
5 private agreements, the requirements of this chapter shall govern.

6 (Code 1969, § 43-6)

7 Sec. 43-7. - Rules of interpretation.

8 In the interpretation of this chapter, the rules contained
9 in this section shall be observed and applied, except when the
10 context clearly indicates otherwise:

11 (1) The word "lot" shall include the words "plot," "piece"
12 and "parcel."

13 (2) The phrase "used for" shall include the phrases
14 "arranged for," "designed for," "intended for," "maintained
15 for" and "occupied for."

16 (Code 1969, § 43-7(d), (e))

17 Sec. 43-8. - Definitions.

18 The following words, terms and phrases, when used in this chapter,
19 shall have the meanings ascribed to them in this section, except
20 where the context clearly indicates a different meaning:

21 "Alley" means a public right-of-way primarily for vehicular
22 traffic along the side or in the rear of properties which affords
23 only a secondary means of access to abutting properties.

1 "Block" means a tract of land bounded by streets, or by a
2 combination of streets and public parks, cemeteries, railroad
3 rights-of-way, bulkhead lines or shorelines of waterways, or
4 corporate boundary lines of the city.

5 "Building" means any structure designed, built or intended for
6 the shelter, enclosure or protection of persons, animals, chattels
7 or movable property of any kind.

8 "Building setback line" means a line within a lot or other
9 parcel of land, so designated on the plats of the proposed
10 subdivision, between which line and the adjacent boundary of the
11 street upon which the lot abuts the erection of a building is
12 prohibited.

13 "Committee" means the standing committee of the city council
14 authorized by chapter 34 of this code to review matters referred
15 from the planning and zoning commission.

16 "Commission" means the planning and zoning commission of the
17 city.

18 "Crosswalk" means a public right-of-way located across a block
19 to provide pedestrian access to adjacent streets or alleys.

20 "Cul-de-sac" means a minor street having one (1) open end and
21 being permanently terminated by a vehicle turnaround.

22 "Easement" means a property right granted to a person ~~the~~
23 ~~general public, a corporation or, a certain person~~ to use the

1 land of another for a special purpose not inconsistent with the
2 general property right of the owner of the land.

3 "Engineer's estimate of public improvement costs" means
4 estimated costs of public improvements, as defined herein,
5 prepared and certified by the developer's Illinois licensed
6 professional engineer ~~or architect~~ using unit costs supplied
7 and/or approved by the city's engineering division.

8 "Gross land area" means the entire area of a development
9 including lots, streets and alleys, and measured to the centerline
10 of any bounding streets.

11 "Lots" means a parcel or portion of land in a subdivision or
12 a plat of land, separated from other parcels or portions by
13 description, as on a subdivision or record of survey map, or by
14 metes and bounds for the purpose of sale or lease to, or separate
15 use of, another.

16 "Parkway" means a route included to be used primarily by
17 passenger vehicles, and the right-of-way of which is set aside to
18 be developed in a park-like character.

19 "Plat" means a plan, map, or drawing ~~or chart~~ on which the
20 subdivider's plan for the subdivision of land is presented and
21 which he submits for approval and intends to record in final form.

22 "Final Plat," ~~final~~ means the final map or drawing ~~or chart~~
23 on which the subdivider's plan of subdivision is presented to the

1 city council for approval and which, if approved, will be
2 submitted to the county ~~clerk~~recorder for recording.

3 "Preliminary Plat" preliminary means the map ~~or~~ or drawing ~~or~~
4 ~~chart~~ on which the subdivider's plan of subdivision is presented
5 for approval in accordance with this ordinance ~~by the city~~
6 ~~council~~.

7 "Public improvements" means all work, which shall be owned and
8 maintained by a public agency, ~~within the public right-of-way~~
9 including but not limited to: public street lights, parkway trees
10 and other parkway landscaping, stormwater facility, public
11 utilities such as public storm sewer, sanitary sewer main and
12 public watermain, soil erosion and sediment control and earthwork.

13 "Residue area" means that portion of a cluster subdivision not
14 platted as residential lots or designated for dedication as
15 streets or alleys.

16 "Roadway" means the paved area within a street right-of-way
17 intended for vehicular traffic, including all curb and gutter
18 facilities.

19 "Standard Specifications for Improvements" means the set of
20 specifications and requirements as the city may from time-to-time
21 promulgate in accordance with this ordinance establishing the
22 minimum standards for the public improvements a subdivider or
23 developer is required to construct or install as a condition of
24 a subdivision or development.

~~Specifications for improvements means the city written specifications for improvements as promulgated by the city engineer and adopted by the city council by resolution.~~

"Street" means an area which primarily serves or is intended to serve as a vehicular and pedestrian access to abutting lands or to other streets. The word "street" refers to the public right-of-way and not to the roadway or paving or other improvement within the street.

"Street, approved" means any street, whether public or private, meeting ~~standards and specifications~~ the Standard Specifications for Improvements of the city.

"Street, local industrial and commercial" means a street intended primarily as access to abutting industrial and commercial properties.

"Street, local residential (including cul-de-sac)" means a street intended primarily as access to abutting residential properties.

"Street, major" means a street of considerable continuity which serves or is intended to serve as a major traffic artery connecting large areas.

"Street, major collector" means a street which carries traffic from minor collectors to the major streets.

"Street, marginal access" means a minor street which is parallel and adjacent to highways and primary streets and which

1 provides access to abutting properties and protection to local
2 traffic from fast, through-moving traffic on the highways and
3 primary streets.

4 "Street, minor collector" means a street which carries traffic
5 from local streets to the major street system, including the
6 principal entrance streets of residential developments and
7 streets for circulation within such development.

8 "Street, public" means any minor or major collector street or
9 local residential street which is shown on the subdivision plat
10 and is, or is to be, dedicated for public use.

11 "Subdivider" or "developer" means the person, ~~partnership,~~
12 ~~corporation or other legal entity~~ responsible for preparing and
13 recording the plat for the subdivision and for carrying out all
14 appropriate requirements relating thereto as outlined in this
15 chapter.

16 "Subdivision" means the division of land into two (2) or more
17 parts. The following shall not be considered a subdivision and
18 shall be exempt from the requirements of this chapter:

19 (1) The sale or exchange of adjoining parcels of land between
20 the owners thereof which does not involve any new streets or
21 easements of access and said exchanged parcel is less than ten
22 (10) percent of the original parcel with the remaining parcel

23 maintaining conforming status pursuant to the zoning
24 ordinance ~~Aurora's Zoning Ordinance;~~

1 (2) The conveyance of parcels of land or interests therein for
2 use as right-of-way for railroads or other public utility
3 facilities which does not involve any new streets or easements;

4 (3) The conveyance of land owned by a railroad or other public
5 utility which does not involve any new streets or easements of
6 access;

7 (4) The conveyance of land for highways or other public purposes
8 or grants or conveyances relating to the dedication of land for
9 public use or instruments relating to the vacation of land
10 impressed with a public use.

11 (5) Conveyances made to correct descriptions in prior
12 conveyances.

13 (Code 1969, § 43-8; Ord. No. 004-168, § 1, 12-21-04; Ord. No.
14 010-055, § 1(Exh. A), 9-14-10)
15 Sec. 43-9. - Penalties.

16 (a) Any person who constructs any public improvement or
17 portion thereof in violation of the provisions of this chapter
18 shall, upon conviction, be punished as provided in section 1-10.

19 (b) Whoever shall sell or offer for sale, lease or offer
20 for lease, while this chapter is in effect, any lot or lots or
21 block or blocks, within the incorporated limits of the city, as
22 they may exist from time to time, or any resubdivision of any
23 lot or block therein, or within contiguous territory and not more
24 than one and one-half (1½) miles beyond the incorporated boundary

1 of the city, before a final plat of subdivision has been approved
2 by the ~~plan~~-commission and the city council as required by this
3 chapter and has been recorded with the county recorder shall be
4 punished as provided in section 1-10 for each lot, block or part
5 thereof so disposed of, offered for sale or leased.

6 (Code 1969, § 43-92)

7 Sec. 43-10. ~~--~~ Variations from Subdivision Regulations,
8 exceptions.

9 (a) Variation by Application to the Commission.

10 (1) An applicant for approval of a preliminary plat or
11 final plat may apply to the commission for a
12 variance to one or more of the regulations set forth
13 in this chapter.

14 (2) The provisions of article IV of chapter 34 of this
15 code with respect to major variances shall in all
16 respects apply to the application for and the
17 standards for the approval of a variance from the
18 regulations of this chapter.

19 (3) Decisions of the commission on the application for
20 a variation from the regulations of this chapter
21 shall be a final administrative order and subject
22 to review in accordance with the Administrative
23 Review Law.

24 (b) Variations in Planned Development Districts.

1 Variations from the provisions of this chapter may be
2 considered and approved by the commission and by the city
3 council upon application by a subdivider in connection with
4 the establishment of a planned development district in
5 accordance with the provisions of article VII of chapter 34
6 of this code.

7 ~~(a) Any applicant for preliminary plat approval or final~~
8 ~~plat approval may submit a request in writing to the city clerk~~
9 ~~for a variation from this chapter. Variations to the final plat~~
10 ~~provisions may be granted by the planning and development~~
11 ~~committee of the city council; variations for preliminary plats~~
12 ~~of five (5) lots or less may be granted by the planning~~
13 ~~commission and variations for all other preliminary plats may~~
14 ~~be granted by the city council, based on the appropriate body's~~
15 ~~opinion that undue hardship may result from strict compliance~~
16 ~~with the terms of this chapter. In approving any variation of~~
17 ~~the committee, the planning commission or the city council~~
18 ~~shall prescribe only conditions that it deems necessary to, or~~
19 ~~desirable for, the public interest. In making its findings, as~~
20 ~~required below, the committee, the planning commission or the~~
21 ~~city council shall take into account the nature of the proposed~~
22 ~~use of land in the vicinity, the number of persons to reside or~~
23 ~~work in the proposed subdivision, and the probable effect of~~
24 ~~the proposed subdivision upon traffic conditions in the~~

1 ~~vicinity. The appropriate body shall not grant any variation~~
2 ~~unless it finds either of the following:~~

3 ~~(1) That there are special circumstances or~~
4 ~~conditions affecting the property, such that strict~~
5 ~~application of the provisions of this chapter would~~
6 ~~deprive the applicant of the reasonable use of his land,~~
7 ~~or~~

8 ~~(2) That the variation is necessary for the~~
9 ~~preservation and enjoyment of a substantial property right~~
10 ~~of the petitioner.~~

11 ~~Further, in all cases, it must find that the granting~~
12 ~~of the variation will not be detrimental to the public~~
13 ~~welfare or injurious to other property in the~~
14 ~~territory in which the property is situated. The~~
15 ~~committee, the planning commission or the city~~
16 ~~council, as appropriate, may then approve the~~
17 ~~variation from the requirements of this chapter.~~

18 ~~(b) Variations and exceptions from the requirements of~~
19 ~~this chapter may also be granted by the committee, the planning~~
20 ~~commission or the city council, as appropriate, in connection~~
21 ~~with the establishment of a planned development district or the~~
22 ~~approval of preliminary or final plats for all or part of a~~

~~planned development district pursuant to the provisions of
section 14.7 of the city zoning ordinance.~~

(Code 1969, § 43-9)

Sec. 43-11. - Fees.

Fees shall be required as determined, from time to time, by
separate ordinance or resolution of the city council.

(Code 1969, § 43-10; Ord. No. 088-66, § 9, 6-7-88; Ord. No. 010-
055, § 1(Exh. A), 9-14-10)

Sec. 43-12. - Prerequisites to building permits.

(a) Prior to the issuance of a building permit for any
structure within a subdivision approved for platting or
replatting:

(1) A reproducible, executed, and recorded final plat on
Mylar must be filed with the city engineer; and

(2) A signed proposed grading ~~affidavit agreement~~ for each
permit, in the form approved by the city engineer, must be
filed with the city engineer. For properties not subject to
an approved master grading plan, a proposed grading survey
must be submitted and must include all information required
in the ~~City of Aurora~~ Standard Specifications for
Improvements ~~(the "Standard Specifications")~~; and

(3) The following utility facilities must have been
installed, tested, approved, and made available for service

1 to the property for which the permit is sought, as certified
2 by the city engineer:

3 a. Sanitary sewer system;

4 b. Storm sewer system, including temporary or permanent
5 retention/detention basin(s), storm sewer outlet to
6 drain the basin(s) by gravity and the restrictor;

7 c. Watermain system;

8 d. Roadway system:

9 (i) The required roadway may be either the
10 permanent roadway base or a temporary all-weather
11 access roadway as approved by the city engineer.

12 (ii) Building and occupancy permits may be
13 withheld if these roadways are not kept free of
14 dust or are not kept graded to a relatively
15 smooth, hard surface after ten (10) days' written
16 notice by certified mail or personal service on
17 the subdivider or agent thereof.

18 (iii) Installation of all street name signs must
19 be completed in accordance with the Standard
20 Specifications for Improvements, and the approved
21 final engineering plans, or temporary signage as
22 approved by the fire marshal.

1 (b) Prior to issuance of a building permit for new
2 construction of a principal building on a vacant lot or an
3 addition(s) to a principal building.

4
5 (1) Meet all requirements of ~~chapter 43,~~ article 5 of
6 this chapter, Required Improvements or unless
7 securities in an amount equivalent to such required
8 public —improvements are received in lieu thereof.
9 Securities shall be in the form of cash, irrevocable
10 letter of credit or subdivision bond acceptable to the
11 law department.

12 (2) The requirements of this section may be
13 conditionally waived by the city engineer if all of
14 the following instances apply:

15 a. When the subject property has one hundred
16 twenty (120) feet or less of frontage along the
17 public right-of-way.

18 b. When the subject street area does not contain
19 any of the public improvements that would be
20 required by this section.

21 c. When strict application of this section would
22 deprive the applicant of the reasonable use of
23 his land.

1 d. When the improvements required by this section
2 would be more efficiently provided by special
3 assessment, special service area, or similar
4 area-wide improvement.

5 (c) For building types not regulated by the International
6 Residential Code, a permit for non-flammable building
7 construction as defined by the International Building Code may
8 be issued prior to the above pre-requisites upon meeting all of
9 the following conditions:

10 (1) A reproducible, executed, and recorded final plat
11 on Mylar must be filed with the city engineer and
12 securities submitted in an amount equivalent to the
13 required public improvements.

14 (2) An all-weather access road shall be installed per
15 the International Fire Code to allow emergency
16 vehicular access to the site and shall be maintained
17 at all times in conditions and quantities approved by
18 the fire marshal.

19 (3) Permanent street name signs if applicable or
20 temporary signage as approved by the fire marshal shall
21 be installed and visible at all times.

22 (4) If applicable, completely functioning stormwater
23 management, which shall include but not be limited to

1 installation of the basin(s), storm sewer outlet to
2 drain the basin(s) by gravity and the restrictor.
3 (Code 1969, § 43-12; Ord. No. 088-56, § 1, 5-17-88; Ord. No. 091-
4 88, § 1, 11-5-91; Ord. No. 001-63, § 1, 6-26-01; Ord. No. 004-36,
5 § 2, 3-23-04; Ord. No. 007-101, § 1, 9-11-07)
6 Sec. 43-13. - Prerequisites to occupancy permits.

7 (a) Prior to the issuance of an occupancy permit:

8 (1) The bituminous concrete binder course must be
9 installed and approved by ~~the said~~ city engineer, unless
10 a variance is granted by said city engineer; and

11 (2) A final "as built" topographical survey no larger
12 than eleven (11) inch by seventeen (17) inch must be
13 prepared on Mylar for each building site, and submitted
14 to the city engineer, through the building and permits
15 department. Said survey must be prepared under the
16 direction of an Illinois registered professional land
17 surveyor or engineer. The survey shall include all
18 information required as described in the Standard
19 Specifications for Improvements, and must be approved;
20 and

21 (3) The city engineer shall verify the proper function
22 of all required public improvements previously
23 accepted under section 43-103 which are within or
24 immediately adjacent to such lot.

1 (4) The city engineer shall perform an~~An~~ inspection,
2 initiated by the submission of the "as built"
3 topographical survey,~~shall be performed~~ to insure that
4 the public improvements associated with and adjacent
5 to the subject lot are completed in accordance with
6 ~~city standards. This inspection shall be performed by~~
7 ~~the city engineer or his representative and will follow~~
8 ~~the guidelines established in the~~ Standard
9 Specifications for Improvements, ~~and must be approved.~~
10 Improvements. The developer shall promptly cure any
11 deficiencies cited by the city engineer and thereafter
12 request re-inspection in accordance with paragraph (5)
13 below.

14 (5) Re-inspections. Builders, whose lots fail the
15 initial inspection, must arrange with the engineering
16 department for a re-inspection of the failed items.
17 This request must be in writing and in reference to
18 this department's written notice of failure. A re-
19 inspection fee shall be assessed pursuant to the
20 schedule established in accordance with section 43-11
21 above.

22 (6) A temporary occupancy permit may be issued at any
23 time of the year, notwithstanding the failure to
24 complete improvements required by this section, if a

1 bond in one of the following forms is posted with the
2 ~~city City of Aurora~~ so as to insure completion and
3 approval of the improvements within specified time
4 limits described as follows:

5 a. Approved bond forms:

6 (i) A check payable to the ~~city City of~~
7 ~~Aurora~~ in the amount appropriate for the
8 incomplete work, pursuant to the Standard
9 Specifications for Improvements from time to
10 time.

11 (ii) An ~~city accessible~~ escrow account
12 accessible to the city in the amount
13 ~~appropriate~~ appropriate to the incomplete
14 work, pursuant to the Standard
15 Specifications for Improvements from time to
16 time, to be held by the closing agent. Said
17 escrow account to be established using
18 language established by the ~~city City of~~
19 ~~Aurora~~.

20 b. Specified time limits:

21 (i) From November 1 to May 31, the work must
22 be completed no later than July 1 of the
23 following year for temp^ls given during

1 November and December, and in the calendar
2 year of issuance for all others.

3 (ii) From June 1 to October 31, the work must
4 be completed and approved within thirty (30)
5 days of the temp's issuance.

6 (7) All temporary occupancy permits will be issued by
7 the building and permits department based on a release
8 letter from the engineering department, and payment of
9 the applicable non-refundable fee to the building and
10 permits department. Applicants must give the
11 engineering department two (2) business days to process
12 a request for temporary occupancy.

13 (8) Failure of the builder to have all work associated
14 with the temporary occupancy completed and approved
15 within the time frames provided for each temporary
16 issued will constitute a failure to comply and result
17 in withholding the issuance of any new building permits
18 to the builder or parent company of the builder. This
19 condition shall remain in effect until all delinquent
20 issues have been submitted, reviewed and approved by
21 the city engineer. This condition may also result in
22 the following:

23 a. Loss of the bond posted for the temporary
24 occupancy.

1 b. The revocation of contractor registration as
2 set forth in the city's building code, section
3 12-17(116).

4 (b) The city engineer shall be responsible for providing
5 the division of building and permits with sufficient data to
6 ensure compliance with this section prior to the issuance of any
7 occupancy permit.

8 (Code 1969, § 43-12; Ord. No. 088-56, § 2, 5-17-88; Ord. No. 091-
9 88, § 1, 11-5-91; Ord. No. 001-63, § 1, 6-26-01; Ord. No. 010-
10 055, § 1(Exh. A), 9-14-10)

11 Sec. 43-14. - Validity, recording of plats.

12 No plat of any subdivision shall be entitled to be recorded
13 in the county recorder's office or have any validity until it shall
14 have been approved in the manner prescribed by this chapter.

15 (Code 1969, § 43-13)

16 Sec. 43-15. - Plats required.

17 (a) Except as provided in paragraph (b) of this section,
18 ~~ww~~Whenever any subdivision of land shall be laid out for territory
19 governed by this chapter, the subdivider thereof, or his agent,
20 shall submit both a preliminary subdivision plat to the ~~planning~~
21 commission for its recommendation and ~~or approval and if~~
22 ~~appropriate~~ to the city council for its approval, and a final
23 subdivision plat to the ~~planning~~ commission for its recommendation
24 and the ~~planning and development~~ committee for its approval. The

1 subdivision plats and all procedures relating thereto shall in all
2 respects be in full compliance with this chapter.

3 (b) Preliminary plans shall not be required for

4 (1) Subdivisions that include five (5) or fewer lots; or

5 (2) Subdivisions that do not contemplate the
6 construction of any new roads and the city engineer, in
7 writing, waives the requirement of a preliminary plat.

8 (Code 1969, § 43-14)

9 Sec. 43-16. - Activities prohibited until preliminary plats and
10 plans are approved.

11 Until preliminary plats and plans for the subdivision are
12 approved:

13 (1) No land shall be subdivided, nor any street laid out,
14 nor any improvements made to the natural land.

15 (2) No lot, tract or parcel of land within any subdivision
16 shall be conveyed.

17 (3) No improvements, such as sidewalks, water supply, storm
18 water drainage, sanitary sewage facilities, gas service,
19 electric service, lighting, paving or surfacing of streets,
20 shall be made by any owner or his agent, or by any public
21 service corporation at the request of such owner or his
22 agent.

23 (Code 1969, § 43-15)

1 Sec. 43-17. - Approval of land subject to flooding or poor
2 drainage.

3 No plat will be approved for a subdivision which is subject
4 to periodic flooding or which contains poor drainage facilities
5 and which would make adequate drainage of the lots and streets
6 impossible. However, if the subdivider agrees to make improvements
7 which will, in the opinion of the city engineer, make the area
8 completely safe for occupancy and provide adequate lot and street
9 drainage, the subdivision may then be approved.

10 (Code 1969, § 43-16)

11 Sec. 43-18. - Review, recommendation of dedications.

12 (a) All offerings or dedications of land to the city for use
13 as streets, highways, alleys, schools, parks, playgrounds or other
14 public uses shall be referred to the ~~planning and development~~
15 committee, the ~~planning~~-commission or the city council for review
16 and recommendation before being accepted by the city council or by
17 any other governing authority.

18 (b) The provisions of this section shall apply to situations
19 where the city engineer exercises the authority conferred by sec.
20 2-224 of this code to accept dedications of real property, or
21 interests therein, on a temporary or permanent basis, in the name
22 of, or in favor, of the city, as the case may be.

23 (Code 1969, § 43-17)

24 Sec. 43-19. - Plans for tracts constituting part of larger unit.

Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the city as a whole, the ~~planning and development~~ committee, the ~~planning~~ commission or the city council may, before approval, cause to be prepared a plan for the entire area or neighborhood, such plan to be used by the committee, the planning commission and/or the city council as an aid in judging the proposed plat. The ~~division of zoning and~~ planning shall cooperate with the planning commission in the preparation of this plan and shall furnish such surveys and data as may be necessary.

(Code 1969, § 43-18)

Secs. 43-20-43-35. - Reserved.

ARTICLE II. - PLATS AND DATA

Sec. 43-36. - Requirements for approval of preliminary plat.

(a) A preliminary plat shall reflect all proposed improvements and existing conditions. It shall be prepared at a scale and contain standard information as the city engineer, in consultation with the zoning administrator, may from time-to-time require by regulation.
~~The preliminary plat shall be at a scale of one hundred (100) not to exceed fifty (50) feet to one (1) inch. It shall show proposed improvements and existing conditions as set forth below:~~

~~(1) Boundary lines: bearings and distances;~~

~~(2) Proposed and existing easements and rights-of-way: location,~~

~~width and, purpose and recording number of any existing easement;~~

1 ~~(3) Streets (both public and private) on and adjacent to the tract:~~
2 ~~name, right-of-way, locations, types, width and elevation of~~
3 ~~surfacing; and legally established centerline elevations; walks,~~
4 ~~curbs, gutters, culverts, etc.;~~
5 ~~(4) Location of existing utilities on and adjacent to~~within one
6 hundred (100) feet of the tract: ~~location and size of sanitary, storm~~
7 ~~and combined sewers; location and size of water mains. If water mains~~
8 ~~and sewers are not on or adjacent to the tract, indicate the direction~~
9 ~~and distance to, and the sizes of nearest usable facilities;~~
10 ~~(5) Location of proposed utilities, if not shown on other exhibits,~~
11 ~~including water mains, sanitary and storm sewers, with sizes~~
12 ~~indicated and direction of flow, including high and low points along~~
13 ~~streets, and location of proposed stormwater retention, all in~~
14 ~~accordance with adopted specifications for improvements of the~~
15 city~~the Standard Specifications for Improvements;~~
16 (6) Reserved. ~~(6) Where sanitary sewage facilities are proposed to~~
17 ~~be provided by individual septic systems, percolation tests shall be~~
18 ~~made on the property and a report on these tests prepared by a state-~~
19 ~~registered professional engineer, in accordance with official~~
20 ~~specifications of the state environmental protection agency;~~
21 ~~(7) Lot lines, lot dimensions, lot areas, lot numbers and block~~
22 ~~numbers;~~

- 1 ~~(8) Sites, if any, for multifamily dwellings, shopping centers,~~
- 2 ~~churches, industry or other nonpublic uses exclusive of single-family~~
- 3 ~~dwellings;~~
- 4 ~~(9) Sites, if any, to be reserved or dedicated for schools, parks,~~
- 5 ~~playgrounds or other public uses;~~
- 6 ~~(10) Proposed building setback lines;~~
- 7 ~~(11) Site data, acreage, number of residential lots, typical lot~~
- 8 ~~size, acres in parks, etc.;~~
- 9 ~~(12) Zoning on and adjacent to the tract;~~
- 10 ~~(13) Proposed public improvements; highways or other major~~
- 11 ~~improvements planned by public authorities for future construction~~
- 12 ~~on or near the tract;~~
- 13 ~~(14) Proposed name of the subdivision;~~
- 14 ~~(15) Location of subdivision by section, township and range;~~
- 15 ~~(16) Name and address of the owner;~~
- 16 ~~(17) Name and address of the developer;~~
- 17 ~~(18) Name and address of the planner or engineer;~~
- 18 ~~(19) Owners of adjacent unplatted land. For platted land, refer to~~
- 19 ~~subdivision plat by name;~~
- 20 ~~(20) Title, scale, north point arrow and date;~~
- 21 ~~(21) Limits and elevations of special flood hazard areas, if~~
- 22 ~~applicable;~~
- 23 ~~(22) Limits of wetlands and buffer areas, if applicable;~~
- 24 ~~(23) Titles and certificates.~~

(b) Topographical data shall be provided beyond the limits of the property at a distance sufficient to document existing drainage patterns on a second sheet at a scale ~~of one hundred (100)~~ not to exceed fifty (50) feet to one (1) inch, which shall include existing conditions as follows, except when otherwise specified by the ~~planning~~ commission and the city council, or both:

(1) Boundary lines;

(2) Conditions on the tract: watercourses, marshes, rock outcrops, wooded areas, isolated preservable trees one (1) foot or more in diameter, houses, barns, shacks and significant features;

(3) Other conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences;

(4) Photographs, if required by the ~~planning~~ commission or city council or both: camera locations, directions of views and key numbers;

(5) Key plan showing location of the tract;

(6) Typical lot size, dwelling type and percent of built-up property, when required for adjacent platted property;

1 (c) The subdivider shall also provide a draft of all
2 protective covenants he proposes to regulate land use in the
3 subdivision and otherwise protect the proposed development.

4 (d) Promptly after approval of each preliminary plat, the
5 subdivider shall provide so many ten (10) complete paper copies of
6 such approved preliminary plat as the zoning administrator may
7 require and one digital copy in the format(s) specified by the
8 zoning administrator, with all accompanying materials and data
9 shall be prepared at the developer's expense and deposited with
10 the division of zoning and planning.

11 ~~(e) As described in section 43-53, in some cases the planning~~
12 ~~commission only shall retain approval authority over the~~
13 ~~preliminary plat while in some cases the planning commission and~~
14 ~~city council both shall retain authority for the recommendation or~~
15 ~~approval of the preliminary plat. Where the planning commission~~
16 ~~retains authority in recommendation or approval of the preliminary~~
17 ~~plat, the planning commission shall dictate adherence to the~~
18 ~~requirements of this chapter for its recommendation or approval of~~
19 ~~the preliminary plat. Where the city council retains authority for~~
20 ~~approval of the preliminary plat, the city council shall dictate~~
21 ~~adherence to the requirements of this chapter for its approval of~~
22 ~~the preliminary plat.~~

23 (Code 1969, § 43-30)

24 Sec. 43-37. - Requirements for ~~approval of~~ final plats.

1 (a) Final plats shall reflect all proposed improvements and existing
2 conditions. It shall be prepared at a scale and contain standard
3 information as the city engineer, in consultation with the
4 zoning administrator, may from time-to-time require by
5 regulation. ~~Final plats shall be drawn in ink on tracing cloth~~
6 ~~or Mylar on sheets not to exceed twenty-four (24) inches wide~~
7 ~~by thirty-six (36) inches long and shall be at a scale of one~~
8 ~~hundred (100) feet to one (1) inch. Where necessary, the plat~~
9 ~~may be on several sheets accompanied by an index sheet showing~~
10 ~~the entire subdivision. For large subdivisions the final plat~~
11 ~~may be submitted for approval progressively to contiguous~~
12 ~~sections satisfactory to the planning and development~~
13 ~~committee. The final plat shall show the following:~~

14 ~~(1) External boundary data acceptable to the city engineer, or~~
15 ~~descriptions and ties to such boundary lines, to which all~~
16 ~~dimensions, angles, bearings and similar data on the plat shall~~
17 ~~be referred;~~

18 ~~(2) All right-of-way lines of streets, easements and other rights-~~
19 ~~of-way, and property lines of residential lots and other sites~~
20 ~~with accurate dimensions, bearings, radii, arcs and central~~
21 ~~angles of all curves;~~

- ~~(3) Name and right-of-way width of each public street or other right-of-way, and name and width of each private street or drive;~~
- ~~(4) Location, dimensions and purpose of any easement;~~
- ~~(5) Number to identify each lot or site and unit block, if applicable;~~
- ~~(6) Purpose for which sites, other than residential lots, are dedicated or reserved;~~
- ~~(7) Proposed front yard setback lines on all lots and other sites;~~
- ~~(8) Location and description of concrete monuments as required in section 43-96, subsection (c);~~
- ~~(9) Certification by a state-registered land surveyor that provisions of "An Act to revise the law in relation to plats" [Ill. Rev. Stat. Ch. 109, § 1 et seq.] and this chapter have been met;~~
- ~~(10) Certification of title showing that the applicant is the landowner;~~
- ~~(11) Notation indicating dedication of streets, rights-of-way, easements and any sites for public use;~~
- ~~(12) Certification of approval by the planning and development committee;~~
- ~~(13) Name of the subdivision;~~

~~(14) Location by section, township and range;~~

~~(15) Title, scale, north arrow and date;~~

~~(16) Protective covenants when applicable in form for recording;~~

~~(17) Other data: such other certificates, affidavits, endorsements or dedications as may be required from time to time by the planning commission in the enforcement of this chapter.~~

(b) Finalized engineering plans, specifications and estimates for the public improvements shall be approved and executed by the city engineer.

(c) Securities shall be on file with the ~~city clerk~~city engineer acceptable to the ~~corporation counsel~~law department, the amount of which is certified by the city engineer, to fully complete all public improvements.

(d) Letters of agreement shall be on file with the zoning administrator ~~city clerk~~ in a form acceptable to the corporation counsel ~~law department~~ if cash is to be given in lieu of land to meet the requirement of section 43-56.

(e) In the event approval of a final plat is expressly conditioned on specific revisions, the subdivider shall promptly provide the zoning administrator with so many complete paper copies as the zoning administrator may require, and one digital copy of the revised ~~Promptly after approval of each final plat, ten~~

1 ~~(10) complete paper copies of such approved final plat as~~
2 ~~approved in the format(s) specified by the city,~~ with all
3 accompanying materials and data ~~shall be~~ prepared at the
4 ~~subdivider/developer's expense. and deposited with the division~~
5 ~~of planning.~~

6 (f) ~~Promptly after approval of each final plat, the subdivider~~
7 ~~shall provide one (1) copy of the final plat at a scale of one~~
8 ~~(1) inch equals four hundred (400) feet to the division of~~
9 ~~planning.~~

10 (Code 1969, § 43-31)-Secs. 43-38-43-50. - Reserved.

ARTICLE III. - PLAT APPROVAL PROCEDURE

Sec. 43-51. - Applicability.

Any owner of land which is within the corporate limits of the city or within one and one-half (1½) miles of the corporate limits (as they exist from time to time) on unincorporated land, wishing to divide the same into lots or wishing to dedicate streets, alleys or other lands for public use, shall follow the procedures and requirements of this chapter.

(Code 1969, § 43-42)

Sec. 43-52. - Preapplication procedure.

Prior to the filing of an application for approval of the preliminary plat, the subdivider may submit to the zoning administrator~~office of the division of planning~~, plan data as specified below. This step does not require formal application,

fee or filing of plans with the city ~~clerk~~. The subdivider may request a meeting with ~~the planning director and~~ the city engineer and the zoning administrator in order to discuss its ~~his~~ plans and particular problems. Preapplication information suggested is as follows:

- (1) General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the plans and data required above. This information may include data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, price range, business areas, school, playground and park areas and other public areas, proposed protective covenants and proposed utilities and street improvements.
- (2) A sketch plan on topographic survey shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. The sketch plan shall include the existing topographic data and contours of not less than five-foot intervals.

(Code 1969, § 43-43)

Sec. 43-53. - Preliminary plat.

- (a) The subdivider shall cause to be prepared a preliminary plat, which plat shall include all of the property owned or controlled by the applicant for which subdivision is sought, the affected properties adjacent or considered to be contiguous to the property being subdivided, owned or controlled by the applicant, together with improvement plans and other supplementary material as specified below. The subdivider shall submit the number of copies of the preliminary plat and supplementary material as required by the zoning administrator~~planning director, and to the city clerk upon the city's petition~~ for approval of preliminary plat. The zoning administrator~~planning director~~ shall set forth the current number of required copies in writing. The preliminary plat and fee as required by this chapter shall be submitted to the zoning administrator~~city clerk prior to a regular or committee of the whole meeting of the city council at which the preliminary plat shall be presented.~~
- (b) Preliminary ~~For preliminary~~ plats ~~containing more than five~~ ~~(5) lots~~ shall be referred to the commission~~, the city council shall refer the preliminary plat to the planning commission and the planning council., at the same time, instruct the~~ The city engineer shall ~~to~~ collaborate with the subdivider and the planning ~~commission~~ in assembling plans for the design and

construction of streets and such other public improvements as are required by this chapter or any other ordinances. The ~~planning~~ commission ~~and the planning council~~ shall review the preliminary plat for compliance with this chapter and other ordinances of the city, and the ~~planning~~ commission shall, within ninety (90) days ~~from referral~~:

- (1) Recommend that the city council approve ~~Approve~~ or disapprove the proposed preliminary subdivision plan plat and submit its written recommendations, ~~which shall include the recommendations of the planning council~~ to the city council and the subdivider.
- (2) If the ~~planning~~ commission finds that changes, additions or corrections are required on the preliminary plat, ~~the planning commission~~ it shall so advise the subdivider in writing. The subdivider may resubmit the preliminary plat to the ~~planning~~ commission without paying an additional fee, for its consideration at ~~the its~~ next regular meeting ~~of the commission~~, or such time as ordered by the commission. The ~~planning~~ commission shall at the meeting recommend the approval or disapproval of ~~approve or disapprove~~ the preliminary plat and submit its recommendations in writing, ~~which shall include the recommendations of the planning council~~ to the city council and the subdivider.

- (3) Upon the commission's review of a preliminary plat, the plat shall promptly be referred to the committee for its consideration. The committee shall deliberate thereupon and recommend its approval or disapproval to the city council.
~~If such plat is approved by the planning commission, the city council shall accept or reject the plat within thirty (30) days after its next regular meeting following the action of the planning commission. The applicant and the city council may mutually agree to extend the thirty-day period.~~
- (c) Reserved. ~~For preliminary plats containing five (5) lots or less, the city council shall refer the preliminary plat to the planning commission and the planning council and shall, at the same time, instruct the city engineer to collaborate with the subdivider and the planning commission in assembling plans for the design and construction of streets and such other public improvements as are required by this chapter or any other ordinances. The planning commission and the planning council shall review the preliminary plat for compliance with this chapter and other ordinances of the city, and the planning commission shall, within ninety (90) days from referral:~~
- ~~(1) Approve or disapprove the proposed preliminary subdivision plat and forward a written decision which shall include the recommendations of the city engineer, to the subdivider, and the city clerk;~~

~~(2) If the planning commission finds that changes, additions or corrections are required on the preliminary plat, the planning commission shall so advise the subdivider in writing. The subdivider may resubmit the preliminary plat to the planning commission without paying an additional fee, for its consideration at the next regular meeting of the commission, or such time as ordered by the commission. The planning commission shall at the meeting approve or disapprove the preliminary plat and forward a written decision which shall include the recommendations of the city engineer to the subdivider and the city clerk.~~

(d) The following qualifications shall govern approval of the preliminary plat:

(1) The approval of a preliminary plat by the ~~planning commission and~~ city council ~~or both~~ is tentative only, involving merely the general acceptability of the layout as submitted.

(2) The ~~planning~~ commission and city council or both may require such changes or revisions as are deemed necessary in the interest or needs of the community.

(Code 1969, § 43-44)

Sec. 43-54. - Final plat.

(a) When a preliminary plat is required by this chapter, the~~The~~ final plat shall conform substantially to the preliminary plat

as approved and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of this chapter.

(b) Application for approval of the final plat shall be submitted in writing to the ~~city clerk~~zoning administrator and shall be accompanied by the fee as required by this chapter. The application shall be submitted at least ten (10) days prior to the meeting at which it is to be considered. The zoning administrator ~~city clerk~~ shall submit the application and plat to the ~~city council for appropriate referral to the planning council and planning~~ commission for recommendation to the ~~planning and development~~ committee.

(c) The subdivider shall submit the number of copies of the final plat as required by the zoning administrator~~planning director~~. The required copies of final plat shall be prepared as specified in article II of this chapter, and, if a preliminary plat was required, shall be submitted to the city within two (2) years after approval of the preliminary plat. Failure to submit the final plat within two (2) years shall authorize the city council to declare the preliminary plat null and void, unless prior thereto an application for an extension of time is made to and granted by the ~~planning~~ commission. Such extension will not

require an additional fee for filing of additional copies of the plat.

(d) In all cases where private central sanitary sewer systems are to be used, the developer shall secure the necessary permit for installation and operation of the system from the state environmental protection agency, the city and the ~~Aurora Sanitary District~~Fox Metro Water Reclamation District.

(e) Within sixty (60) ~~forty-five (45)~~ days after application for approval of the final plat, the ~~planning~~ commission shall recommend approval or disapproval of it, and submit its recommendation to the ~~planning and development~~ committee. Action must be taken by the committee within seventy-five (75) days after application. The applicant and committee may mutually agree to extend the seventy-five-day period. If the ~~planning~~ commission recommends approval, it shall affix upon the plat the certifying signature of its chairman. If it disapproves, it shall set forth its reasons in its own records and provide the applicant, the committee ~~and the city clerk~~ ~~with~~ a copy of the written decision.

(f) After approval of the final plat ~~by the planning and development committee~~ and fulfillment of the requirements of these regulations, one (1) tracing copy of the final plat of the subdivision ~~drawn in ink on tracing cloth or~~prepared on Mylar not to exceed twenty-four (24) inches by thirty-six (36)

inches in size shall be submitted to the zoning administrator ~~city clerk and the office of the city engineer~~. The subdivider shall also thereupon record the plat with the county recorder of the county in which the subject property is located within ninety (90) days or as soon thereafter as is practicable. The zoning administrator may extent this time period for good cause. If not recorded in this time, the approval shall be null and void by operation of this ordinance. Immediately after recording, the original ~~tracing cloth or a duly certified~~ Mylar reproducible copy shall be filed with the city engineer. Approval of a final plat by the committee shall not be final until the expiration of the appeal period as described in subsection (g) below. If an appeal is filed, the decision of the committee becomes a recommendation to the city council and the final decision on the final plat shall in such case be made by the city council.

- (g) The approval or denial by the ~~planning and development~~ committee is appealable to the city council by the subdivider or a member of the city council. Appeals may be filed only within five (5) ~~four (4)~~ business days from the day of the decision by the committee. All appeals shall be filed by 5:00 p.m. on the fifth ~~fourth~~ day as described above with the zoning administrator~~city clerk~~. Only items associated with the final plat on record with the committee may be appealable.

(Code 1969, § 43-45)

Sec. 43-55. - Arrangements for improvements prerequisite.

(a) The final plat shall be approved by the ~~planning and development~~ committee, signed by the mayor and attested by the city clerk before the plat is recorded, and such approval shall not be given until the subdivider has complied with the following requirements:

- (1) The subdivider shall submit an engineering plan to the city engineer for review and approval. The engineering plan, in conjunction with the city engineer's approval, shall define the procedures for inspection of public improvement construction ~~After approval and prior to the commencement of public improvement construction, the subdivider shall hold a preconstruction meeting with the city engineer or his/her representative. The purpose of the above said preconstruction meeting is to review inspection procedures~~ and the documentation required to ensure plan and specification implementation. Inspections will be required at any time that underground utilities, curb and gutter or asphalt are being installed or subgrade is being covered with fabric. The subdivider is required to identify the subcontractors to be used and the anticipated time schedule. The subdivider shall pay to the city a one-time inspection fee pursuant to section 43-11 above.

(2) A subdivider may commence construction of the public improvements before ~~submittal~~recording of the final plat, provided that prior thereto, the subdivider submits plans, estimates and specifications for all public improvements for review and approval by the city engineer and all other appropriate authorities, including, but not limited to, the ~~Aurora Sanitary District~~Fox Metro Water Reclamation District, ~~the township highway commissioners~~ and the state environmental protection agency. The subdivider must also acknowledge that construction of the public improvements before recording of the final plat is done at the subdivider's own risk. Once approval is obtained as stated herein, the actual construction may begin.

(3) In lieu of actual construction of the improvements, as provided in paragraph (2) above, the subdivider may post, at the time of submittal of the final plat, cash or security to ensure completion of the proposed public improvements in accordance with the following:

- a. Such cash or securities shall be in an amount equal to one hundred ten (~~100~~110) percent of the estimated improvement costs as certified by the city engineer.
- b. Securities must be approved by the corporation counsel ~~law department~~, shall be irrevocable, and shall be in effect for ~~two (2) years~~one (1) year after approval of

the final plat, or until the issuing institution has received written documentation from the city council certifying that the subdivider has complied with all the terms and conditions of this chapter.

- c. If all public improvements are not installed within eighteen (18) months after approval of the final plat, the city shall be authorized to draw upon the securities of public improvements provided that prior thereto the subdivider is served with thirty (30) days' written notice of the city's intention to draw upon the securities. The city council may grant the subdivider additional time to complete the improvements, provided the securities are extended, or new securities provided, effective for a period of not less than six (6) months beyond whatever additional time is allowed the subdivider.
- d. The city council shall have the right to allow for the reduction of securities provided herein, as work progresses, in an amount equal to eighty (80) percent of the cost of improvements completed as certified by the city engineer. Furthermore, the city council may accept the sanitary sewer and water main system prior to the completion of other improvements.

~~_(4) In lieu of the above, the subdivider may petition the board of local improvements, in appropriate cases, for the installation of all improvements by special assessment, and shall provide a purchaser for all bonds issued thereunder. Upon a sale of such bonds for par value or in excess of par value, and upon approval of the final plat by the committee, the plat may be recorded.~~

(5) Upon the request of the zoning administrator the ~~The~~ subdivider shall provide letters of approval from the appropriate school or park district indicating compliance with sections 23-11 and 43-56.

(6) The subdivider shall pay the developmental impact fees required by sections 23-16, 23-17 and 23-18.

(7) A resident engineering firm shall be ~~obtained~~ contracted by the city engineer using a qualifications-based selection process. ~~from a list of such firms established by the city. This list shall be established once every three (3) years with requests for proposal from all interested firms. A committee made up of the city engineer, assistant city engineer, finance director, water and sewer services director, a representative of the mayor's office, and a representative of the Aurora Sanitary District shall establish a list of not more than ten (10) firms to provide subdivision resident engineering and testing services.~~

~~Thereafter, selection shall be made sequentially from the approved list. A firm shall be dropped from the list for failure to provide services as agreed and will not be requested to submit a proposal at the next approved list creation.~~

~~The selected resident engineering firm shall give an approximate cost of services based upon appropriate information. All resident engineer's hourly rates must be within ten (10) percent of the median of the hourly rates submitted with the above said requests for proposal. The city shall thereafter receive from the selected firm a monthly billing representing the resident engineering and testing expenses.~~

The resident engineering firm shall not be the same firm that will design and layout the particular subdivision improvements. The resident engineering firm will arrange for all testing either in-house or by a separate testing firm⁷ and shall include all such costs in the estimate.

- (b) The subdivider shall, in all cases, be responsible for maintenance and warranties of all improvements for one (1) year following their acceptance by the city and shall guarantee such maintenance and warranties by posting cash and securities in the amount of twenty (20) percent of the total cost for the

improvements, such securities to be in effect until such time as those warranties have expired.

(Code 1969, § 43-46; Ord. No. 086-5589, § 1, 11-18-86; Ord. No. 088-71, Exh. A, 6-21-88; Ord. No. 089-36, § 1, 5-2-89; Ord. No. 091-88, § 2, 11-5-91; Ord. No. 000-181, § 2, 12-12-00; Ord. No. 010-055, § 1 (Exh. A), 9-14-10)

Sec. 43-56. - Dedication of park lands and school sites or payments of fees in lieu thereof.

As a condition of approval of a residential final plat of subdivision, or of a residential final plat of a planned ~~unit~~ development, each subdivider or developer will be required to dedicate land for park purposes and land for school sites, to serve the immediate and future needs of the residents of the development, or make a cash contribution in lieu of actual land dedication, or a combination of both at the option of the city, all in accordance with the criteria and formula provided in Chapter 23, Article II, section 23-11.

(Code 1969, § 43-47; Ord. No. 088-71, Exh. A, 6-21-88; Ord. No. 089-53, § 2, 6-20-89; Ord. No. 097-36, § 1, 5-13-97; Ord. No. 001-111, § 2, 10-9-01)

Sec. 43-57. - Applicability of certain provisions to annexations.

In cases where the annexation of land to the city, or an annexation agreement governing land to be annexed to the city, provides for and incorporates the approval of a final plat of

subdivision for such land or any part thereof, the dedication of land or cash contributions in lieu thereof required by sections 23-11 and 43-56, as well as the payment of developmental impact fees required by sections 23-16, 23-17 and 23-18, shall be required as a condition to the approval of such final plat of subdivision and provisions therefore shall be incorporated in any such annexation or any such annexation agreement, or as may be otherwise specifically provided by the applicable sections.

(Code 1969, § 43-48; Ord. No. 086-5589, § 1, 1-18-86; Ord. No. 088-71, Exh. A, 6-21-88; Ord. No. 000-181, § 2, 12-12-00)

1 Sec. 43-58. - Reserved.

2 Editor's note- Ord. No. 097-36, adopted May 13, 1997, redesignated the
3 provisions of § 43-58 as §§ 23-16 and 23-17, as derived from Ord. No.
4 086-5589, adopted Nov. 18, 1986; Ord. No. 088-71, Exh. A, 6-21-88,
5 adopted June 21, 1988; Ord. No. 089-15, adopted Feb. 21, 1989; and
6 Ord. No. 090-94, adopted Sept. 4, 1990.

7 Secs. 43-59-43-70. - Reserved.

8 ARTICLE IV. - DESIGN STANDARDS

9 Sec. 43-71. - Conformity to plan and authority.

10 (a) The subdivision of land, including the arrangement, character,
11 extent, width, grade and location of all highways, streets, alleys,
12 crosswalks, easements, sites for parks, playgrounds and schools,
13 or other land to be dedicated for public use, shall conform to the
14 general comprehensive plan of the city, approved by the planning

1 commission and adopted by the city council and other responsible
2 governmental bodies of the city as a part of the unofficial plan
3 of the city.

4 (b) All requirements listed in this article are subject to the
5 approval of the ~~planning and development~~ committee, the ~~planning~~
6 commission and/or the city council. Where the ~~planning~~ commission
7 retains authority for recommendation or approval of the preliminary
8 plat or final plat, the ~~planning~~ commission shall dictate adherence
9 to the requirements of this article for recommendation or approval
10 of the preliminary or final plat. Where the committee retains
11 authority for approval of the final plat, the committee shall
12 dictate adherence to the requirements of this article for approval
13 of the final plat except in the case where the final plat is
14 appealed to the city council. Where the city council retains
15 authority for approval of the preliminary plat, the city council
16 shall dictate adherence to the requirements of this article for
17 approval of the preliminary plat.

18 (Code 1969, § 43-58)

19 Sec. 43-72. - Streets.

20 Streets in subdivisions shall comply with the provisions of section
21 42-20.

22 (Code 1969, § 43-59)

23 Sec. 43-73. - Alleys.

1 (a) In commercial, business and industrial districts, definite and
2 assured provisions shall be made for service access such as off-
3 street loading, unloading and parking consistent and adequate for
4 the uses proposed. If, in the opinion of the ~~planning and~~
5 ~~development~~ committee, the ~~planning~~ commission or the city council
6 such facilities are not adequate, the committee, the ~~planning~~
7 commission or the city council may permit or require the dedication
8 and improvement of a public alley.

9 (b) Alleys in residential areas shall not be permitted, except where
10 deemed necessary and on the recommendation of the committee, the
11 ~~planning~~ commission or city council.

12 (c) The width of an alley where permitted or required shall be twenty
13 (20) feet in residential areas and thirty (30) feet in commercial,
14 business and industrial districts.

15 (d) Alley intersections and sharp changes in alley alignment shall
16 be avoided, but where necessary, corners may be cut off sufficiently
17 to permit safe vehicular movement.

18 (e) Dead-end alleys shall be avoided where possible, but if
19 unavoidable, they shall be provided with adequate turnaround
20 facilities at the dead end, as determined by the committee, the
21 ~~planning~~ commission or the city council.

22 (Code 1969, § 43-60)

23 Sec. 43-74. - Easements.

(a) Easements across lots or centered on rear or side lot lines shall be provided for city utilities where necessary and shall be at least fifteen (15) feet wide. Easements adjacent and parallel to a public right-of-way shall be at least ten (10) feet wide. The grant of easement shall conform to the form provided in the city ~~specifications for improvements~~standards for document format, certificates, statements and easements.

(b) Easements shall be designed to provide continuity from block to block.

(c) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the line of such watercourse and shall include such further width or construction, or both, as will be adequate for the purpose and as determined by the city engineer. Parallel streets or parkways may be required in connection therewith.

(Code 1969, § 43-61)

Sec. 43-75. - Blocks.

(a) The lengths, widths and shapes of blocks shall be determined with due regard to:

(1) Provisions of adequate building sites suitable to the special needs of the type of use contemplated;

(2) Zoning requirements as to lot sizes and dimensions within the corporate limits of the city;

(3) Needs for convenient access, circulation, control and safety of street traffic;

(4) Limitations and opportunities of topography.

(b) Block length shall not exceed eighteen hundred (1800) feet, or be less than six hundred (600) feet.

(c) Pedestrian crosswalks not less than ten (10) feet wide shall be required where deemed necessary by the ~~planning and development~~ committee, the ~~planning~~-commission or the city council to provide for pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

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

(Code 1969, § 43-62)

Sec. 43-76. - Lots.

(a) The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(b) Lot dimensions and areas shall conform to the requirements of the zoning ordinance, where applicable, but in no case shall a lot for residential purposes in a new subdivision be less than sixty (60) feet wide at the building line, nor less than eight thousand (8,000) square feet in area. However:

~~1 (1) (Reserved) Residential lots where not served by public sanitary~~
~~2 sewers and water supply shall be not less than one hundred (100)~~
~~3 feet wide at the building line nor less than twenty thousand~~
~~4 (20,000) square feet in area. Where either community sanitary~~
~~5 sewers and sewage treatment or water supply is provided, a lot~~
~~6 shall not be less than eighty (80) feet wide nor less than~~
~~7 fifteen thousand (15,000) square feet in area. Where both public~~
~~8 sewerage and water facilities are provided, the required lot~~
~~9 area and dimensions shall not be less than the requirements in~~
~~10 subsection (b) above.~~

11 (2) Lots abutting a watercourse, drainage way, channel or stream
12 shall have a minimum width or depth as required by ordinance to
13 provide an adequate building site and to afford the minimum
14 usable area required in this chapter or the zoning ordinance,
15 excluding any required drainage easement area.

16 (3) Depths and widths of lots or properties reserved or laid out
17 for commercial, business or industrial purposes shall be
18 adequate to provide for the off-street service and parking
19 facilities required in the zoning ordinance.

20 (c) On all corner lots, there shall be maintained not less than the
21 minimum building setback line on both streets.

22 (d) All lots shall abut on a publicly dedicated street.

23 (e) Double-frontage and reverse-frontage lots shall be avoided except
24 where essential to provide separation of residential development

1 from highways or primary thoroughfares or to overcome specific
2 disadvantages of topographic land orientation. A planting screen
3 easement of at least twenty (20) ~~ten (10)~~ feet, and across which
4 there shall be no right of vehicular access, shall be provided with
5 plantings as approved by the ~~planning and development~~ committee,
6 the ~~planning commission~~ or the city council, in conformance with
7 the city ~~specifications for improvements~~ arboricultural
8 specifications manual. Where a cul-de-sac affords access to a park
9 or other open space, a minimum ten-foot easement shall be provided
10 for such parks or open space and shall be provided with sidewalks.

11 (f) Side lot lines shall be substantially at right angles or radial
12 to street lines.

13 (Code 1969, § 43-63)

14 Sec. 43-77. - Building setback lines.

15 Building setback lines of new subdivisions shall conform to the
16 front yard provisions of the district within the zoning ordinance
17 under which the plat is to be developed.

18 (Code 1969, § 43-64)

19 Sec. 43-78. - Scenic features.

20 In the subdividing of any land within the city or within one and
21 one-half (1½) miles of the corporate limits, as they exist from time
22 to time, due regard shall be shown for all natural features such as
23 tree growth, watercourses, historic spots or similar conditions which,

1 if preserved, will add attractiveness and value to the proposed
2 development.

3 (Code 1969, § 43-65)

4 Secs. 43-79-43-90. - Reserved.

5 ARTICLE V. - REQUIRED IMPROVEMENTS

6 Sec. 43-90. - Standard specifications for public improvements

7 (a) The city engineer from time-to-time shall adopt and
8 promulgate standard specifications for the construction of all public
9 improvements, including but not limited to roadways, sidewalks and
10 streetlights. The specifications shall by reference incorporate the
11 State of Illinois "Standard Specifications For Road and Bridge
12 Construction," latest edition; the current "Standard Specifications
13 For Water And Sewer Main Construction In Illinois," "Illinois
14 Accessibility Code" latest edition and all amendments thereto. In the
15 case of a conflict between any part, or parts of the said
16 specifications, the most stringent requirements shall apply. These
17 specifications shall become a part of each and every project approved
18 by the city engineer and all such signatures shall be conditioned upon
19 the specifications unless noted otherwise. The specifications shall
20 apply to all public improvements, including those not installed or in
21 reference to new subdivisions.

22 (b) All work performed under the standard specifications shall
23 be done by qualified approved contractors and subcontractors familiar
24 with the type of work to be accomplished. Prior to awarding any

1 contract for work to be done under these specifications, the developer
2 or general contractor shall furnish to the city the names and addresses
3 of the contractors and subcontractors as they become available.

4 (c) The city engineer may, for good cause, grant exceptions within
5 the intent of the standard specifications. Any changes in the approved
6 plans must have prior approval in writing by the city engineer.

7 Sec. 43-91. - Compliance required; certification.

8 No subdivision of land shall be approved by the ~~planning and~~
9 ~~development~~ committee, ~~the planning commission~~ or the city council
10 without the subdivider submitting a statement signed by the city
11 engineer certifying that the improvements described in the
12 subdivider's plans and specifications, together with agreements, meet
13 the minimum requirements of all ordinances of the city and that they
14 comply with ~~the~~ all applicable provisions of this ~~article~~ code.

15 (Code 1969, § 43-78)

16 Sec. 43-92. - Recapture.

17 (a) Any improvements required by this chapter, which bring public
18 improvements past undeveloped property that will provide a direct
19 benefit to future subdivisions or developments, shall be
20 reimbursable, to the extent of such benefit, to the subdivider who
21 installed the improvement.

22 (b) The cost shall be determined on the basis of then-existing costs
23 attributable to the benefit. The requirements of this section shall
24 be implemented by separate ordinance or agreement with the city.

1 (Code 1969, § 43-93)

2 Sec. 43-93. - Sewers.

3 (a) Sanitary sewers shall be installed to comply with the regulations
4 and specifications of the ~~Aurora Sanitary District~~Fox Metro Water
5 Reclamation District, where applicable, the ~~city specifications for~~
6 ~~improvements~~Standard Specifications for Improvements, and the state
7 environmental protection agency.

8 (b) All new subdivisions shall be supplied with sewer facilities ~~when~~
9 ~~existing sanitary sewers are within twelve hundred (1200) feet and~~
10 ~~may~~and be connected to the system within the subdivision by gravity
11 sewers.

12 (c) ~~A subdivision plat shall in no case be approved which shall be~~
13 ~~dependent upon individual septic tanks unless they are properly~~
14 ~~installed according to official specifications of the state~~
15 ~~environmental protection agency, and where lots therein contain no~~
16 ~~less than twenty thousand (20,000) square feet each.~~

17 ~~(d) Where both community sanitary sewage and water facilities are~~
18 ~~provided, lot sizes and dimensions shall conform to the city zoning~~
19 ~~ordinance or the zoning ordinance of the county in which the subject~~
20 ~~property is located, whichever is applicable.~~

21 ~~(e)~~ Storm sewers shall be constructed throughout the entire
22 subdivision which shall be separate and independent of the sanitary
23 sewer system and which shall provide an adequate outlet or connection
24 with the storm sewer system of the city. No storm sewer shall be

1 connected to any sanitary sewer of the ~~Aurora Sanitary District~~Fox
2 Metro Water Reclamation District. Control of stormwater runoff shall
3 be required as outlined in ~~Sees. 18-201 -- 18-299 and~~ the ~~city~~
4 ~~specifications for improvements~~Standard Specifications for
5 Improvements.

6 (Code 1969, § 43-79)

7 Sec. 43-94. - Water supply.

8 Water mains to furnish city water to each and every lot within
9 the subdivision shall be constructed in accordance with the ~~city~~
10 ~~specifications for improvements~~Standard Specifications for
11 Improvements and approved by the city engineer. When subdivisions are
12 outside the corporate areas of the city, but within the area where
13 this chapter applies, the ~~planning and development~~ committee, the
14 ~~planning~~ commission or the city council may recommend the subdivider
15 to connect to the water system of the city and to construct water
16 mains through the entire subdivision where, in the opinion of the
17 committee, the ~~planning~~ commission or the city council and the city
18 engineer, such requirement is reasonable. In no case will private
19 wells be allowed.

20 (Code 1969, § 43-80)

21 Sec. 43-95. - Street improvements.

22 Minimum construction requirements for street improvements shall
23 be as outlined in the ~~city specifications for improvements~~Standard
24 Specifications for Improvements.

1 (Code 1969, § 43-81)

2 Sec. 43-96. - Monuments and markers.

3 (a) Concrete survey monuments, as defined in subsection (b), shall
4 be placed at intervals throughout the subdivision which will allow a
5 reasonable reconstruction of all positions therein to the satisfaction
6 of the city engineer.

7 (b) The monuments shall be of concrete no less than four (4) inches
8 in diameter and forty-eight (48) inches deep with a center solid steel
9 rod ten (10) inches long cast in the center thereof and flush with the
10 top surface. All corners of lots or changes in direction not marked
11 by a monument shall be marked by iron pipe or steel bars not less than
12 one-half inch in diameter and eighteen (18) inches long.

13 (c) The top of all monuments and markers shall be set no more than six
14 (6) inches below finish landscape grade.

15 (d) As a required condition before final acceptance of the
16 improvements, all monuments and markers shall be exposed and marked
17 with lath and flagging at the time of final inspection. In addition,
18 a bench mark system shall be established on ~~every~~ fire hydrants within
19 or adjacent to the subdivision. Bench marks shall include an elevation
20 established on the northernmost flange bolt head ~~for each and every~~
21 ~~fire hydrant within or immediately adjacent to the subdivision~~. Each
22 such flange bolt head shall be clearly marked by a heavy chisel cross
23 mark. As a condition of final acceptance, the as-built drawings shall
24 show the subdivision fire hydrant locations with the bench mark

1 elevations and shall bear the signature and seal of a state-registered
2 land surveyor or a state-registered professional engineer.

3 (Code 1969, § 43-82)

4 Sec. 43-97. - ~~Telephone~~ Communication and electric service and
5 franchised utilities.

6 ~~-(a)~~ All utility lines for ~~telephone~~ communication and electric service
7 and ~~other~~ franchised utilities, except gas utilities, shall be placed
8 in rear-lot easements when carried on overhead poles., except where
9 approved by the city engineer and in a manner which will not conflict
10 with other underground services. Gas utility lines shall be allowed
11 within dedicated public ways, within front-lot easements and within
12 rear-lot easements in a manner which will not conflict with other
13 underground services.

14 ~~-(b) Where telephone and electric service lines and franchised~~
15 ~~utilities are placed underground entirely through a subdivided area,~~
16 ~~the conduits or cables shall be placed within easements or dedicated~~
17 ~~public ways in a manner which will not conflict with other underground~~
18 ~~services. The grant of easement shall conform to the form provided in~~
19 ~~the city specifications for improvements~~ standards for document format,
20 certificates, statements and easements. Further, all transformer boxes
21 ~~shall be located so as not to be unsightly or hazardous to the public.~~

22 (Code 1969, § 43-83)

23 Sec. 43-98. - Sidewalks.

Concrete sidewalks of portland cement shall be constructed as specified in the ~~city specifications for improvements~~Standard Specifications for Improvements on both sides of all streets in residential, commercial and industrial subdivisions. The city in its discretion may require an asphalt bike or multi-use path in lieu of a sidewalk on one side of the street. At final plat approval, the ~~planning and development~~ committee may defer installation of sidewalks on one (1) side of any or all streets in commercial and industrial subdivisions. However, the final plat must include a provision that the city council may require installation of additional sidewalks at a subsequent date on any or all streets having sidewalks on one (1) side in accordance with procedures established in article 11, division 84 of the Illinois Municipal Code [Ill. Rev. Stat. Ch. 24, ¶ 11-84-1 et seq.]. Unless otherwise approved by the committee, the ~~planning~~ commission or the city council or both, all sidewalks shall be located within the street right-of-way and one (1) foot inside the right-of-way line.

(Code 1969, § 43-84; Ord. No. 085-5414, § 1, 9-3-85)

Sec. 43-99. - Landscaping.

All parkway landscaping shall be in accordance with the ~~city specifications for improvements~~city arboricultural specifications manual.

(Code 1969, § 43-85)

Sec. 43-100. - Street and regulatory signs.

1 All street and regulatory signs shall be in accordance with the
2 ~~city specifications for improvements~~Standard Specifications for
3 Improvements.

4 (Code 1969, § 43-86)

5 Sec. 43-101. - Street lighting and marking.

6 Provisions and installation shall be made for the adequate
7 lighting and name markers of public streets within the proposed
8 subdivision in accordance with the ~~standards and requirements~~
9 ~~established within the specifications for improvements~~Standard
10 Specifications for Improvements.

11 (Code 1969, § 43-87)

12 Sec. 43-102. - Construction plans.

13 (a) Construction plans and specifications shall be prepared in
14 accordance with the then-current ~~city specifications for~~
15 ~~improvements~~Standard Specifications for Improvements, the current
16 state Standard Specifications for Road and Bridge Construction~~and,~~
17 the current Standard Specifications for Water and Sewer Main
18 Construction in Illinois, the current Illinois Urban Manual, and the
19 current Manual on Urban Traffic Control Devices. ~~—and—i~~If one
20 specification contradicts the other, the most stringent shall apply.

21 (b) Documents to be submitted with the ~~preliminary initial submittal~~
22 of construction plans for approval shall include:

- 23 (1) ~~Nine (9) sets of construction plans and specifications~~Two (2)
24 complete sets of construction plans twenty-four (24) inches wide

1 by thirty-six (36) inches long, signed and sealed by a state-
2 registered and Illinois licensed professional engineer;

3 (2) ~~Storm sewer calculations~~One (1) completed Project Information
4 Sheet;

5 (3) ~~Soils reports for pavement design~~Two (2) signed & sealed
6 copies of the stormwater report in tabular format containing the
7 Typical Permit Submittal Flowchart and Stormwater Management
8 Permit Applicationthe City's Stormwater Management Permit
9 Worksheet and Application;

10 (4) ~~Pavement design calculations~~One (1) wetland determination
11 report prepared by a Qualified Wetland Review Specialist, if
12 applicable;

13 (5) ~~Engineer's certified detailed estimate of cost of~~
14 ~~improvements~~One (1) soil investigation report, if applicable;

15 (6) One (1) drain tile survey, if applicable;

16 (7) One (1) address plat at a scale not to exceed one hundred
17 (100) feet to one (1) inch, if applicable; and

18 (8) One (1) traffic study,if applicable.

19 ~~-(c) Documents to be submitted with the final construction plans for~~
20 ~~approval shall include:~~

21 ~~(1) Nine (9) sets of plans and specifications which are signed, sealed~~
22 ~~and dated by a state-registered engineer.~~

23 ~~(2) Two (2) sets of permits for IEPA approval for sewer and water~~
24 ~~construction.~~

1 ~~{Code 1969, § 43-88}~~

2 Sec. 43-103. - Requirements for final acceptance.

3 (a) ~~After completion of each class of public improvements, being~~
4 ~~underground, street lighting and roadway, other than street trees,~~
5 ~~sidewalks and landscaping of parkways to be installed subsequently~~
6 ~~during building construction, and p~~Prior to final acceptance of such
7 public improvements by the city engineer, the subdivider shall submit
8 a complete set of record drawings ~~plans~~ showing the as-built location
9 of all valves, manholes, sewers and sewer services, water mains and
10 water services, profile elevations and any other items hereunder
11 constructed by subdivider to be accepted by the city for continuing
12 maintenance. These plans shall bear the signature and seal of ~~a state-~~
13 ~~registered~~an Illinois licensed professional engineer and a statement
14 that the improvements for the project have been completed in
15 substantial conformance with the Standard Specifications for
16 Improvements and the date of that completion. The completion and
17 presentation of these plans shall be a condition of final acceptance
18 of the improvements and reduction or release of the subdivision
19 securities. ~~These as-built~~record drawing plans shall be submitted on
20 ~~reproducible Mylar at the time of request for final inspection. Upon~~
21 approval of the record drawings, a digital copy of the final version
22 shall be submitted in the format(s) specified by the city engineer.
23 ~~(b) Upon final acceptance of all sewer and water mains and~~
24 ~~appurtenances thereto within a proposed subdivision, the developer~~

1 ~~shall be required to provide a bill of sale, as outlined in the~~
2 ~~appendix to the ordinance from which this section is derived, to the~~
3 ~~city. Receipt of the bill of sale shall be a condition of final~~
4 ~~acceptance and reduction of the surety posted by the developer.~~

5 ~~Cross reference Alternative to bonds, § 2-318.~~

6 (eb) Procedure for final acceptance of improvements.

7 (1) All improvements shall be inspected by the city after the
8 completion of construction of the improvements, ~~within thirty (30)~~
9 ~~days from the time~~ and after the subdivider submits a written request
10 for such final inspection, ~~provided that the improvements~~
11 ~~substantially comply with the requirements of the substantially comply~~
12 ~~with the requirements of the approved engineering plans for the~~
13 ~~improvements, this Code and the city standard specifications for~~
14 ~~improvements.~~

15 (2) Prior to requesting a final inspection of all or a portion
16 of the improvements, the developer shall submit ~~as-built plans~~ record
17 drawings, and all other certifications and tests as described in
18 ~~section IX of the city standard specifications for~~
19 ~~improvements~~ Standard Specifications for Improvements. entitled
20 ~~"Required Certification Fees and Permits for Final Acceptance."~~ The
21 ~~developer shall make a written request to the city engineer for a~~
22 ~~final inspection of all or a portion of the improvements. Partial~~
23 ~~inspections shall be performed only on completed sanitary sewer~~
24 ~~systems and/or water mains as outlined in subsection (b) above or with~~

1 ~~permission of the city engineer, on one (1) or more separate sections~~
2 ~~of the platted subdivision. The city engineer or his representative~~
3 ~~shall either perform the inspection of improvements or deny the request~~
4 ~~for inspection of improvements within fourteen (14) days from the~~
5 ~~receipt of the request for final inspection. The final inspection~~
6 ~~shall be performed jointly with the developer or his representative~~
7 ~~and the developer shall supply all labor required to facilitate the~~
8 ~~inspection. Reasons for denial of a request for inspection shall be~~
9 ~~given in writing by the city engineer and shall specifically refer to~~
10 ~~the requirements of the approved engineering plans for the~~
11 ~~improvements. All denials are appealable pursuant to section 2-289.~~

12 (3) The city engineer or his representative shall recommend
13 acceptance of the improvements if the improvements comply with all
14 requirements of the approved engineering plans, this Code and the ~~city~~
15 ~~standard specifications for improvements~~Standard Specifications for
16 Improvements and shall notify the developer in writing of the
17 recommendation of acceptance ~~within fourteen (14) days from the date~~
18 ~~of the successful completion of final inspection.~~

19 (4) In the course of inspecting the improvements, the city
20 engineer or his representative may determine that additional work is
21 required on the improvements in order to meet the requirements of the
22 approved engineering plans, this Code and the ~~city standard~~
23 ~~specifications for improvements~~Standard Specifications for
24 Improvements. Each determination of the need for additional work shall

1 specifically refer to an explicit requirement of the approved
2 engineering plans, this Code and the ~~city standard specifications for~~
3 ~~improvements~~Standard Specifications for Improvements. All items
4 requiring additional work shall be noted on a punch list ~~which unless~~
5 ~~subject to the exception described below~~, shall be signed by the city
6 engineer or his representative, and shall be given to the developer
7 or his representative at the completion of the inspection. ~~However,~~
8 ~~the inspection shall be terminated after ten (10) specific repairs,~~
9 ~~additions or rejections per one thousand (1,000) feet of roadway~~
10 ~~centerline improvement, on the average, are logged on the punch list~~
11 ~~during the course of the inspection and the city engineer or his~~
12 ~~representative shall leave the site of the inspection. The city~~
13 ~~engineer or his representative shall file the terminated punch list~~
14 ~~in the office of the city engineer and make it available to the~~
15 ~~developer upon request.~~

16 (5) All interpretations of the standards contained in this Code
17 and the ~~city standard specifications for improvements~~Standard
18 Specifications for Improvements made by the city engineer or his
19 representative in the course of the final inspection are appealable
20 to the administrative hearing officer~~under section 2-289~~.

21 (6) Requests by the developer for subsequent final ~~procedures~~
22 acceptance shall follow the procedures outlined above.

23 (7) ~~Within fourteen (14) days from the~~After successful completion
24 of final inspection as provided in paragraph (3), the city engineer

1 shall prepare and submit a resolution to the mayor ~~requesting that the~~
2 ~~mayor submit the resolution to~~ and the appropriate committee of the
3 city council ~~and that~~ the developer shall submit a one-year maintenance
4 bond to the city council guaranteeing against deficiencies in
5 workmanship and materials. Such bond shall be drawn in an amount equal
6 to twenty (20) percent of the total cost for improvements and be
7 written for a period of one (1) year after acceptance of the
8 improvements. ~~The fourteen-day period may be extended upon mutual~~
9 ~~agreement of the developer and the city engineer.~~

10 (Code 1969, § 43-89; Ord. No. 091-88, § 3, 11-5-91)

11 Sec. 43-104. - Construction review.

12 (a) As a condition to the approval of a planned subdivision, all
13 construction shall be carried forward in a workmanlike manner
14 following an orderly step-by-step process to final completion. All the
15 improvements constructed or erected shall meet the applicable
16 requirements of the subdivision control ordinance with all
17 construction being subject to frequent inspections by the city
18 engineer or his representatives.

19 (b) Each phase of construction which supports subsequent
20 construction must be satisfactorily completed, maintained and
21 inspected before the next phase can be commenced.

22 (c) All procedures and materials shall be inspected and/or tested
23 according to the most recent cited standard (AASHTO or ASTM) methods
24 of test or other methods as specified by the city engineer. The

1 frequency and type of inspections, testing and reporting shall be as
2 described in the ~~current issue of the state department of~~
3 ~~transportation Project Procedures Guide~~ standards cited in section 43-
4 102(a), or as specified by the city engineer.

5 (d) Copies of all materials certifications, inspection reports,
6 testing reports and daily log sheets not previously submitted shall
7 be submitted to the city engineer ~~weekly~~ upon request.

8 (e) The subdivider or his agent shall notify the city engineer
9 not less than ~~forty-eight (48)~~ seventy two (72) hours before commencing
10 any work on the streets including the following:

11 (1) The construction of any underground facility, including
12 trench and backfill for telephone, gas, electric, water and
13 sewer, street light conduits and cables and other items;

14 (2) The construction of the roadway, subgrade, earth
15 embankment, earth borrow, undercutting, removal of
16 unsuitable material, culverts, tree removal and other items;

17 (3) The placement of the base course material;

18 (4) The installation of any curbing, gutters or sidewalks;

19 (5) The placement of the surface course material.

20 (f) The city engineer or his duly authorized representative may
21 order a stop to any phase of the work found to be in noncompliance
22 with this chapter, and noncompliance in one area of a subdivision
23 shall be grounds to withhold approvals in another area of the
24 subdivision.

1 (Code 1969, § 43-90)

2 Sec. 43-105. - Plan review and inspection costs.

3 -(a) All public improvements proposed and/or required to be made
4 under the provisions of this chapter shall be inspected during the
5 course of construction by the city engineer or his duly authorized
6 representative.

7 (b) The subdivider shall pay to the city a fee pursuant to section
8 43-11 above.

9 (Code 1969, § 43-91; Ord. No. 010-055, § 1(Exh. A), 9-14-10)

