

CHAPTER 34

SUBDIVISION CODE

ARTICLE 1

GENERAL PROVISIONS

**34-1-1**        **TITLE CITATION.** This regulation shall be known as and may be cited as “The New Berlin Subdivision Code”.

**34-1-2**        **PURPOSE.** This Article is hereby made a part of the Official Village Plan for the Village of New Berlin. It is to provide for improvement of public health and safety, for the harmonious development of New Berlin and its environs, for the coordination of streets in new subdivisions with other existing or planned streets or with other features of the Official Village Plan, for adequate open space for traffic, schools, recreation and air, for adequate storm water drainage and sewage disposal, for the efficient and economical maintenance of streets and for the development of public grounds.

**34-1-3**        **DEFINITIONS.** For the purpose of this Code, the following words, terms, phrases, and their derivations shall have the meaning given in this Section. The word “shall” is always mandatory and not merely directory.

**Alley:** A public way used primarily as a service access to the rear or side of a property which abuts on a street.

**Arterial Street:** A major or secondary street that links collector streets with each other or with major thoroughfares. An arterial street can be a primary access route or a minor highway.

**Block:** The distance as measured along a street between intersecting streets from center line to center line, and where the context requires, it also means the enclosed area within the perimeter of the streets or property lines enclosing it.

**Building Setback Line:** A line within a lot or other parcel of land, so designated on the preliminary plan between which, and the adjacent street, the erection of an enclosed structure is prohibited.

**Certificate of Review:** An official letter of notification written by the Chairman of the Plan Commission to the subdivider advising him of the review, approval or disapproval, with an itemized statement of the deficiencies if disapproved, of his subdividing the area indicated on the location map.

**Circulation Plan:** The portion of the Comprehensive Plan providing and planning for the present and future street system of New Berlin and environs.

**Collector Street:** A street that serves as a connection between a thoroughfare and several minor residential, industrial or commercial streets. The term includes the principal entrance streets of a residential development and principal circulating streets within such a development.

**Cul-de-Sac (Dead-End Street):** A minor street with only one outlet.

**Curb and Gutter:** A permanent type pavement edging.

**Dead-End Street:** (See Cul-de-Sac).

**Drainage Course:** A natural water course or indenture for the drainage of surface waters.

**Easement:** A grant by a property owner of the specific use of said land to the public generally or to a person or persons.

**Final Plan or Final Plat:** The engineering drawing of a subdivision prepared in the manner and containing the data, documents and information required by Article V of this Code.

**Free Hand Sketch:** The penciled or rough drawing showing approximate street and lot layout superimposed upon a contour map of the proposed subdivision or greater area as suggested by Article III of this Code.

**Half Street:** A street bordering **one (1)** or more property lines of a tract of land in which the subdivider has allocated but part of the ultimate right-of-way width in accordance with the requirements as set forth in Article VI of this Code.

**Health Officer:** The Illinois State Public Health Department Director or his authorized representative.

**Improvements:** Those public improvements including street, sewer and water facilities.

**Location Map:** A preliminary map or drawing of a proposed subdivision containing the data and information as required by Article II of this Code.

**Loop Street:** Any discontinuous minor street having only **two (2) outlets** to **one (1)** other street. A loop street does not connect with more than **one (1) street**.

**Lot:** The tract of land within a subdivision marked by the subdivider as a numbered, lettered or otherwise identifiable tract of land to be offered as a unit for sale or transfer of ownership or for building development.

**Lot, Butt:** A lot at the end of a block and located between **two (2) corner lots**.

**Lot, Double Frontage:** A lot which has a pair of opposite lot lines along **two (2)** substantially parallel streets and which is not a corner lot.

**Marginal Access Street:** A minor street which is parallel and adjacent to a thoroughfare and which provides access from the thoroughfare to abutting property and protection from through traffic.

**Minor Street:** A street of relatively short length and limited continuity that provides direct access to a limited number of abutting properties and for the local needs of a neighborhood and is designed to discourage use by through traffic.

**Official Plan:** The composite of the functional and geographic elements of the Comprehensive Village Plan or any segment thereof in the form of plans, maps, charts and textual materials adopted by the Village Board of Trustees.

**Owner:** Any individual, firm, association, partnership, trust, corporation or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Code.

**Pedestrian Way (Public Cross Walk):** A public right-of-way across or within a block designed primarily for use by pedestrian traffic.

**Person:** Any individual, firm, association, partnership, trust, corporation, or any other legal entity.

**Plan Commission:** The New Berlin Plan Commission.

**Plats Officer:** The Executive Director of the Springfield-Sangamon County Regional Planning Commission or his or her duly authorized representative. **(Ord. No. 04-02; 01-21-04)**

**Preliminary Plan:** The tentative map, drawing or chart of a proposed subdivision or greater area prepared in the manner and containing the data, documents and information required by Article IV of this Code.

**Private Street:** An undedicated street which is privately owned and maintained.

**Protective Covenants:** Contracts entered into between private parties that constitute a restriction on the use of all private property within a subdivision for the benefit of property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

**Public Cross Walk:** (See Pedestrian Way).

**Public Improvement:** Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area, or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.

**Recorder:** The Recorder of Deeds for Sangamon County.

**Reserve Strip:** A tract of land which enables access to interior lots from streets.

**Sanitary Sewer:** A constructed conduit for the carrying of sewerage, other than storm waters, to a sewerage treatment plant.

**Sidewalk:** That portion of a street or pedestrian way, paved or otherwise surfaced, intended for pedestrian use only.

**Storm Sewer:** A constructed conduit for carrying storm waters to a drainage course.

**Subdivider:** Any person commencing proceedings under this Code for himself or for another.

**Subdivision of Land:**

(A) The division of land within the subdivision jurisdiction of the Village into lots, blocks, streets, alleys, or public open space, except in the following situations, where the provisions of this Chapter, other than **Division XV** relating to tract surveys, do not apply:

- (1) The division or subdivision of land into parcels or tracts of **five (5) acres** or more in size which does not involve any new streets or easements of access;
- (2) The division of lots or blocks of less than **one (1) acre** in any recorded subdivision which does not involve any new streets or easements of access;
- (3) The sale or exchange of parcels of land between owners of adjoining and contiguous land;
- (4) The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
- (5) The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
- (6) The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
- (7) Conveyances made to correct descriptions in prior conveyances;
- (8) The sale or exchange of parcels or tracts of land following the division into no more than **two (2)** parts of a particular parcel or tract of land existing **July 17, 1959** and not involving any new streets or easements of access;
- (9) The sale of a single lot of less than **five (5) acres** from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on **October 1, 1973**, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.

(B) A tract survey shall be required for a division of land for which no plat is required under subsections (A)(1), (2), (3), (8) and (9) of this Section. No tract survey is required for a division of land described in subsections (4) through (7) of this Section. All tract surveys shall be approved and recorded in accordance with **Sections 34-15-1** through **34-15-3** of this Chapter. (**Ord. No. 04-02; 01-21-04**)

**Subdivision Design Standards:** The guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the maximum and minimum dimensions of the various elements set forth in the preliminary plan.

**Thoroughfare:** A major or secondary street or road which is a public right-of-way with a high degree of continuity that serves as an arterial traffic-way to the various districts of the Village of New Berlin, as designated by the Comprehensive Plan.

**Village Engineer:** The professional engineer appointed or designated by the Village Board of Trustees.

ARTICLE II

PROCEDURES

**34-2-1**        **PROCEDURES.** To subdivide any land into lots and blocks (with the exceptions noted in **Section 34-1-3, Definitions** - definition of subdivision) an owner or subdivider shall follow the procedure noted below.

**34-2-2**        **LOCATION MAP TO BE SUBMITTED.** Before preparation of a preliminary plan, the subdivider shall, in the manner outlined in Article IV of these regulations, submit **seven (7) prints** of a location map to the **Plan Commission** for review and advice concerning the relationship of the Comprehensive Plan to the proposed subdivision. Within **sixty (60) days** of the receipt of this map from the subdivider, the Chairman of the **Plan Commission** shall prepare a Certificate of Review advising on the suitability of the proposed site for subdivision. A free hand sketch of the subdivision layout may be submitted with the location map as described in Article IV of this Code.

**34-2-3**        **PRELIMINARY PLAN TO BE APPROVED.** Within **twelve (12) months** of the receipt of the above noted Certificate of Review, the subdivider shall file with the Plan Commission **seven (7) prints** of a preliminary plan as called for in Article V for reference of Village officials and he shall also pay the required filing fee.

In the event that the subdivision plan involves special problems or is in conflict with the Plan Commission's proposals, the Chairman of the Plan Commission shall notify the owner or subdivider as to the time and place of the Plan Commission's meeting at which time he will be afforded an opportunity of being heard. The Plan Commission shall then approve or disapprove the preliminary plan at its next regular meeting, provided, however, that if the preliminary plan does not conform to the requirements set forth, the Plan Commission may request the subdivider to make such changes as may be necessary and thereupon approve the same. Upon approval of the preliminary plan, the Notice of Approval of the Preliminary Plan, signed by the Plan Commission Chairman, shall be placed upon **two (2) copies** thereof, **one (1)** approved or conditionally approved copy to be returned to the subdivider within **thirty (30) days** following the Plan Commission action, with the other to be retained by the Plan Commission.

**34-2-4**        **APPROVAL OF FINAL PLAN.** Within **twelve (12) months** after the approval of the preliminary plan, the final plat shall be submitted to the Plan Commission for its recommendation and review. The Plan Commission shall then approve or disapprove the final plat. The subdivider shall submit the original tracing and **three (3) prints** of the final plat, which must retain the overall characteristics of the preliminary plan; and he shall install the required improvements, or furnish a completion bond assuring installation of the same prior to final plat approval, as provided in Article VI.

Where less than the entire land area shown on the preliminary plan is to be filed for record, such recordation shall automatically extend the approval of the unrecorded balance of the preliminary plan for **one (1) successive twelve (12) month** period. Subsequently, an extension of time may be granted annually by the Plan Commission upon written request to continue approval of the unrecorded balance of the original preliminary plan. Otherwise, the plan submitted may be considered a new preliminary plan.

No plat shall be recorded in the Office of the Recorder of Deeds of Sangamon County, Illinois unless and until approval of the Board of Trustees has been endorsed thereon by the President of the Board of Trustees and the Village Clerk, and no lot shall be sold from such plat unless and until the plat is endorsed by said Village President and filed for record in the office of the Recorder of Deeds of Sangamon County, Illinois.

The final plat shall be presented for recording to the Recorder of Deeds within **twelve (12) months** after approval by the Village Board of Trustees. Any plat that is not so filed within the period shall not be entitled to recordation without reapproval by the Village Board of Trustees.

ARTICLE III

MAP REQUIREMENTS

**34-3-1**        **LOCATION MAP, PURPOSE.** The purpose of the location map is to permit the subdivider an opportunity to determine whether or not the tract of land he proposes to subdivide is proper for such development. The subdivider will receive assistance concerning the relationship of the land he proposes for subdividing with the New Berlin Comprehensive Plan and other plans or public improvements which might affect the area.

**34-3-2**        **LOCATION MAP, REQUIREMENTS.** The location map shall consist of necessary data added to an existing township map or any other map that covers an area of not less than **one (1) mile** radius from the tract proposed for development. The scale of the location map shall be **three (3) inches** to the mile. The location map shall provide the following information:

- (A)            The title of the subdivision, a graphic scale (**3" to 1 mile**), a north arrow and date.
- (B)            The name(s) and address(es) of the subdivider, engineer and surveyor.
- (C)            The outline of the area to be subdivided with approximate boundary dimensions and total acreage within the proposed subdivision.
- (D)            A proper method of providing facilities.

**34-3-3**        **LOCATION MAP, METHOD OF FILING.** **Seven (7) prints** of the location map shall be submitted to the Chairman of the Plan Commission by any person preparing to subdivide land and before submitting the preliminary plan referred to in Article IV. The Chairman shall immediately transmit **one (1) print** of the location map to the Superintendent of the New Berlin School District, **one (1) print** to the County Superintendent of Highways, **one (1) print** to the New Berlin Township Highway Commissioner and, at his discretion, transmit other prints to those parties or agencies he deems interested in the proposed development while retaining the remaining prints for his file.

**34-3-4**        **LOCATION MAP, REVIEW.** Within **thirty (30) days** after receipt of a location map or any amendment thereof, the Chairman shall return **one (1) print** of said location map to the subdivider either with a certificate indicating that the location map is sufficient and that the area is one proper for subdividing, or with an itemized statement of deficiencies in said location map or specific reasons why said area or parts thereof may not be subdivided. The subdivider may submit an amended location map directly to the Chairman of the Plan Commission for decision. A certificate reviewing a location map does not constitute an acceptance of any preliminary or final plan.

**34-3-5**      **FREE HAND SKETCH.** Along with the location map, this Code suggests a rough sketch of the proposed subdivision be submitted to the Chairman of the Plan Commission. The rough sketch should show the approximate street and lot layout superimposed upon a topographical map of the area. The free hand sketch is intended to save the subdivider time and money and to develop a working relationship between the subdivider and the reviewing agencies.

It is suggested that a free hand sketch contain:

- (A)            A rough (pencil) sketch of the proposed street and lot layout.
- (B)            The location of all land owned or under option by the subdivider adjacent to the proposed subdivision.
- (C)            The approximate location of all existing features on the site which may have an effect upon the overall design (buildings, trees, roads, watercourses, hills, etc.)

ARTICLE IV

PRELIMINARY PLAN

34-4-1 PRELIMINARY PLAN, PREPARATION. Within **twelve (12) months** after obtaining a Certificate of Review approving the location map, any subdivider proposing to subdivide the land described in said location map, or portion thereof, shall prepare and submit **seven (7) prints** of the preliminary plan to the Village Clerk for transmission to the Plan Commission.

34-4-2 PRELIMINARY PLANS, REQUIREMENTS. The preliminary plan shall show the following:

- (A) Identification and Description.
  - (1) The proposed name of the subdivision or title under which it is to be recorded (not duplicating a name of any plat heretofore recorded in Sangamon County).
  - (2) The names and addresses of the owner, subdivider, engineer and registered land surveyor.
  - (3) The north point, graphic (engineering) scale of **one inch to 100 feet (1" - 100')**.
  - (4) The date of preparation.
  - (5) A note stating "Preliminary Plan - Not to be recorded by the Recorder of Deeds".
- (B) Existing Conditions.
  - (1) The boundary line of the proposed subdivision clearly indicated and the total approximate acreage therein.
  - (2) The locations, widths and names of all existing or previously platted streets or other public ways, showing type of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements, section and township lines within the tract and to a distance of **two hundred (200) feet** beyond the proposed subdivision.
  - (3) The location and size of existing sewers, water mains, culverts or other underground facilities within the proposed subdivision and a distance of **two hundred (200) feet** beyond.
  - (4) Topographic data including existing contours at vertical intervals of not more than **one (1) foot** unless a greater interval is required to properly depict rough terrain. Topographic data shall refer to the United States Geological North American Datum - Mean Seal Level

Elevation. Watercourses, marshes, rock outcrops, other significant features and soil boring data at location and depths may be required by the Plan Commission.

(5) Zoning classification for, and adjacent to, the tract.

(C) **Subdivision Design Features.**

- (1) Layout of streets - showing right-of-way widths and street names. Public streets shall be required in all subdivisions.
- (2) Location and widths of alleys pedestrian ways, utility easements, lots and setback lines.
- (3) Areas intended to be dedicated or reserved for public use - indicating, in each, the approximate area of acreage.
- (4) Layout, numbers and typical dimensions of lots to the nearest foot. Letters shall not be used for identification of lots or blocks.
- (5) Minimum front and side-street building lines; with dimensions indicated.
- (6) Areas other than streets, alleys, pedestrian ways and easements intended to be dedicated or reserved for public use; for each, the approximate area in acres shall be indicated.

(D) **Protective Covenants.** All protective covenants for a proposed subdivision shall accompany the preliminary plan; i.e., type of structures, architectural controls, etc.

**34-4-3 PRELIMINARY PLAN, METHOD OF FILING.** The subdivider shall file in the office of the Village Clerk, within **one (1) year** after receipt of Certificate of Review, **seven (7) prints** of the preliminary plan for the proposed subdivision, with the required filing fee as outlined in Article IX. After stamping the file number on all prints, the Village Clerk shall retain **one (1) print** for his file and transmit **one (1) print** to the County Superintendent of Highways, **one (1) print** to the County Superintendent of Schools, **one (1) print** to the New Berlin Township Highway Commissioner and the **three (3)** remaining prints to the Plan Commission. It shall be the responsibility of the subdivider to provide the utility company or companies serving the area with the necessary number of prints. The filing fee shall be **Twenty Dollars (\$20.00)**.

**34-4-4 PRELIMINARY PLAN, REVIEW.** The preliminary plan shall be reviewed by the Plan Commission.

In the event that the preliminary plan involves special problems, or is in conflict with the Comprehensive Plan, the Plan Commission Chairman shall inform the owner or subdivider of said problems or conflict and shall advise him of the time and place for a hearing before the Plan Commission.

**34-4-5**      **PRELIMINARY PLAN, APPROVAL.** If, at its next meeting after the Subdivision Committee review, the Plan Commission as a whole shall find that such proposed plan satisfies the requirements of this Code, the Chairman of the Plan Commission shall endorse approval thereon in substantially the following language:

“The proposed plan of subdivision herein is approved and the Plan Commission now is ready to receive the final plan of said subdivision for consideration. This is not an approval of the final plan.

DATED \_\_\_\_\_  
VILLAGE OF NEW BERLIN PLAN COMMISSION  
BY \_\_\_\_\_  
Chairman

**One (1) print** of the preliminary plan so endorsed shall be returned to the subdivider by personal delivery or by mail, and **one (1) print** so endorsed shall be retained on file in the office of the Plan Commission.

**34-4-6**      **PRELIMINARY PLAN, DISAPPROVAL.** If the Plan Commission as a whole shall find that such proposed plan does not satisfy the requirements and intentions of this Code, it shall specify its objections by written findings and order, and the Plan Commission may thereupon disapprove such preliminary plan or may recommend approval thereof conditioned upon specific changes in the proposed plan to remove its objections.

**One (1) print** of the proposed plan together with the findings and order of the Plan Commission upon the hearing, either disapproving the preliminary plan or approving it upon condition as aforesaid, shall be retained by the Plan Commission and **one (1) print** with said findings and order shall be delivered to the subdivider in person or by mail.

A subdivider may submit to the Plan Commission an amended preliminary plan for the purpose of complying with any order of the Plan Commission. In such event, **seven (7) prints** thereof shall be so filed.

Land Subject to Flooding or Containing Poor Drainage Facilities. No plan shall be approved for subdivision which is subject to periodic flooding or which contains extremely poor drainage facilities. However, if the subdivider agrees to make improvements which shall, in the opinion of the Plan Commission, make the area completely safe for residential occupancy, and provide adequate drainage, the preliminary plan of the subdivision may be approved.

ARTICLE V

FINAL PLAN

**34-5-1**        **FINAL PLAN, PREPARATION.** Receipt by the subdivider of print of the preliminary plan approved by the Plan Commission shall constitute authority for the subdivider to proceed with further plans and specifications for installation of required land improvements and the minimum design and layout standards established by this Code.

The final plan may, at the discretion of the subdivider, constitute only such portion of the tract covered in the preliminary plan as the subdivider proposes to record and develop. The remaining portion of the preliminary plan shall receive an automatic time extension of **one (1) year** to be submitted in final form after approval of the initial portion of the tract. A further extension of time may be granted annually by the Plan Commission upon written request to continue approval of the unrecorded portion of the original preliminary plan where circumstances affecting further subdivisions under said plan have not substantially changed. If no final plan or portion of the original preliminary plan has been submitted for approval and no written request to continue approval of the unrecorded portion of the original preliminary plan has been submitted within **one (1) year** after the preliminary plan is approved, said preliminary plan shall be resubmitted by the subdivider for review and approval by the Plan Commission prior to the submission of a final plan.

**34-5-2**        **FINAL PLAN, REQUIREMENTS.** The final plan shall conform to the streets, alleys and public open space requirements of the Official Comprehensive Plan. All information, except topographic data, required on the preliminary plan shall be shown accurately, and drawn with black ink on heavy transparent tracing paper or cloth in a manner that clear and legible contact prints or photostatic copies may be made. Said final plan shall be drawn to a scale of not more than **one hundred (100) feet** to the inch and shall be submitted to the Plan Commission with **three (3)** additional prints thereof. It shall contain **one (1) sheet** having dimensions not to exceed **eighteen (18) inches** by **twenty-four (24) inches**.

**34-5-3**        **FINAL PLAN, DETAILS.** Said final plan of the subdivision shall show:

- (A)        The name of the subdivision, a graphic (engineering) scale, a north point, the name of the owner(s) and the subdivider(s), and the date.
- (B)        A correct legal description of the plat.
- (C)        Boundary lines with accurate distances and angles.
- (D)        Lines of all proposed streets and alleys with their width and names.
- (E)        Line of departure of **one (1) street** from another.
- (F)        Names of streets and widths of proposed and adjoining streets and alleys.
- (G)        All lots designated by number.
- (H)        Location of all easements provided for public use, service or utilities.

Easements shall include anchor space for pole lines.

(I) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.

(J) Radii, arcs or chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.

(K) Location of all survey monuments and their description.

(L) Accurate outline of any portions of the property intended to be dedicated or granted for public use and the designation of such.

(M) Protective covenants lettered on the final plat, or appropriately referenced thereon.

(N) Acknowledgment of the plat by the owner(s) and spouse(s), if any, or a duly authorized attorney and a notary public. Sample certificates are as follows and may be included on the Final Plan or attached thereto.

**OWNER'S CERTIFICATE**

State Of Illinois )  
 ) ss.  
County Of Sangamon )

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

Dated this \_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_ (Seal)

\_\_\_\_\_ (Seal)

**NOTARY PUBLIC'S CERTIFICATE**

State of Illinois )  
 ) ss.  
County of Sangamon )

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

Given under my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Notary Public

**SURVEYOR'S CERTIFICATE**

State of Illinois )  
 ) ss.  
County of Sangamon )

This is to certify that I, \_\_\_\_\_, Illinois Land Surveyor No. \_\_\_\_\_, has surveyed and subdivided the following described property: (legal description) as shown on this plat which is a correct representation of said survey and subdivision. All distances are shown in feet and decimals thereof. I further certify that all regulations enacted by the Village Board relative to plats and subdivisions have been complied with in the preparation of this plan.

Land Surveyor

Illinois Registration Number

Date

**CERTIFICATION BY STATE OF ILLINOIS DEPARTMENT OF PUBLIC HEALTH**

State of Illinois ) ss.

I, \_\_\_\_\_, do hereby certify that the plans and specifications of the required improvements covering a sanitary sewerage system and/or sewer lines and domestic water supply system and/or distribution lines prepared by a registered professional engineer have been examined by me and found to comply with the requirements as set forth in the regulations of the State of Illinois, Department of Public Health with the following exceptions.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_.

\_\_\_\_\_  
Health Officer

**COUNTY CLERK'S CERTIFICATE**

State of Illinois )  
 ) ss.  
County of Sangamon )

I, \_\_\_\_\_, County Clerk of Sangamon County, Illinois, do hereby certify that I find no delinquent general taxes, unpaid current general taxes, delinquent special assessments or unpaid current special assessments against the tract of land described in the above plat.

County Clerk  
Date

**CERTIFICATE OF VILLAGE BOARD**

State of Illinois )  
 ) ss.  
County of Sangamon )

I, \_\_\_\_\_, Village Clerk of the Village of New Berlin, do hereby certify that the attached plat entitled " \_\_\_\_\_ " was accepted and approved by the Village Board of said Village of New Berlin, Illinois on the \_\_\_ day of \_\_\_\_\_ A.D., 19\_\_ as appears on the records in my office.

Given under my hand and seal of the Village of New Berlin this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_.

Village Clerk

**CERTIFICATE OF PLAN COMMISSION**

State of Illinois )  
 ) ss.  
County of Sangamon )

Approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_.

\_\_\_\_\_  
Secretary, Plan Commission  
\_\_\_\_\_  
Chairman, Plan Commission

**CERTIFICATE OF FIRE PROTECTION DISTRICT**

State of Illinois                    )  
  ) ss.  
County of Sangamon            )

I, \_\_\_\_\_, of the New Berlin Fire Protection District hereby certify that the tract of land described by the attached plat is within the New Berlin Fire Protection District.

Dated at New Berlin, Illinois, the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_.

\_\_\_\_\_  
Fire Chief

**34-5-4        FINAL PLAN, APPROVAL.** When the subdivider has filed with the Plan Commission an original tracing of the final plat and **three (3) prints** thereof and the Plan Commission has determined at its next regular meeting that the final plan conforms to the previously approved preliminary plan, including any condition which may have been required by the Plan Commission is approving said preliminary plan, and that said final plan meets the requirements of Article VI and VII, the following shall be printed or stamped upon the original tracing and prints thereof and signed by the Chairman of the Plan Commission to-wit:

“This final plan of subdivision is recommended for approval, subject to certification by the Trustee in charge of streets and the Trustee in charge of the combined waterworks and sewerage system that all required improvements stated in the New Berlin, Illinois Subdivision Regulation have been constructed satisfactorily or that certified check or satisfactory bond guaranteeing completion of such construction has been filed with the Village of New Berlin:”

Dated \_\_\_\_\_  
New Berlin Plan Commission  
By \_\_\_\_\_  
Chairman

The Plan Commission shall then transmit the endorsed original tracing of the final plan and **two (2) prints** thereof to the Village Board of Trustees, with a letter of transmittal in triplicate calling attention to any variations or exceptions to the requirements of this Code recommended by the Plan Commission under the authority of Article XIII hereof, and setting forth its reasons for recommending the same. **One (1) print** of said final plan so endorsed and a copy of all certificates shall remain on file in the office of the Plan Commission.



Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_.

\_\_\_\_\_  
New Berlin Trustee in Charge of Combined  
Waterworks and Sewerage Systems

\_\_\_\_\_  
New Berlin Trustee in Charge of  
Streets and Alleys

If the improvements are not completed within the **two (2) year** period of time by the subdivider, owner, or his contractor, the Surety Company shall be responsible for the completion of the work within the next **twelve (12) month** period. Cash bonds shall be used for the completion of the work as arranged by the Village Board. Any unexpended balance shall be returned to the subdivider or owner.

**34-5-7**      **FINAL PLAN, APPROVAL.** When the Board of Trustees determines that the final plan has been recommended for approval by the Plan Commission and that the Village Trustees have executed the certificate required in this Section, and that the required improvements either have been installed in the manner specified by this Code, or that said surety bonds or certified checks are in a form and amount sufficient to assure completion, the Board of Trustees may approve said final plan and the Village Clerk shall certify to the same and thereupon the original of said final plan shall be delivered to the subdivider.

**34-5-8**      **FINAL PLAN, RECORDATION.** When such final plan has been approved by the Board of Trustees and certified by the Village Clerk, it may be recorded in the office of the Recorder of Deeds of Sangamon County, Illinois.

**34-5-9**      **ACCEPTANCE OF STREETS.** In any plan of subdivision design containing streets or thoroughfares which are therein reserved for dedication to public use, the approval of the final plan by the Village Board of Trustees shall constitute the acceptance of such streets or thoroughfares to the extent provided by an act to revise the law in relation to plats, Illinois Compiled Statutes, as amended.

ARTICLE VI

MINIMUM DESIGN AND LAYOUT STANDARDS

34-6-1 **PURPOSE OF STANDARDS.** The following standards and requirements shall apply to all new subdivisions and they shall be interpreted to encourage and facilitate better physical quality within this area.

34-6-2 **CONFORMITY TO COMMUNITY PLANS.** The location and width of all streets shall conform to the Official Plan for streets and thoroughfares that have been adopted pursuant to the requirements of the State Statutes for the Village.

34-6-3 **STREET PLAN.** The arrangement, character, extension, width and location of all streets shall be considered in their relationship to existing and planned streets; to reasonable circulation of traffic within the subdivision and adjoining lands; to topographic conditions, to runoff of storm water; to public convenience and safety; and in their appropriate relationship to the proposed uses of the area to be served.

(A) **Width of Streets and Alleys.** All right-of-way widths shall conform to the following dimensions:

Plan	Major Thoroughfares	120 feet (or less as shown on the Village
	Arterial Streets	100 feet
	Collector Streets	60 feet minimum
	Minor Streets	50 feet minimum
	Dead-End Streets (Cul-de-Sac)	50 feet minimum
	Marginal Access Streets	40 feet minimum
	Alleys	20 feet minimum
	Pedestrian Ways	10 feet minimum

Right-of-way width of major traffic arteries, including interstate and limited access routes, parkways and major and secondary thoroughfares, shall be in accord with the more restrictive state, county, township or village plans having legal jurisdiction over said right-of-way width.

(B) **Alignment and Continuation.** Where streets are not a part of the Official Plan or plan of other agency having jurisdiction noted above, the arrangement of the streets in a subdivision shall provide for the alignment and continuation of the appropriate projection of existing principal streets in surrounding areas, or shall conform to an approved plan for the neighborhood which meets a particular situation where topographic or other conditions make continuance of, or conformance to, existing streets impracticable.

(C) **Additional Width of Existing Streets.** Subdivisions that adjoin existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in this Section as follows:

- (1) The entire additional right-of-way shall be provided where the subdivision is on both sides of the existing street.
- (2) When the subdivision is located on only **one (1) side** of an existing street, **one-half (1/2)** or more of the required additional right-of-way shall be provided as deemed necessary by the Plan Commission.

(D) **Minor Streets** shall be so aligned that their use by through traffic will be prevented or discouraged.

(E) **Cul-de-Sac and Temporary Dead-End Streets.**

(1) **Cul-de-sacs** shall not be more than **five hundred (500) feet** in length (measured from street of origin to end of right-of-way) unless necessitated by some unusual conditions of topography. They shall be provided at the closed end with a circular right-of-way at least **one hundred (100) feet** in diameter for turning movements.

(2) **Temporary Dead-End.** Where it is necessary to provide for street access to adjoining property not yet subdivided, proposed streets shall be extended by dedication to the boundary of such unsubdivided property. Such temporary dead-end streets that serve more than **four (4) lots** shall be provided with a temporary turnaround having a right-of-way diameter of **one hundred (100) feet**.

(F) **Marginal Access Streets.** Marginal access streets shall be located in the rights-of-way of the limited access route or thoroughfares. Additional land for right-of-way, needed to secure designated width (measured from the center line of the established street) for thoroughfares shall be reserved in the subdivision plat.

(G) **Half Streets** shall be prohibited, except where essential to reasonable development of the subdivision in conformity with other requirements of the regulations and when the Plan Commission finds that it will be practicable to require the dedication of other half when the adjoining property is subdivided.

(H) **Private Streets and Reserve Strips.** There shall be no private street platted in any subdivision. Every subdivided lot shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets and there shall be no reserve strips or area enabling access to interior lots from streets in residential subdivisions.

(I) **Alleys** are not permitted in residential areas unless deemed necessary by the Plan Commission. Service access or alleys shall be provided to all lots to be used for business and industrial development.

(J) **Pedestrian Ways** with a minimum width of **ten (10) feet** may be provided to facilitate pedestrian movement in the neighborhood. Such ways are recommended in all blocks that are more than **eight hundred (800) feet** long and for access to community facilities that do not have pedestrian access from **two (2)** or more streets, as well as in areas that have no sidewalk requirements.

(K) **Restriction of Access.** It is recommended that provisions be made to separate through and local traffic thus providing protection for residential properties, and to serve proposed residential lots that abut thoroughfares and highways by providing (a) marginal access

streets, (b) lots backing to the thoroughfares with screen planting along the rear of such lots, and/or (c) deep lots fronting on the thoroughfare with rear service alleys.

(L) **Railroad Crossings.** Where a subdivision abuts a railroad right-of-way, the number of streets crossing the railroad shall be kept to a minimum and shall be located to facilitate grade separation.

(M) **Street Names.** A proposed street which is in alignment with and joins an existing and named street shall bear the name of the existing street. The use of the suffix "street", "avenue", "boulevard", "driveway", "place" or "court" or similar description shall not be deemed a sufficient distinction between names of a street having a common prefix. Accordingly such practice should be avoided.

**34-6-4 TECHNICAL STREET DESIGN STANDARDS.**

(A) **Street Grades.** The following design standards shall prevail:

Thoroughfare and Collector Streets	Not less than 0.4 percent nor to exceed 5 percent
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(B) **Street Jogs.** Street centerline offsets of less than **one hundred twenty-five (125) feet** are not recommended.

(C) **Intersections.** Street intersections shall be as nearly at right angles as is possible, and no intersections shall be at an angle of less than **sixty degrees (60°)**.

(D) **Horizontal Curves.** Street center lines that deflect from each other at any **one (1) point** by more than **ten degrees (10°)** shall be connected by a curve with a radius of not less than **three hundred (300) feet** for collector streets and **one hundred fifty (150) feet** for minor streets, provided that a **three hundred (300) foot** stopping site distance is established. Tangents of at least **fifty (50) feet** in length shall be introduced between reverse curves on and between collector streets.

(E) **Vertical Curves.** Different connecting street gradients shall be connected with vertical parabolic curves. Minimum length in feet of these curves shall provide a stopping sight distance of not less than **three hundred (300) feet** with an eye-height of **four and one-half (4.5) feet** and an object height of **four (4) inches** to be met in calculation.

(F) **Drainage.** Storm sewers, culverts and related installations shall be provided to permit unimpeded flow of natural watercourses, to drain all low points along streets, and to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of an area drained. In the design of storm sewage installations, special consideration shall be given to avoidance of problems which may arise from concentration of storm water run-off over adjacent properties.

(G) **Design Standards.** Other detailed street standards not specifically covered in this subdivision regulation shall be established by the Village Engineer.

**34-6-5 EASEMENTS.** Easements with a minimum width of **ten (10) feet** shall be provided for any overhead or underground utility service, including storm water drainage where necessary in or over undedicated land. Insofar as possible, easements shall be located to the rear of each lot and long such lines as to provide continuity of alignment from block to block.

Where a subdivision is traversed by a watercourse, drainage way, or stream, there shall be provided a drainage easement conforming substantially with the lines of such watercourse. It shall include an additional area, **ten (10) feet** wide adjoining both edges of the established area that has been affected by damaging flood waters, as certified by the subdivider or his engineer.

**34-6-6**        **SIZES OF BLOCKS.** In residential subdivisions, blocks shall not be less than **four hundred (400)** nor more than **fourteen hundred (1,400) feet** in length; measured along the greatest dimension of the enclosed block area. In blocks over **eight hundred (800) feet** in length, the Plan Commission may require public crosswalks through such block to facilitate pedestrian movement and to provide more direct access to schools, parks, or other facilities. Blocks shall be wide enough to allow lots of a minimum depth of **one hundred (100) feet**. Blocks must fit readily into the overall plan of the subdivision and the design must evidence consideration of lot planning, easy traffic circulations, and provide space for public land uses as may be needed in the neighborhood.

**34-6-7**        **LOT STANDARDS.** All lots shall have the minimum width and areas required by the New Berlin Zoning Code, except that where on site sewage disposal and/or water supply are proposed, the following additional requirements regarding lot width and area must be observed to protect the public health and welfare.

(A)        **For Areas Without Public Sewer and Water.**

(1)        In residential subdivision, where only a public sanitary sewer system is provided, lots for single-family detached dwellings shall have a minimum area of **eight thousand (8,000) square feet**; a minimum lot frontage of **fifty (50) feet** at the building line.

(2)        In residential subdivision where only a public water system is provided, lots for single-family detached dwellings shall have a minimum size of **ten thousand (10,000) square feet** and a minimum frontage of **one hundred (100) feet** at the building line provided that the subdivider must prove to the satisfaction of the Plan Commission that the soil and the lot area for a septic system is suitable for the absorption of septic tank effluent without contamination of any drinking water supply or creating undesirable sanitary conditions. The soil must have an acceptable percolation rate without interference from ground water or impervious strata below the level of the absorption system. In general, **two (2) conditions** must be met: **(See Chapter 40 - Zoning)**

(a)        **Percolation Test.** The percolation time noted from percolation tests on each lot should be within the range of those specified in the graph below:

- (b) **Ground Water and Other Obstruction.** The maximum elevation of the groundwater table should be at least four (4) feet below the surface. Rock formation or other impervious strata should be at a depth greater than **four (4) feet** below the bottom of the trench or seepage pit. In general, all subsurface absorption systems should be kept at least **one hundred (100) feet** from any water supply well, **fifty (50) feet** from any stream or watercourse, **twenty (20) feet** from dwellings and **ten (10) feet** from property lines. Unless these conditions are met, the Plan Commission may recommend that the site is unsuitable for subsurface sewage-disposal systems.
- (3) In residential subdivision where individual sanitary sewer and water systems are to be provided, lots for single-family detached dwellings shall have a minimum area of **forty-three thousand five hundred sixty (43,560) square feet** or **one (1) acre** and a minimum lot frontage of **one hundred fifty (150) feet** at the building line.
- (B) Side lines of lots shall be at right angles or radial to the street line or substantially so. Along curvilinear street lines, side lines of lots formed by radial projections shall form a lot having not less than **twenty (20) feet** across the rear property line.
- (C) Butt lots shall be platted **five (5) feet** wider than the average interior lot in developments containing lots less than **ten thousand (10,000) square feet** in area.
- (D) The building setback lines shall conform to the front yard setback lines set forth in the Zoning Code.
- (E) Double frontage lots shall not be permitted except by Plan Commission approval in instances where (1) lot backs upon a thoroughfare; and (2) topographic or other conditions make subdividing otherwise unreasonable, then such double frontage lots shall have an additional depth of at least **twenty (20) feet** for a protective screen planting on **one (1) frontage**.
- (F) Lots abutting upon watercourses, drainage way, channel or stream shall have an additional depth or width as required, to provide an acceptable building site.

ARTICLE VII

PARKS, STREETS AND OTHER PUBLIC OPEN SPACE

**34-7-1**        **SET-ASIDE AREAS.**    Due consideration shall be given to the allocation of suitably located areas of adequate size for school, park and playground needs for local or neighborhood use as well as areas needed for other public uses.

Where a proposed school, street, neighborhood park, or recreation area, shown on the Comprehensive Plan, is located in whole or in part in the applicant's subdivision, the Chairman of the Plan Commission may require as a condition of final approval that such space within the subdivision be reserved and not developed for a period not to exceed **one (1) year** from the date of such final approval so that within said period the appropriate public agency may acquire said land in the manner provided by law and before it is developed for some purpose not within the Comprehensive Plan. If the land is not so acquired and no legal action for acquisition is filed by such public agency within such period, said reservation shall be of no further effect and such lands then may be used for other purposes consistent with municipal regulations.

ARTICLE VIII

REQUIRED IMPROVEMENTS

34-8-1 **IMPROVEMENTS REQUIRED.** A final plan for subdividing shall be approved by the Village Board only after receipt of a statement signed by the Village Engineer certifying that the plans and specifications for improvements described therein have been prepared by a Registered Professional Engineer and that construction conforms with the requirements under Article V of this Code, and meets the minimum requirements of all applicable ordinances of the County and Village in compliance with the following:

(A) **Streets: Alleys, Monuments, Pedestrian Ways and Public Utilities.**

(1) A Registered Professional Engineer or a Registered Land Surveyor acting for the subdivider shall meet with the Township Highway Commissioner and the Trustee in charge of streets on the location of the subdivision and shall present sufficient data and information relative to the proposed street improvements to insure satisfactory grading and drainage. The Township Highway Commissioner may refer matters that require additional clarification to the County Superintendent of Highways.

(2) The subdivider shall enter into a contract with the Board of Trustees wherein for the consideration of acceptance of the street improvements by the Superintendent, the subdivider agrees to construct streets in the subdivision to the standards prescribed herein at his own expense with no cost to the township or the County. The subdivider shall post a surety bond or certified check for completion in the full amount of the cost of construction, plus **fifty percent (50%)** for all the required improvements listed herein as estimated by a Registered Professional Engineer or Registered Land Surveyor who has been approved by the governing authority to insure the faithful performance of this contract.

(3) **Grading.**

- (a) The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved.
- (b) All stumps and trees that cannot be saved, boulders and similar items shall be removed.
- (c) All grading in the subdivision shall be related to the topography of the surrounding area. All street embankments shall be raised at least **one and one-half (1 1/2) feet** above high water.

(4) **Surface Water Drainage.**

(a) The subdivision shall have an adequate storm water system which shall be connected with an approved outlet.

- (b) In subdivision containing lots less than **twenty thousand (20,000) square feet** in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision and connected to an approved outlet.

(5) **Minimum Pavement Widths.**

- (a) All streets shall be improved with pavements to an overall width in accordance with the following minimum dimensions:

curbs)

<u>Type of Street</u>	<u>Pavement Width (back to back of</u>
Major Thoroughfares	In accordance with Federal, State, County or local Plans
Arterial Street	44 feet with 10 feet center median
Collector	40 feet
Minor Street	34 feet
Cul-de-Sac	34 feet
Marginal Access Street	28 feet
Half Street	1/2 the width of the proposed street, but not less than 14 feet

- (b) Pavement in cul-de-sac turnabouts in all developments shall have a minimum diameter of **eighty (80) feet** with permanent type edge.
- (c) Streets in industrial or business subdivisions may be required to have greater width as directed by the Plan Commission.

(6) **Roadway Surfacing.** Pavement shall be installed in accordance with the following standards:

- (a) **Base Course.** Gravel and crushed stone base course to depth of **six (6) inches** compacted in residential subdivisions, and to a depth of **twelve (12) inches** compacted in manufacturing and business subdivisions. The construction work shall be carried out in accordance with **Section 29 of the Standard Specifications for Road and Bridge Construction prepared by the State of Illinois, Department of Transportation.** The material used in the top **three (3) inch** course of this base shall be either grades 7, 8, 9,

11 as specified in said specifications. The material

in the lower portion of the base may be either of the above named grades, or it may be a processed aggregate meeting the following graduation requirements:

Passing a 3 inch sieve	100%
Passing a 1 inch sieve	60-90%
Passing a 1/2 inch sieve	40-80%
Passing a No. 8 sieve	20-45%
Passing a No. 200 sieve	5-15%

If crushed gravel is used, the clay content shall be not less than **five percent (5%)** nor more than **ten percent (10%)**.

Pit run gravel will not be satisfactory for use in the base construction.

(b) **Surface.** When the above base is in place and accepted by the Superintendent of Highways and the Trustee in Charge of Streets of the Board of Trustees, a bituminous surface not less than **two (2) inches** thick and conforming with the aforementioned specifications for B-5 modified plant mix or H-11 bituminous concrete surface shall be placed upon it. After the base course is completed, the bituminous surface shall be placed within **three (3) months** if approved by the Village Engineer.

(c) **Notification of Start of Construction.** The County Superintendent of Highways, the Township Highway Commissioner and the Superintendent in charge of streets shall be notified **forty-eight (48) hours** in advance of the starting date of any work on the street. The **three (3)** aforementioned persons shall be furnished with a list of sources of materials used on the job in time to check the work. Materials to be used on the job may be subject to inspection at the source or at the street construction site. Construction work may be inspected at the time of construction and also following construction. Random core borings may be made at the discretion of the County Superintendent of Highways and the Superintendent in charge of streets to assure that construction of the pavement has been carried out in compliance with the rules and regulations noted above.

(7) **Curbs and Gutters.** All subdivisions shall be provided with Portland Cement concrete vertical curbs and gutters. Vertical curbs and gutters shall not be less than **eighteen (18) inches** in width and not less than **six (6) inches** thick where the gutter abuts the street pavements.

- (8) **Sidewalks.** Portland Cement concrete sidewalks at least **three (3) feet** wide and **four (4) inches** thick shall be required on both sides of a street in all subdivisions containing lots **one hundred (100) feet** or less in width. Sidewalks shall be installed in accordance with standards and specifications approved by the Plan Commission.
- (9) **Unpaved Areas.** All unpaved areas within the dedicated street area shall be graded and seeded in an approved manner.
- (10) All curb corners shall have a minimum radius of not less than **twenty-five (25) feet.**
- (11) Storm water inlets or outlets and culverts shall be provided within the roadway improvements at points so as to facilitate adequate storm water runoff from the street pavement. The minimum design and specification for such structure shall be obtained from the Village Engineer.
- (12) **Street Name Signs.** A **four (4) way** metal street sign shall be installed at each street intersection. The letters shall be at least **three and one-half (3 1/2) inches** high. The post shall be not less than **two (2) inches** inside diameter galvanized iron water pipe or equal, **ten (10) feet** long. They shall be installed at the height of not less than **seven (7) feet** and shall be placed not less than **one (1) foot** nor more than **ten (10) feet** from the edge of the pavement.
- (13) **Alleys.** Pavements shall be **twenty (20) feet** wide and in accordance with the street specifications.
- (14) **Pedestrian Ways.** **Five (5) feet** wide Portland Cement concrete walks shall be installed, and a **four (4) foot** high chain link fence along side lot lines of the adjoining residential lots.
- (15) **Survey Monuments.**
- (a) Concrete or stone monuments **four (4) inches** in diameter or square **three (3) inches** long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and points of curve in each street.
  - (b) The top of the monument shall have an indented cross to identify the location and shall be set flush with the finished grade.
  - (c) All other lot corners shall be marked with steel markers driven so as to be flush with the grade.
- (16) **Public Utility Easements.**
- (a) All overhead utility services for telephone, electric service and similar installations shall be placed, insofar as possible, at the line easements for lots less than **forty-three thousand five hundred sixty (43,560) square feet** in area. All underground utility services for telephone, electric, gas and

other similar services shall be placed within an easement or dedicated public way so that these utility service lines will not conflict with other underground services. Transformer boxes and similar installations shall be located so as not to be unsightly or hazardous to the public.

- (b) Where an underground utility is to be placed in an area which has a permanent type street or sidewalk surface, or upon which such a surface is to be constructed within a period of **six (6) months**, the backfill above the utility or in the case of sewers, above the top of the gravel cradle, to the level of the bottom of the permanent type surface shall be made with material specified for "selected Granular Backfill". In areas not now subject to vehicular traffic, nor in the opinion of the Trustee in charge of Streets, likely to be, backfill may be made with selected excavation material, free from clods and stones. Compaction of all backfill material shall be done by one of the following methods:
  - (i) Backfill shall be placed in layers not exceeding **twelve (12) inches** in depth, each layer to be thoroughly tamped to the satisfaction of the said Trustee.
  - (ii) Backfill shall be flushed with water or jetted to the satisfaction of the said Trustees, after which flushing or jetting such settlement as may have occurred shall be filled with surplus material.

(B)

**Sewers.**

- (1) Each property or lot shall connect with a public sanitary sewer system, if accessible. Where the sewer is not yet accessible, but is planned for extension to the subdivision, the subdivider shall install sewer lines including external connections or stub terminals at the outside of curb lines for each lot. If such capped sewer system is provided, an interim on-site disposal system shall also be provided.

A sewer shall be considered to be planned for extension to a given area anytime after engineering studies have been authorized and completed, and the construction of facilities adequate to serve the area containing the subdivision has been programmed for completion within a reasonable time.
- (2) Where no public system is available, individual disposal systems shall be provided on each lot. The absorption ability of the soil, surface drainage, and topography shall be the criteria for determining whether or not the installation of individual septic tank disposal systems are feasible. Feasibility shall be ascertained by the subdividers whenever individual systems are proposed. At least **two**

(2) percolation tests shall be made on each lot at the approximate location of the septic system absorption field. Such tests shall be performed in accordance with the requirements of the Plan Commission and the State of Illinois Department of Public Health. The results of these tests shall be certified by a Registered Professional Engineer and made known to the Plan Commission and the State of Illinois Department of Public Health. In the event that individual systems are not feasible, a group sewage disposal system may be required.

Individual sewage disposal systems shall consist of a septic tank and tile absorption field or other approved sewage disposal methods. All such systems shall be constructed in accordance with the State of Illinois Department of Public Health requirements.

- (3) Sanitary sewers shall not be used to carry storm or surface water.
- (4) All principal sanitary sewer lines shall be located within the street right-of-way or public easement.

(C)

**Water.**

- (1) Where adequate public water supply is available, as determined by the Plan Commission, the subdivider shall construct a system of water mains not less than **six (6) inches** in diameter. Water stub terminal shall be installed outside curb lines for each lot which shall connect with such public water supply and serve adequately all lots and tracts within the subdivision.
- (2) Fire hydrants which should be installed throughout the entire system at intervals of approximately **four hundred (400) feet** radius as a part of the same public water system. All fire hydrants in residence areas should have at least **six and one-quarter (6 1/4) inch** barrel and shall be provided with **two (2) two and one-half (2 1/2) inch** hose connections. In commercial areas, all fire hydrants shall have a **seven (7) inch** barrel and shall be provided with **two (2), two and one-half (2 1/2) inch** hose connections and **one (1)** steamer connection. All fire hydrants shall meet National Standard Specifications.

ARTICLE IX

INSPECTION AT SUBDIVIDER’S EXPENSE

34-9-1 **INSPECTIONS.** All required improvements to be installed under the provisions of this Code shall be inspected at the subdivider’s expense. A registered professional engineer or registered land surveyor, approved by the Village Board, as agent for the subdivider or owner, shall conduct an inspection on the job during the process of construction. When the work is completed, the registered professional engineer or registered land surveyor shall certify to the Village Board of Trustees that the work complies in all respects with the approved plans and specifications.

ARTICLE X

FEEES

34-10-1 **CHARGES FOR FILING.** In order to cover the costs of examining plans and other expenses incidental to the approval of a subdivision, the subdivider shall pay the following fees:

- (A) **Twenty Dollars (\$20.00)** to the Village Clerk for submitting the preliminary plan for the subdivision.
- (B) **Five Dollars (\$5.00)** per lot, with a minimum of **Fifty Dollars (\$50.00)** to the Village Clerk at the time of recordation of each final plan. There shall be no refund of any portion of the above fees once the subdivider has paid said fees to the Village Clerk.

ARTICLE XI

REVIEW OF ADVERSE PLAN COMMISSION DECISIONS

**34-11-1**     **PLAN COMMISSION.** If the Plan Commission decides that the areas shown on a location map, or a part thereof, may not be subdivided or disapproves a preliminary plan or final plan, the subdivider may file with the Village Clerk a petition to the Village Board for review of such decision of the Plan Commission, pointing out those parts of the decision to which the subdivider objects. In such event, a public hearing on the sufficiency or propriety of said location map, preliminary plan or final plan shall be conducted by the Village Board after notice thereof has been mailed by the Village Clerk at least **one (1) week** before the hearing to the person or persons who requested the review; provided, however, that any matter which was the subject of a previous hearing before the Village Board in connection with the same proposed subdivision shall not be the subject of a second hearing.

After the conclusion of any such hearing, the Village Board may affirm or modify the order or decision of the Commission, or approve the location map, preliminary plan or final plan. If a location map or preliminary plan is so approved by the Mayor, the subdivider shall proceed before the Plan Commission with the next step provided by this Code.

ARTICLE XII

VARIATIONS AND EXCEPTIONS

**34-12-1**     **VARIATIONS.** The Plan Commission may recommend a variation from the requirements of subdivision planning procedure or required improvements in specific cases when the tract to be subdivided is of such unusual size, shape or character or is surrounded by such development or unusual conditions that the strict compliance with the requirements of this Article would result in substantial hardship or injustice, or when a comprehensive group housing development is proposed. In recommending any variation, the Plan Commission shall take into account the nature of the proposed use of land, the existing use of land in the vicinity, the population of the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity, and shall recommend only those variations that will allow the subdivider to develop his property in a reasonable manner and that will at the same time preserve the general intent and spirit of this Article and protect the public welfare and interests of the Village and surrounding area.

Application for any variation shall be submitted in writing by the subdivider at the time the preliminary plan is filed and shall state fully the grounds for the application and the facts relied upon by the petitioner. The Plan Commission shall consider such application at the review of the preliminary plan and give its written recommendations thereon, with the reasons therefor, at the time of its approval or disapproval of said plan.

**34-12-2**     **EXCEPTIONS - MINOR SUBDIVISIONS.** The final plan, in the form of the original tracing and **three (3) prints**, of any proposed division of a parcel of land along an existing public street not involving the opening, widening or extending of any street or road or the construction of public utilities, and which results in creating no more than **five (5) lots** may be submitted as outlined in Article IV for acceptance along with the number of copies of the location map as required in Article III to the Plan Commission and without following the procedures outlined in Articles II and IV.

Should the Plan Commission be satisfied that the proposed final plan is not contrary to applicable platting, subdividing or zoning regulations, it may approve such subdivision. The procedures following Plan Commission approval shall be in accordance with the requirements in Article V of this Code.

**ARTICLE XIII**

**ENFORCEMENT**

**34-13-1**     **APPROVAL OF PLAT.** No plat of any subdivision may be entitled to be recorded in County Recorder's Office or have any validity until it shall have been approved in a manner prescribed in these regulations.

**ARTICLE XIV**

**RECORD OF PLATS**

**34-14-2**     **RECORDS.** All of such plats of subdivision, after the same have been submitted and approved as provided in this Code, shall be filed and kept by the County Recorder in the appropriate sections of the records of the County of Sangamon, Illinois.

**(Ord. No. 5-17-71)**

ARTICLE XV

TRACT SURVEYS

34-15-1 **PURPOSE.** Tract survey approval is designed to insure that all divisions of land comply with the State Plats Act, this Chapter and the Zoning Chapter of this Code.

34-15-2 **SUBMISSION REQUIREMENTS.**

(A) When a tract survey is required by this Chapter, **five (5) copies** of a land survey, shall be submitted to the Plats Officer, accompanied by the fee specified by the Plats Officer, and meeting the following standards:

- (1) The survey shall have a north arrow, scale and date;
- (2) The survey shall include the name, address and phone number of the surveyor and the landowner;
- (3) The survey shall be certified by an Illinois Professional Land Surveyor, together with the surveyor’s seal, attesting to the accuracy of the survey;
- (4) The survey shall include a statement indicating whether or not any part of the land is located in a Special Flood Hazard Area;
- (5) The survey shall depict the location of all buildings and their distances from front, rear and side property lines;
- (6) The survey shall include the parcel identification numbers of the parcel being divided.

(B) The Plats Officer shall review the survey to insure that it conforms to the pertinent requirements of this Article and applicable zoning regulations. The owner shall be notified of tract survey approval or disapproval as promptly as possible.

- (1) **Disapproval.** If the Plats Officer finds that the tract survey does not meet the requirements of this Code, the disapproval and noncompliance found shall be specified in writing.
- (2) **Approval.** If the Plats Officer finds that the tract survey does meet the requirements of this Code, the following shall be printed or stamped on the original and prints and signed by the Plats Officer.

County of Sangamon            )  
   )  
 State of Illinois                )            ss.

**Subdivision Code 34-15-2**

I, the Sangamon County Plats Officer, do hereby approve this tract survey in accordance with the Land Subdivision Regulations of the Village of New Berlin this \_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Sangamon County Plats Officer

(C) The Plats Officer shall keep **one (1) copy** and transmit **four (4) copies** of the approved tract survey to the owner for recording.

**34-15-3**      **RECORDING THE TRACT SURVEY.** After the tract survey has been approved, the original shall be recorded by the landowner in the Office of the Recorder of Deeds of Sangamon County, Illinois. If the tract survey is not recorded within **one hundred eighty (180) days** of Plats Officer approval, the approval shall be null and void.

**(Ord. No. 04-02; 01-21-04)**