

# **Land Development Code**

## **Chapter 21 of the City of Urbana Code of Ordinances**

Ordinance No. 2023-03-006

Adopted March 31, 2023

An Ordinance Amending  
Chapter 21 of the Urbana City Code  
Pertaining to “Land Developments”

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enable two-sided document printing.*

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## ARTICLE I. GENERAL PROVISIONS

### ***Sec. 21-100. Title***

This Chapter shall be known as the “Land Development Code” of the City of Urbana, Champaign County, Illinois, and may be informally cited as the Development Code. Previous versions of this Chapter were known as the “Subdivision and Land Development Code”.

### ***Sec. 21-105. Policies***

The Corporate Authorities declare that:

- (A) To facilitate orderly, planned, efficient, and economical development of the city and its extraterritorial jurisdiction, the subdivision of land and its subsequent development are subject to the control of the City pursuant to its Comprehensive Plan;
- (B) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace;
- (C) Land shall not be subdivided until adequate public facilities and improvements exist or proper provision has been made for drainage, water, sewage, and transportation facilities and improvements;
- (D) Existing and proposed public improvements shall conform to and be properly related to provisions of the enacted Comprehensive Plan;
- (E) These regulations shall supplement and facilitate the enforcement of other City Codes and ordinances pertaining to development; and
- (F) As conservation of resources such as energy, water, and topsoil are paramount to the long-term sustainability and security of the community, the corporate authorities encourage the use of smart growth principles, green building standards, transit-oriented development, conservation development design, low-impact development approaches to stormwater management, open space preservation, green infrastructure, and other measures to the extent practicable.

### ***Sec. 21-110. Purposes***

The Development Code is adopted for the following purposes:

- (A) To promote the public health, safety, and general welfare of the City;
- (B) To guide the development of the City, in accordance with the Comprehensive Plan;
- (C) To ensure that land is developed in ways that conserve natural resources and promote the long-term environmental sustainability of the community.

- (D) To ensure that public infrastructure is available and will have a sufficient capacity to serve the developments and other areas reasonably anticipated to be served by such facilities;
- (E) To provide for transportation facilities that are designed and operated to be safe for all people, including motorists, cyclists, pedestrians, and transit riders, while acknowledging the increased vulnerability of pedestrians and cyclists;
- (F) To establish reasonable standards of procedures, design, and construction for developments, to further the orderly layout and use of land, and to ensure proper legal description and monumenting of developed land;

### **Sec. 21-115. Definitions**

- (A) Rules of construction: The language set forth in this Chapter shall be interpreted in accordance with the following rules of construction:
  - (1) The singular includes the plural and the plural the singular.
  - (2) The present tense includes the past and future and the future includes the present.
  - (3) The words “shall,” “must,” and “should” are mandatory while the words “may” and “will” are permissive.
  - (4) Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be construed as set forth in the definition thereof, and any word appearing in the parenthesis between a word(s) and its definition shall be construed as the same sense as that word.
  - (5) All words or terms not defined herein shall be construed in their generally-accepted meanings.
  - (6) Captions (i.e. titles of sections, subsections, etc.) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.
  - (7) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- (B) For the purposes of this Chapter, the following definitions shall apply:

*Administrative Review Committee:* means the standing deliberative body that includes the City Engineer, the Director of Community Development Services Department, and the Secretary of the Plan Commission, or their respective designees.

*Abutting:* means adjacent, bordering, contiguous, or touching.

*Alley:* means a public or private right-of-way primarily designed to serve as a secondary means of access to the side or rear of those properties whose principal frontage is on some other public or private street.

*Applicant:* means the Developer, as defined herein, or their designee who is making an application for development approval under the requirements of this Chapter.

*Application:* means the application form and accompanying supporting documents and fees this Chapter requires of an applicant seeking development, variance, or other approvals. An application is considered “complete” when all required documents have been submitted as per the pertinent section of this Chapter.

*Bikeway:* means any road, street, path, or way that in some manner is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or to be shared with other transportation modes. The term “bikeway” is understood to include “Multi-Use Paths” or “Shared-Use Paths” and the terms are considered to be interchangeable.

*Block:* means an area of land bounded by existing or proposed streets, or by a street or streets and any combination of waterways, railroad rights-of-way, un-subdivided property, or other defined boundaries. See the Illustration titled “Street Design Elements” in Appendix C of the Manual of Practice.

*Bond (Construction Performance Bond or Maintenance Bond):* means a form of surety and security to be secured by the City from the Developer to assure performance of the furnishing, installation, commissioning and/or maintenance of public improvements required under this Chapter.

*Buildable Lot:* means a parcel of land currently occupied or that could be legally occupied by a principal structure or use, and which either meets the requirements of the Zoning Ordinance or is part of an approved planned unit development.

*Chapter:* means Chapter 21 of this Code and any or all applicable requirements stated therein unless otherwise specifically expressed.

*City:* means the City of Urbana, Champaign County, Illinois.

*Commons Area:* means those areas and facilities owned, designated, and intended for use by all the residents and owners of the development.

*Comprehensive Plan:* means the City’s most recent Comprehensive Plan, including any successive and adopted amendments thereof

*Corporate Authorities:* means the Council Members and Mayor of the City.

*County Recorder:* means the Clerk and Recorder of Deeds of Champaign County, Illinois.

*Dedication:* means the deliberate transfer or donation of land by its owner for any general public use or easement, reserving to oneself no other rights than such as are compatible with the full exercise of and enjoyment of the public uses to which this land has been provided.

*Developer:* means the legal or beneficial owner or owners of any lot or any land included in a proposed development including the holder of an option or contract to purchase, or any person with beneficial interest in a land trust, or other persons having enforceable proprietary interest in such land, with the intent of developing the land, by making physical improvements to it by constructing or modifying roads, utility lines, and/or other infrastructure elements.

*Development:* means any activity causing a change to be made in the legal rights or physical state of a previously developed site or an unimproved tract of real estate, such that the proposed improvement activity satisfies one or more of the following criteria. All developments shall be classified as either a major development or a minor development. See *Development, Major* and *Development, Minor*.

- (1) requires a stormwater management plan according to Section 21-430(B) of this Chapter; or
- (2) requires a sanitary sewer construction or operation permit from the Illinois Environmental Protection Agency (IEPA); or
- (3) requires a traffic impact analysis according to Section 21-220 of this Chapter; or
- (4) constitutes any mining, quarrying, or other excavations related thereto; or
- (5) constitutes of the creation or a change to a subdivision or a re-subdivision or a lot-line adjustment; or
- (6) constitutes the creation of or substantial change to a mobile home park; or
- (7) constitutes the creation of or substantial change to a planned unit development.

The following activities are *not* considered to be development:

- (1) The transfer of any existing building or use rights for use of a single individual parcel, as it then exists immediately prior to any sale or lease where such transfer or lease does not create any additional parcel by exception; or
- (2) The dedication of land for public use to a public entity, the vacation of any land so dedicated, or the taking of property rights through eminent domain or inverse condemnation; or
- (3) The construction of one (1) single-family dwelling and/or farm-related structure on a single lot, or the creation or transfer of a single lot of ten (10) acres or more in size, except where such acreage or structures are at locations of future streets as designated in the Comprehensive Plan; or
- (4) The maintenance or improvement of an existing public street or railroad by a public utility not involving redesign, if the work is carried out on land within the boundaries of the right-of-way; or



- (5) Work by any utility to inspect, repair, remove, or construct sewers, mains, pipes, cables, utility tunnels, power lines, power poles, trunk lines, or other utility assets on established rights-of-way or easements; or
- (6) The use of any land solely for the purpose of growing plants, crops, trees, or other agricultural or forestry products or for other agricultural purposes; or
- (7) Installation of a sewer service connection (or “tap”), sewer lateral, or sewer drain serving one (1) individual structure, unless a sanitary sewer construction or operation permit is required from the IEPA.

*Development Sketch Plan:* means a conceptual sketch of a proposed development inclusive of property lines, proposed streets/drives, available utilities, etc., to be used for discussion purposes at a pre-application conference. See the Illustration titled “Development Sketch Plan” in Appendix C of the Manual of Practice.

*Development, Major:* means a Development which does not fit within the definition of a minor Development. Major Developments must be reviewed by the Plan Commission and approved by the Corporate Authorities.

*Development, Minor:* means any activity involving the subdivision of a parcel that is determined, by unanimous approval of the Administrative Review Committee, to be a minor development in accordance with Section 21-215(B) of this Chapter. Minor Developments are approved by the Administrative Review Committee and do not require review or approval by the Plan Commission or the Corporate Authorities.

*Dwelling unit:* means one (1) room or a suite of two (2) or more rooms in a building, designed for and used by a single household for living and sleeping purposes, containing its own kitchen and bathroom facilities, and having its own independent entry/access from the exterior of the structure or from a common interior hallway.

*Dwelling, Common-Lot-Line:* means a dwelling unit that adjoins another dwelling unit at a common lot line with each dwelling unit being located on its own separate lot and within a common-lot-line development approved by the City. Each common-lot-line dwelling unit is legally eligible for separate ownership through a transfer of fee simple title.

*Easement:* means a grant by the property owner of either the permanent or temporary use of an area of land to the public, a corporation, or person(s), for specified uses and purposes to be designated as a “public” or “private” easement depending upon the nature of its use.

*Engineer:* as distinguished from the City Engineer, means an Illinois-licensed Professional Engineer.

*Extraterritorial Jurisdiction (ETJ):* means the unincorporated territory lying within one and one-half (1½) miles of the corporate limits of the City where the City has development authority, excluding the areas located within the development jurisdiction of another municipality.

*Flag Lot:* see *Lot, Flag*.

*Frontage:* means that portion of a lot abutting a public street or a private street. The portion of a lot abutting the end of a stub street right-of-way shall not constitute frontage.

*General Area Plan (GAP):* means a sketch meeting the requirements of Section 21-210, reasonably drawn to scale that illustrates the general development design concept for a larger parcel under single ownership, when the proposed development constitutes only a portion of the larger parcel.

*Green Infrastructure:* measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters.

*Impervious Surface:* land cover such as, but not limited to, non-porous asphalt or asphalt sealants, non-porous concrete, roofing materials except planted rooftops designed to reduce runoff, and gravel surfaces used as roadways or parking lots that prevent infiltration. These areas will be considered impervious for the criteria of Section 21-430(B) unless otherwise demonstrated by analysis and approved by the Administrative Review Committee.

*Improvements:* means any street pavements, curbs and gutters, alleys, sidewalks, walkways, multi-use paths, traffic control devices, monuments, water distribution systems, sanitary and storm sewer systems, sanitary sewer lateral lines to individual lots, stormwater holding basins, drain tiles, sump pump discharge collection lines, street signs, street lights, culverts, ditches, street trees, or other infrastructure to be constructed by the Developer, publicly or privately owned or maintained, which are required under this Chapter.

*Improvements, Public:* means any improvements that are intended to be owned and maintained by the City, another public agency, or a utility company, or any improvements that are within a commons area.

*Lot:* means a portion of a subdivision or other parcel of land established by a plat or other legal means, and intended as a unit for development or for transfer of ownership.

*Lot Area:* means the total land area within the lot lines of a lot exclusive of any portion of a public street, whether dedicated or prescriptive.

*Lot Depth:* means the average distance measured from the front lot line to the rear lot line.

*Lot Line:* means a line dividing one (1) lot from another, or from a street right-of-way line.

*Lot Width:* means the horizontal distance between side lot lines of a lot measured at the required front setback line. For corner lots, lot width means the horizontal distance between the side lot line and the parallel front lot line, measured at the front setback line of the remaining front lot line. Lot width also means the minimum lot width expressed under the Zoning Ordinance.

*Lot, Corner:* means a lot abutting two or more streets at their intersection, or abutting two parts of the same street forming an interior angle of less than 135 degrees.

*Lot, Double-Frontage:* means a lot that has a pair of opposite lot lines fronting two substantially parallel streets.

*Lot, Flag:* means a lot where access to the street is established by a narrower portion of the lot serving as a private access, such narrower portion not meeting the minimum lot width requirement of the Zoning Ordinance.

*Low Impact Development (LID):* means systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional site drainage that treats stormwater as a resource rather than a waste product.

*Major Development:* see Development, Major.

*Manual of Practice:* means the “City of Urbana Manual of Practice,” a technical document, the current version of which that is an integral part of this Chapter and which is incorporated into the requirements of this Chapter by reference. The purpose of the Manual of Practice is to establish the design, material, and construction standards for improvements required for developments, as amended.

*Minor Development:* see Development, Minor.

*Mobile Home Park:* means a parcel or parcels of real estate developed as a unit, in phases, or as a whole, to provide individual sites with street and other improvements for the long-term placement of five or more manufactured mobile homes.

*NFPA:* means the National Fire Protection Association.

*Outlot:* means a lot remnant or parcel of land depicted on an approved development plat that is left over after platting, which is normally not a buildable lot, and is intended as common area or open space.

*Parcel:* means any quantity of land capable of being described with such definiteness that its location and boundaries may be established. Also commonly referred to as a “tract”; if a parcel has been recorded as a subdivision, it is also commonly referred to as a “lot.”

*PDF:* means Portable Document Format which is a widely-used digital file format that provides an electronic image of text or text and graphics that looks like a printed document and which can be readily viewed, printed, and electronically transmitted.

*Plan Commission:* means the Plan Commission of the City.

*Planned Unit Development (PUD):* Planned Unit Developments are defined and administered by the Zoning Ordinance.

*Plat:* means a map representing a parcel or parcels of land, showing the legal boundaries and easements, as well as the location of individual properties and rights-of-way within, and which conveys a map of a subdivision or site plan.

*Plat Act:* means 765 ILCS 205/0.01, *et seq.*, as amended. The Plat Act regulates the division of land in the State of Illinois, unless superseded by local government.

*Plat, Final:* means a plat prepared for recording at the office of the County Clerk and Recorder of Deeds and meeting the criteria of these regulations. See the Manual of Practice for detailed Final Plat requirements.

*Plat, Preliminary:* means a plat and supporting data, indicating the proposed layout of a subdivision or development in sufficient detail to provide adequate basis for review by the City, and meeting the requirements of this Chapter. A preliminary plat establishes basic developmental design concepts and public improvements required to be approved through the final plat process. See the Manual of Practice for detailed Preliminary Plat requirements.

*Principal Use:* means the main purpose for which land or a structure is intended and used.

*Public Works Department:* means the City of Urbana Public Works Department.

*Record Drawings:* See Manual of Practice.

*Redevelopment:* means development of a previously-developed property or tract of land.

*Resubdivision (or Replat):* means the re-division of an approved subdivision into two or more lots or the resurveying of existing lots that changes the lot area, dimensions, easement requirements within or the configuration of said subdivision.

*Right-of-Way:* means the entire dedicated parcel or strip of land that is to be dedicated to the City for use by the public. Right-of-way created by means other than prescription may also accommodate public utilities.

*Roadway:* means that portion of a street designated or used for vehicular travel measured from face-to-face of curb or edge-to-edge of paved street surface when there are no curbs.

*Secretary of the Plan Commission (or Secretary):* means the Principal Planner of the City, or the Principal Planner's authorized designee.

*Service Connection:* means a connection to any required utility for purposes of serving individual land uses or structures within a development. Service connections are distinguishable from a main line utility in that while they connect to a main line, service connections terminate, or are intended to terminate, at a specific lot or land use. For this code, the terms "sanitary sewer service connection" and "service lateral" are interchangeable.

*Sidewalk:* means that portion of a right-of-way intended principally for pedestrian passage, which meets or exceeds sidewalk design, material and construction standards of this Chapter and the Manual of Practice.

*Sidewalk, Mid-Block:* means a sidewalk that generally aligns perpendicular to, and interconnects with, sidewalks on the perimeter of a block. See the Manual of Practice.

*Stormwater Management Plan:* means reports, plans and documents, prepared and sealed by or under the supervision of an Illinois-registered Professional Engineer, which identify the water that naturally flows to, from, and through the development, the means of controlling the stormwater runoff release from the development, the storage potential provisions for the anticipated excess stormwater runoff, and techniques proven to be effective in controlling stormwater runoff, erosion, and sedimentation.

*Street:* means a roadway which is either a) within the boundaries of a public right-of-way or b) located on private property within a PUD, or within a mobile home park, or upon which all lots that front on it meet current minimum lot width requirements; which is constructed in accordance with this Chapter and which affords the principal means of access to abutting property. A street may also be referred to as an avenue, boulevard, circle, court, drive, highway, lane, parkway, way, place, road, thoroughfare, or other appropriate name. An alley is not a street. The functional classification of streets into a network of arterials, collectors, and local streets is determined by the Illinois Department of Transportation (IDOT) in coordination with the Champaign-Urbana Urbanized Area Transportation Study (CUUATS). For purposes of this Chapter, the following represent functional classifications and types of streets:

- (1) *Arterial Street:* is defined by the IDOT Bureau of Local Roads (BLRS) Manual, Section 27-3.02 as “generally characterized by [its] ability to quickly move relatively large volumes of traffic, but often with restricted accessibility to abutting properties. The arterial system provides for high travel speeds and the longest trip movements. The rural and urban arterial systems are connected to provide continuous through movements at approximately the same level of service (LOS)”.
- (2) *Collector Street:* is defined by the IDOT BLRS Manual, Section 27-3.02 as “characterized by a relatively even distribution of access and mobility functions. Traffic volumes and speeds are typically lower than those of arterials”.
- (3) *Cul-De-Sac Street:* means a local street with only one outlet that terminates in a vehicular turnaround, having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (4) *Local Street:* is defined by the IDOT BLRS Manual, Section 27-3.02 as any public street “not classified as arterials or collectors... The many points of direct access to adjacent properties characterize local ... streets. Speeds and volumes are usually low and trip distances short”.
- (5) *Private Street:* means a street not located within a public right-of-way and not publicly owned and maintained.
- (6) *Stub Street:* means a street right-of-way or improvement that terminates at the boundary of a development and is expected to continue through abutting property in its subsequent future development.

*Subdivider:* See “Developer”.

*Subdivision:* means either (a) the act of dividing, consolidating, or altering the existing boundaries of one (1) or more parcels for the purpose of potential transfer or transferred ownership or other divisions of land for sale, development or lease; or (b) the configuration of lots, outlots, public rights-of-way and public improvements which result from developing land in accordance with the procedures, requirements and standards of this Chapter and the Manual of Practice.

*Subsidiary Drainage Plat:* means a general plan, to be prepared in accordance with the requirements of this Chapter, which notes watershed, topographical features and other general drainage characteristics and conditions for both the proposed subdivision or development and its vicinity.

*Sump Pump Discharge Collection Line:* means a collection of pipes, inlets, and cleanouts that collects and transports sump pump discharges from individual lots to the City’s storm sewer system.

*Survey:* means the process of establishing the location, form, and boundaries of a parcel of land by measuring the lines and angles in accordance with the principles of geometry and trigonometry performed by a surveyor.

*Surveyor:* means an Illinois-licensed professional land surveyor.

*Traffic Calming:* the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users.

*Traffic Control Devices:* defined as all signs, signals, markings, and other devices used to regulate, warn, or guide traffic.

*Trip Generation Manual:* means the most recent “Trip Generation Manual” published by the Institute of Transportation Engineers, as amended.

*Urbana & Champaign Sanitary District (UCSD):* means the local governmental agency, as organized under the Sanitary District Act of 1917 (70 ILCS 2405/). Said agency is the primary sanitary district which provides sanitary sewer conveyance (via collector and interceptor sewers) and wastewater treatment for the City. Said agency also owns and operates all of the pressurized sewage force mains and sewage pump stations within the City.

*Use:* means the purpose for which land or a structure is intended to be used.

*Variance, major:* means a request from a developer to deviate from a specific requirement of this Chapter, which may be granted by the Corporate Authorities.

*Variance, minor:* means a request from a developer to deviate from a specific requirement of the Manual of Practice, which may be granted by the Administrative Review Committee.

*Wetland:* A condition of land that is defined in the Manual of Practice.

*Working Day:* means Mondays through Fridays but shall not include Saturdays, Sundays or federal, state, or City holidays.

*Zoning Ordinance:* means the Urbana Zoning Ordinance or the Champaign County Zoning Ordinance to the extent applicable within the City’s extraterritorial jurisdiction, both of which as may be amended.

**Sec. 21-120. Legal Authority and Jurisdiction**

- (A) The regulation of subdividing and development of land and the attachment of reasonable conditions to land development are exercises of valid police power delegated by the State of Illinois to the City. The Developer has a duty to comply with reasonable conditions imposed by the Plan Commission and Corporate Authorities for the design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the City and to promote the health, safety, and general welfare of future lot owners in the development and the community at large.
- (B) These regulations shall apply whenever land is developed, unless a variance is sought and approved in specific cases as prescribed in Section 21-135 of this Chapter.
- (C) These regulations shall apply to all developments, as defined in Article II of this Chapter, within the Corporate Limits of the City and its extraterritorial jurisdiction (ETJ). Such ETJ may be limited or extended in coverage through a formal agreement with Champaign County or with another municipality with which such ETJ overlaps. If the development is subject to an annexation agreement with the City and will occur on land within the ETJ jurisdiction, the Zoning Ordinance and building codes will supersede the Champaign County Zoning Ordinance and other county zoning and building regulations, in accordance with 65 ILCS 5/11-15.1-2.1.
- (D) All developments submitted under the regulations specifically repealed by the enactment of this Chapter shall be subject to the restrictions and requirements herein; except that those developments that have been approved by the Corporate Authorities by duly adopted ordinance shall be bound only to the requirements of that approval and shall not be subject to the restrictions and requirements herein. However, any subsequent modification or change to developments having such prior approval shall conform to the requirements and standards of this Chapter.
- (E) No development shall be approved without also meeting the requirements of the Zoning Ordinance, depending on the location of the development, or the terms of an approved annexation agreement; except that conditional development approval may be subject to any necessary zoning approvals.
- (F) The Zoning Administrator/Principal Planner will not allow a building or zoning use permit to be issued for any parcel, lot, or tract that is subdivided or developed after the effective date of this Chapter that does not conform to these regulations. The City Engineer will not allow public or private infrastructure improvements to be commenced or constructed except in conformity with these regulations. Exceptions to this provision may be made only in accordance with subsection (D) of this section. No zoning approval issued by either

Champaign County or the City shall exempt a development from compliance with this Chapter.

- (G) At the time of application for development approval, no sale or lease of real estate, or rights of use thereof for purposes of construction, shall be executed prior to meeting the requirements of this Chapter.
- (H) Where this Chapter conflicts with the Manual of Practice, the provisions of this Chapter shall take precedence and govern.
- (I) These regulations are not intended to abrogate any private easement, covenant, agreement, or restriction, provided that, where the provisions of these regulations are more restrictive, these regulations shall govern. In cases where a private easement, covenant, agreement, or restriction imposes obligations more restrictive than, yet consistent with this Chapter, then the private provisions may be considered operative and supplemental to these regulations.
- (J) The Manual of Practice shall control the technical aspects of the standards of design, material, and construction for the improvements that are required by this Chapter.

### **Sec. 21-125. Scope**

- (A) In accordance with the enabling legislation set forth in 65 ILCS 5/11-12-8, this Chapter prescribes procedures for the preparation, submission, review and filing of documents required for approval by the City of any development within the City and its extraterritorial jurisdiction. A development will not be approved if such approval would disrupt the allocation of land uses and public facilities as established in the Comprehensive Plan.
- (B) This Chapter sets forth development requirements for:
  - (1) Public streets, alleys, curbs, gutters, and sidewalks;
  - (2) Public utilities. These include but are not limited to water, gas, electricity, telecommunications, sanitary sewers and stormwater drainage, as well as utility easements;
  - (3) Dedications of land for public right-of-way use and easements;
  - (4) Engineering design, materials, and construction standards; and
  - (5) Construction performance bond and maintenance bond requirements for the installation of required improvements.
- (C) Adherence to the requirements, standards, and specifications of this Chapter does not relieve the Developer of the obligation to comply with any other applicable requirements that regulate land development, including but not limited to:
  - (1) The Urbana Comprehensive Plan and its amendments, including the Urbana Bicycle Master Plan and the Urbana Pedestrian Master Plan;



- (2) The standards and procedures of the Plan Commission and the City Council;
  - (3) Chapter 6.5, Article II, of this Code, as amended, and any other city regulations or ordinances, including but not limited to the Complete Streets Policy, as amended from time to time;
  - (4) The Zoning Ordinance for those developments within the Corporate Limits of the City, or for developments within the city's extraterritorial jurisdiction (ETJ) that are subject to an approved annexation agreement with the City;
  - (5) The Champaign County Zoning Ordinance for those developments situated within the City's ETJ, other than developments subject to an annexation agreement with the City, only to the extent that adherence to the Champaign County Zoning Ordinance does not disrupt the allocation of land uses or public facilities as set forth in the Comprehensive Plan;
  - (6) Current edition of the Sanitary Sewer Standards for Urbana & Champaign Sanitary District and Affiliated Communities, as amended;
  - (7) Any rules, regulations, or guidelines of Illinois state agencies, departments, or commissions not in conflict with these regulations, including the Manual for Code Enforcement Officials and Design Professionals published by the Illinois Department of Financial and Professional Regulation;
  - (8) Any federal or state law, rule, or regulation that governs the development of land; and
  - (9) Any relevant interpretation by a court of competent jurisdiction of any of the requirements of this Chapter.
- (D) The standards governing the development of tracts of land, as provided for in this Chapter, shall be as specified in the Manual of Practice.
- (E) If an interested party expresses the need for a City-issued standard that is identified in this Chapter or the Manual of Practice, the City will direct said inquirer via a hyperlink to the City website, where said documents can be found. It shall be the responsibility of the Developer, the Developer's engineer and/or any other interested party to obtain from their original sources the federal, state and local standards referenced in the Manual of Practice, in a timely manner.

### **Sec. 21-135. Variances**

- (A) *Intent.* This Section provides for variances as a means for a developer to request deviation from strict compliance with this Chapter or the Manual of Practice, as appropriate, when unusual site-specific conditions exist. Because restrictions governing the development of land may not, under some specific circumstances, be fairly and equally applied to unusual or abnormal development conditions, this Section establishes the City's criteria for determining

the validity of a specific hardship upon which a variance request is based. Variances are not intended to be used as a means of circumventing or evading the purposes of this Chapter, the Manual of Practice, or any other land development regulation. Subsections (B) through (E) of this section apply to major variances, which pertain to the requirements of this Chapter. The procedures for minor variances, which pertain to the requirements of the Manual of Practice, are described in Chapter 1 of the Manual of Practice.

- (B) *Submission and Processing.* The Secretary of the Plan Commission will provide a petition form for major variance requests. The Developer shall submit the petition for a major variance to the Secretary, on said provided form, when a development proposal is submitted to the Plan Commission for review. The petition shall fully state the grounds for the application. The burden of justifying a major variance is the responsibility of the Developer.
- (C) *Criteria.* As major variances are discretionary and not to be granted by right, such variances shall comply with the following criteria:
  - (1) Upon recommendation of the Plan Commission, the Corporate Authorities may grant major variances, but only if all of the conditions set forth in the subsection below justify a major variance and if said variance would serve the purposes of these regulations to foster growth and protect the public's essential interests, for reasons as follows:
    - (a) There are conditions of topography or other site-specific reasons which make the application of any particular requirement of this Chapter unnecessary or serve no useful purpose;
    - (b) The granting of the requested major variance would not harm other contiguous properties;
    - (c) The granting of the requested major variance would not negatively impact the public health, safety and welfare; and
    - (d) The granting of the requested major variance would be consistent with the goals and objectives of the Comprehensive Plan.
- (D) *Conditions.* In granting a major variance, the Plan Commission and Corporate Authorities may consider the proposed uses and plans for development of the property, the nature of the contiguous proposed or existing development(s), any pertinent environmental factors, and the property's designated use under the Comprehensive Plan. The Corporate Authorities may impose any requirements, conditions, or restrictions the Corporate Authorities deem essential to protect the public health, safety, and welfare, and may require said conditions to be included in a plat, owner's certificate, deed, lease, or other document of conveyance.
- (E) *Granting of Major Variances.*
  - (1) The Administrative Review Committee may waive the requirement for a traffic impact analysis according to the provisions Section 21-220(H)(3).

- (2) All other major variances shall be granted only in accordance with Articles III, IV, and V of this Chapter.
- (3) The Corporate Authorities may grant a major variance only upon an approval vote of two-thirds (2/3rds) of the members then holding office.
- (4) The Corporate Authorities may also approve major variances in conjunction with planned unit developments, annexation agreements, or development agreements when in conformance with this Section.

**Sec. 21-140. Enforcement, Violations and Penalties**

- (A) *General.* The Administrative Review Committee shall enforce these regulations. When any member of said committee finds any violation of this Chapter, said committee shall convene to determine appropriate actions and proceedings that may be taken to prevent unlawful construction, recover damages, restrain, correct, or abate a violation, or prevent illegal occupancy of a building, structure, or premises. Said committee may consult with the City Attorney for assistance in determining appropriate course(s) of action.
- (B) *Violations and Penalties.* Any person, firm, or corporation convicted of violating any provision contained in this Chapter or the Manual of Practice shall be subject to a fine of not less than ten and zero hundredths dollars (\$10.00) per lot but not to exceed one thousand and zero hundredths dollars (\$1,000.00) per lot or per section of right-of-way adjacent to a lot. Each day that a violation of this Chapter continues shall constitute a separate offense.

**Sec. 21-141. Prohibition of Similar Names**

- (A) No plat of subdivision, re-subdivision, planned unit development or plat of survey under the Illinois Condominium Property Act (S.H.A. 765 ILCS 605/1 et seq.) shall be valid nor entitled to record if the record name or part thereof of said subdivision, re-subdivision, or planned unit development or plat of survey under the aforementioned Condominium Act is the same as, duplicates, closely approximates or is similar to or pronounced the same as the name of any previously-approved subdivision within the subdivision jurisdiction of the City.
- (B) A subdivision name or part thereof shall be considered as duplicating, closely approximating, similar to or pronounced the same as the name of an existing subdivision name if it contains a proper, historical, geographical, locational, mythological, famous, fictitious or personal name, words, or combination thereof which is the same as, similar to or pronounced the same as a word in the name of any other previously approved subdivision within the subdivision jurisdiction of the City. Common nouns such as valley, creek, forest, meadow, field, etc., may be used freely as part of a subdivision name except to the extent that such nouns, when used in combination with other words, result in a subdivision name which in the City's opinion, duplicates, closely approximates, or is similar to or pronounced the same as the name of a previously approved subdivision.
- (C) Exceptions: Notwithstanding the provisions set forth in this Chapter, a subdivision may have a name which, in combination with other words, uses a proper, historical,

geographical, locational, mythological, famous, fictitious or personal name or word used in the name of a previously approved subdivision if the name of such subdivision is not the same as or pronounced the same as the name of a previously approved subdivision, provided one of the following criteria is also met:

- (1) The proposed subdivision is owned or developed by the same person or company who owned, subdivided or developed the previously-approved subdivision and said proposed subdivision is also contiguous to the previously approved subdivision.
- (2) The proposed subdivision is contiguous to the previously approved subdivision and the developer who is platting such subdivision files a written consent with the City to the use of such similar name of the developer who platted the previously approved subdivision.
- (3) For the purposes of this Chapter, a proposed subdivision shall be considered contiguous to a previously approved subdivision notwithstanding the separation of said subdivisions by a right-of-way.

***Secs. 21-142 through 21-199. Reserved.***

## ARTICLE II. PROCEDURES AND PLAT REQUIREMENTS

### ***Sec. 21-200. Pre-Application Conference***

- (A) *Purpose.* The pre-application conference is required to:
- (1) Familiarize the Developer with the applicable policies, procedures, requirements, and standards that apply to the applicant and to begin the identification of potential variance requests in order to expedite platting and construction;
  - (2) Assist the City in coordinating separate land developments, street and drainage plans, etc.;
  - (3) Determine whether a proposal constitutes a development and if so, whether it is a minor or a major development;
  - (4) Determine the need for a general area plan;
  - (5) Determine the need for a traffic impact analysis;
  - (6) Determine the need for a stormwater management plan;
  - (7) Determine whether a combined preliminary/final plat process is desirable;
  - (8) Determine applicability of a Natural Resource Information (NRI) Report through the Champaign County Soil and Water Conservation District;
  - (9) Determine the need for a fire flow analysis as it relates to the public water supply intended to serve the development;
  - (10) Determine the need for a Phase 1 Environmental Site Assessment report (ESA) to be completed in order to assess whether the current or historic property uses have impacted the soil and/or groundwater beneath the property and whether said conditions could pose a threat to local environmental and/or human health. Said ESA, if required, shall meet the requirements of the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and shall be compiled in accordance with the current edition of ASTM E1527;
  - (11) Determine the need for title reports;
  - (12) Determine utility needs and availabilities and identify the known deficiencies therein, including those related to sanitary sewers and pump stations, local wastewater treatment capacity availabilities, electrical power distribution, natural gas availability, cable television, and fiber optics based internet services; and
  - (13) Determine potential impacts to existing public improvements.

- (B) *Participants.* The Developer shall request that the Secretary of the Plan Commission schedule the pre-application conference with the Administrative Review Committee, the Developer and/or the Developer's engineer or authorized representatives and such others as the participants deem necessary. The Secretary will schedule the pre-application conference normally within fifteen (15) working days of receipt of a request for such conference, unless a later date is acceptable to both the Developer and the City.
- (C) *Development Sketch Plan.* The Developer shall submit a development sketch plan at the pre-application conference. The sketch plan shall be prepared on a paper size that is appropriate to the project and which shall be reasonably to scale. The development sketch plan shall include dimensions, such details as existing and proposed property lines, roads, access drives, and structures, and such other information as the Developer deems relevant or as the Secretary may require. See the Manual of Practice for further details.

### **Sec. 21-205. Determination of Development Type**

- (A) The determination of whether or not a proposal constitutes a development and, if so, whether or not it is a minor or a major development requires a unanimous decision of the Administrative Review Committee. Said decision will be made within ten (10) working days following the pre-application conference. The Secretary will notify the Developer, in writing, of the determination of the Administrative Review Committee.
- (B) If the Administrative Review Committee cannot reach a unanimous decision on the determination of the development classification, said committee will forward the request to the Plan Commission. The Secretary will notify the Developer, in writing, of said committee's inability to reach a decision and the date, time and place when the Plan Commission determines whether the proposal constitutes a major development, minor development, or no development.

### **Sec. 21-210. General Area Plan**

- (A) The purpose of a General Area Plan (GAP) is to plan for and guide the development of a parcel or multiple abutting parcels of land under single ownership when the initially proposed development constitutes only a portion of said parcel(s). A GAP provides for a developmental concept to coordinate future extended streets and utilities throughout parcels of land as well as to coordinate the developmental concept with existing or proposed improvements outside and in the vicinity of the parcel(s). A GAP is not intended to be prepared with the specificity of a development plat, but rather to portray a general developmental design concept to be used as a guide when considering subsequent development of said parcel(s) of land. A GAP is required when the Developer has ownership or legally beneficial interest in land immediately abutting a proposed major development as defined in this Chapter.
- (B) When a GAP is required under this Section, for purposes of coordination of the location and extension of any streets and utilities and related improvements, due consideration in plan design elements shall be given by the Developer and the Administrative Review Committee to any existing GAP on file in the Secretary's office for an area within two thousand (2,000) feet of the boundary of the GAP to be prepared. In addition, the Developer and the

Administrative Review Committee shall give due consideration to comprehensive plans, area studies, traffic studies, and any other planning studies in the area.

(C) *Threshold Conditions Requiring a General Area Plan.* At the pre-application conference, the Administrative Review Committee will determine whether a GAP is required using the following criteria:

- (1) The proposed development constitutes a major development, except for a mobile home park or a planned unit development;
- (2) The proposed development represents only a portion of five (5) or more contiguous acres of vacant or otherwise predominantly-undeveloped land;
- (3) All such land is held under beneficial or ownership interest and beneficial interest in a trust or option to purchase;
- (4) There is a substantial need for a pre-planning efforts to determine the future location, course and width of streets and utilities as they might be extended from the proposed development to surrounding vacant properties; and
- (5) The topography and natural features of the land abutting the proposed development, inclusive of any watercourses or impoundments, present unusual circumstances that require special consideration for future development.

(D) *Required Content of a General Area Plan.* The required content of a General Area Plan shall be as follows:

- (1) Any abutting parcels of land in which the Developer has an ownership, monetary or beneficial interest, including full or partial ownership and beneficial interest in a trust;
- (2) Existing zoning of the property and of all land within one hundred (100) feet of the property boundary;
- (3) Proposed zoning, if any change is intended, and proposed land use;
- (4) Topography by United States Geological Survey topographic maps, Champaign County GIS contour information or other equivalent topographical elevation contour sources as may be approved by the Secretary;
- (5) Placement and availability of the following within the plan boundaries and outside but within one hundred (100) feet of the plan boundaries:
  - (a) Existing and proposed gas, water, electricity and telecommunications service lines;
  - (b) Existing storm and sanitary sewage systems; and
  - (c) Roadway and right-of-way widths of existing streets and alleys.

- (6) The proposed street layout, with an emphasis on continuity of existing street patterns, as determined by relevant transportation location studies and the City's most recent transportation connectivity policies and maps;
- (7) Discussion and/or graphic presentation of proposed methods of handling stormwater drainage and sanitary sewage;
- (8) In addition to the above required content, a General Area Plan for any development request, other than a subdivision, shall also include the following information, as applicable:
  - (a) The use or uses for which each building or structure is intended;
  - (b) The gross square footage of floor area of each structure proposed; and
  - (c) If the proposed development constitutes any quarrying, mining, or other similar excavation, indicate elevation contours at intervals of five (5) feet with reasonable precision to show proposed horizontal and vertical grades and slopes of the excavation.
- (E) *Relationship of a General Area Plan to a Preliminary Plat of a Major Development.* A General Area Plan (GAP) may be prepared either separately from, or in combination with, a preliminary plat of a major development. If a GAP and a preliminary plat of a major development are combined in a single drawing, the portion(s) or phase(s) of the preliminary plat for which approval is sought shall meet the requirements of Section 21-225 Preliminary Plat of a Major Development. The remainder of the area covered in the drawing shall meet the requirements of this Section 21-210. The boundaries of the area sought for preliminary plat approval shall be clearly indicated.
- (F) *Submission Requirements.* The Developer shall submit the General Area Plan whether the plan is prepared in combination or separate from a preliminary plat of major development, to the Secretary in the same manner as prescribed for a preliminary plat of a major development, in accordance with Section 21-225 of this Chapter. The number and types of copies of the GAP shall be the same as those required for a Preliminary Plat, as specified in Chapter 2 the Manual of Practice.
- (G) *Plan Commission.* The Plan Commission shall determine whether the General Area Plan conforms to the design requirements of this Section, and on that basis, either approve, or approve subject to conditions, or deny approval of the GAP. Such approval may precede, but may not follow, approval of a preliminary plat of a major development. The Plan Commission shall consider a GAP the Developer's statement of intent of future development and the content of the GAP is binding upon the Developer. Subsequent development of the parcel may require the plan to be altered. When changes are proposed either to the GAP or the preliminary plat, the continuity of planned improvements throughout the remainder of the GAP boundaries shall be considered by the Plan Commission. If the Administrative Review Committee determines that such changes are not in substantial conformance with the



previously approved GAP, such changes shall constitute an amendment to the GAP and said changes will require Plan Commission approval.

### **Sec. 21-215. Minor Development**

- (A) *Purpose.* The minor development approval procedure is designed to expedite the platting of developments which do not require new public improvements and which consist of five (5) or fewer buildable lots. A minor development, by definition, will have minor impacts on existing public improvements and thus will not require the Plan Commission or Corporate Authorities to make policy decisions. As such, the administrative review and platting process of Minor Developments is designed to minimize the cost and time required for approval, while providing assurance that a minor development proposal meets the requirements of this Chapter.
- (B) *Approval Procedure.* Approval of a minor development requires unanimous agreement by the Administrative Review Committee. Said approval shall include affirmative findings that:
- (1) The minor development complies with the Zoning Ordinance and the regulations of this Chapter;
  - (2) All improvements, with the exception of sidewalks, multi-use paths, bikeways, street trees, street lights, and service connections as this Chapter requires, currently exist at the development site except that, if said existing improvements do not meet the design standards of this Chapter, the Administrative Review Committee, upon favorable findings of the facts listed in Subsection B(4), of this Section, may defer the requirement to upgrade the existing improvements to the design standards of this Chapter.
  - (3) If sidewalks or multi-use paths do not already exist, a provision shall be made for sidewalk improvements in one of the following ways:
    - (a) *Sidewalks immediately necessary.* If the Administrative Review Committee finds that sidewalks are immediately necessary, the Developer shall either immediately construct the sidewalks as required herein or file a surety bond with the City Engineer, payable to the City, in the penal sum equal to at least One Hundred Percent (100%) of the estimated cost of the required sidewalks. The Developer's engineer will compute said estimated cost. The City Attorney will provide the form and surety of said bond and said bond shall be submitted on said City-furnished form. The City Engineer will review the Developer's engineer's estimate of the cost of sidewalk improvements and the required bond amount shall be as approved by the City Engineer. The condition of the bond shall be that the sidewalks be constructed in conformance with the approved plans and specifications within six (6) months from the date of the filing of the bond.
    - (b) *Sidewalks not immediately necessary.* If the Administrative Review Committee finds that there is no immediate need for sidewalk(s), the

Developer shall file a signed and acknowledged notarized statement that shall be recorded with the development plat, stating that the Developer or subsequent owner(s) of the property affected will construct the sidewalk(s) at the Developer's or subsequent owner's expense within six (6) months of written notice by the City Engineer that they are required to do so, and that, failing to do so, the City will construct and charge the Developer as applicable. The following statement shall appear on the face of the recorded plat:

“The construction of sidewalks is deferred until the City Engineer determines that there is a need for them on the subject property. The Developer or subsequent owner(s) shall construct sidewalks on the subject property at the Developer's or subsequent owner(s') expense within six (6) months of written notice by the City Engineer that they are required to do so. The City of Urbana has the authority to construct the sidewalk and charge the owner(s) for the construction if the owner(s) fail(s) to install the sidewalks as required. The Developer agrees that this obligation shall be a covenant running with the land.”

(4) The proposed development will not:

- (a) Impede the future use of the remainder of the property under the same ownership;
- (b) Adversely affect the dimensions of such other existing or potential future minimum lot sizes or frontages as specified in the Zoning Ordinance;
- (c) Make any existing lot or structure nonconforming;
- (d) Impede access to any remainder or adjoining land;
- (e) Conflict with the Comprehensive Plan;
- (f) Violate Chapter 5, Article XI – Flood Hazard Areas, of the City's Code of Ordinances; or
- (g) Significantly increase the impact on public streets, utilities, sanitary sewers, storm sewers or other public improvements beyond the existing conditions.

(C) *Submission Requirements and Review Deadlines.* All required items must be submitted to the Secretary of the Plan Commission, who will distribute each application to the Administrative Review Committee. Said committee will review and decide on the submittal. Said review and decision will be completed no later than twenty (20) working days after submission.

(D) *Required Items.* The Developer shall submit the following items:

- (1) Copies of the Minor Plat, of the number and type as specified in Chapter 4 of the Manual of Practice;

- (2) Any engineering plans required to detail the service connections to any water mains, storm sewer and/or sanitary systems;
- (3) The original plat plus attachments, if any;
- (4) Original signed and notarized Owner's Certificate which shall include any and all covenants affecting the Development, in accordance with the Manual of Practice;
- (5) Original signed and sealed County Clerk's Tax Certificate paid, in accordance with the Manual of Practice;
- (6) Original signed and notarized School District Statement, in accordance with the Manual of Practice;
- (7) A completed application form;
- (8) The required fees, in accordance with and as established by Section 14-7 of the City's Code of Ordinances;
- (9) Stormwater Management Plan, if required by Section 21-430(B) of this Chapter;
- (10) Calculated fire flow analysis as related to the potable water system proposed to serve the site, as required in Section 21-450 of this Chapter, insofar as it references Chapter 26 of the Manual of Practice;
- (11) A Champaign County Soil and Water Conservation District Natural Resource Information (NRI) Report when appropriate.
- (12) Any documents that may be required by federal or state agencies prior to development, such as an Illinois Department of Natural Resources (IDNR) environmental impact statement or an Illinois State Historic Preservation Office (SHPO) statement.
- (13) The Phase 1 Environmental Site Assessment (ESA) report when appropriate.

(E) *Minor Development Plat Requirements.*

- (1) *Drafting.* The plat shall be prepared in ink and presented at a scale as specified in Chapter 4 of the Manual of Practice.
- (2) *Information Required.* The required content to be included either on the face of the plat or supporting documents shall be the same as required in the Manual of Practice.

(F) *Administrative Review Committee Approval.* Each member of the Administrative Review Committee will sign the plat indicating approval. Failure of any of these signatures to appear on the face of the plat shall constitute plat denial.

- (G) *Notification of Applicant.* The Secretary will notify the applicant in writing of the outcome of the Administrative Review Committee's review within five (5) working days after the review is completed. All decisions of the Administrative Review Committee will be maintained as public records at the office of the Secretary.
- (H) *Recording of Minor Development Plat.* The Secretary shall cause the signed plat of a minor development, along with the Owner's Certificate, County Clerk's tax certificate and School District Statement to be recorded with the Champaign County Clerk & Recorder of Deeds within ninety (90) calendar days of the last dated signature of the Administrative Review Committee's approval. The Secretary will notify the City Clerk's office of the recording. The Secretary will send a signed copy of the plat to the Champaign County Zoning Administrator if the plat is within the City's extraterritorial jurisdiction. The Secretary shall also send a copy of the plat to any relevant township road commissioner if the plat dedicates public right-of-way(s) to that township. In all cases, a copy of the plat shall be sent to the appropriate township assessor.
- (I) *Distribution Following Approval:* The Secretary will transmit signed and recorded copies of the Minor Development's Final Plat as set forth in the Manual of Practice.
- (J) *Limitation on Minor Development Plat Approval.* The City will not issue a building or zoning use permit until the minor development plat is recorded. The plat will become void if it has not been recorded in accordance with subsection (H) of this section.
- (K) *Appeals of Minor Development Plat Decisions.* The applicant may appeal the decision of the Administrative Review Committee to deny a proposed minor development plat to the Plan Commission within ten (10) working days of the Secretary's written notification of the Administrative Review Committee's decision to deny. Such request for appeal shall be made in writing to the Secretary. Following such written request for approval and subsequent application for appeal, in a form to be provided by the Secretary, and upon payment of the appropriate fee in accordance with Section 14-7 of the City's Code of Ordinances, the Secretary will schedule the appeal request before the Plan Commission at its next regularly-scheduled meeting. The Plan Commission will recommend approval or denial of the plat, in accordance with the requirements of this Chapter, and will forward its recommendation to the Corporate Authorities for consideration at the next regularly-scheduled meeting of the Committee of the Whole as required by Section 21-230(E) of this Chapter. The Corporate Authorities will approve or deny the plat in accordance with the requirements for a final plat contained in Section 21-230(E) of this Chapter.

## **Sec. 21-220. Traffic Impact Analysis**

- (A) *Purposes.* The purposes of this Section are to determine the necessary assessment of traffic-related impacts for all developments and to incorporate appropriate actions for the safe and efficient flow of traffic as part of the development.
- (B) *Requirements and responsible parties.* For developments meeting the threshold conditions specified in Chapter 9 of the Manual of Practice, and not exempt under subsection (H) of this section, the Developer shall prepare a Traffic Impact Analysis report at the Developer's expense. Said report shall be compiled by or under the supervision of an Illinois-registered

Professional Engineer, who in the opinion of the City Engineer, is experienced in traffic engineering. The report shall be signed and sealed by said Illinois-registered Professional Engineer.

- (C) *Determination of Expected Vehicle Trips and Existing On-Street Volumes.* Estimates of the average number of vehicle trips per day that the proposed development is expected to generate shall be based on approximate trip generation data in the latest edition of the Trip Generation Manual or other sources acceptable to the City Engineer. Traffic volumes on existing streets may be those volumes as shown in the most recent publication of the Champaign-Urbana and Vicinity Traffic Map as prepared by the Illinois Department of Transportation or any other source deemed acceptable by the City Engineer.
- (D) *Geographic Boundaries of the Study Area.* The City Engineer will establish the geographic boundaries of the study area to be considered under the Traffic Impact Analysis.
- (E) *Elements of the Analysis.* The Developer shall use the elements of analysis identified in Chapter 9 of the Manual of Practice.
- (F) *Submittals.* The Developer or the Developer's engineer shall be responsible for submitting one (1) signed and sealed PDF digital copy of the complete draft Traffic Impact Analysis report to the City Engineer for review at least twenty (20) working days prior to the date on which the development is scheduled for consideration by the Plan Commission. Further, the Developer's engineer shall prepare and submit an Executive Summary of the findings found in the Traffic Impact Analysis, to be submitted in PDF format with and as part of the Traffic Impact Analysis report. Said Executive Summary shall be single spaced type and no longer than two (2) pages in length.
- (G) *Actions Based on the Findings of the Traffic Impact Analysis.* When the findings of a Traffic Impact Analysis demonstrate that the proposed development may create unsafe conditions or unreasonably low levels of service as determined by the City Engineer, for reasons that are specifically and uniquely attributable to the proposed development, the City Engineer may require corrective measures through modification to the plan or plat which may include one or more of the following:
  - (1) Rerouting of traffic and/or relocation of proposed ingress and egress points serving the proposed development.
  - (2) Reorganizing and rerouting internal traffic flow within the boundaries of the development.
  - (3) The addition of turn lanes and/or traffic control devices or the modification of existing intersection geometrics or existing traffic control devices either on or off-site.
  - (4) The provision of, or modifications to, pedestrian, bicycle, and transit facilities.
  - (5) The provision of traffic calming features, according to the Manual of Practice.

- (H) *Development Exempted from the Requirements of this Subsection.* These traffic impact analysis requirements shall not apply to the following:
- (1) Restoration without expansion or substantive changes, within a twelve (12) month period of any building which has been damaged by fire, explosion, flood, tornado, etc.
  - (2) Restoration of building(s) with a local, state, or national historic designation.
  - (3) A case in which the Administrative Review Committee, by unanimous decision, waives the traffic impact analysis requirement where conditions other than those anticipated by the capacity thresholds in Chapter 9 of the Manual of Practice indicate there is no need to prepare said analysis. Waiving of this requirement need not be initiated with the Developer's request. Said committee may independently determine that a Traffic Impact Analysis is not required. The decision of the committee to waive the traffic impact analysis requirement shall be made either at the pre-application conference or within ten (10) working days following the pre-application conference. Whenever the committee waives the traffic impact analysis requirement, the Secretary will notify the Developer in writing of the Committee's decision.

**Sec. 21-225. Preliminary Plat of a Major Development**

- (A) *Submission.* Concurrently with the preliminary plat of a major development, the Developer shall submit to the Secretary:
- (1) Copies of the Preliminary Plat, of the number and type as specified in Chapter 2 of the Manual of Practice;
  - (2) All written requests for variances or deferrals of these regulations.
- (B) *Distribution.* Upon receipt of the preliminary plat and variance requests, the Secretary will transmit one (1) copy of each to the officials specified in Chapter 2 of the Manual of Practice. The Secretary will request that these officials submit their written responses within ten (10) working days of the day the plat is transmitted. The Secretary may notify additional agencies as necessary and may require the Developer to submit additional plats for those agencies. If a reviewer fails to submit comments within the time specified, the reviewer will be deemed to have had no negative comments.
- (C) *Review and Comments.* The Secretary will review the preliminary plat and variance request(s) for conformity with the comprehensive plan, any applicable general area plan(s), applicable zoning regulations, and the provisions of these regulations and shall make recommendations thereon. The City Engineer will review the preliminary plat and variance request(s) for conformity to these regulations, other applicable regulations, and generally accepted engineering practices, particularly as these apply to storm drainage, water and sewer facilities, and shall make recommendations thereon. The City Engineer will forward a report of review in writing to the Secretary. The City Engineer or the Secretary will review the plat for conformity to Chapter 5, Article XI – Flood Hazard Areas, of the City's Code of Ordinances and prepare a written report of review.

(D) *Plan Commission.*

- (1) The Secretary will schedule a meeting for the preliminary plat review by the Plan Commission and so notify the City Engineer, Developer, and the Developer's engineer. In the event that the owner of the land is a land trust, those holding beneficial interests in the trust and their percentage interests shall be disclosed to the Secretary in accordance with the Illinois Compiled Statutes.
- (2) The Plan Commission will either approve, or approve with conditions, or deny the preliminary plat and make a recommendation on all major variance requests within sixty (60) consecutive calendar days from the date the commission first considers the preliminary plat, unless said commission and Developer mutually agree to extend such time. If said commission denies said plat, the Secretary shall, within five (5) working days, notify the Developer, in writing, that the plat has been denied and the reasons for the denial.
- (3) If no major variances are sought and the Plan Commission approves the preliminary plat, the Developer may then submit the final plat to said commission. Approval by the Corporate Authorities is not required on preliminary plats with no major variance requests. Preliminary Plat approval shall not qualify the plat for recording.

(E) *Corporate Authorities.* If major variances are sought in the preliminary plat, the Secretary will forward the preliminary plat with the Plan Commission's recommendation on major variances or deferrals to the Corporate Authorities. The Corporate Authorities will approve or deny said plat, including requests for major variance(s) or deferral(s), within thirty (30) consecutive calendar days after the Corporate Authorities' first meeting to consider the case following the action of the Plan Commission unless the corporate authorities and Developer mutually extend such time. In all cases of denial, the Corporate Authorities will state the reasons for denial of the plat or major variance or deferral request(s). The Secretary will furnish to the Developer, in writing, a statement of the corporate authorities' approval or denial. Said written statement will be furnished to the Developer within five (5) working days of the date of Corporate Authorities' action.

(F) *Preliminary Plat Drafting Requirements.* Preliminary plats shall conform to the drafting requirements of Chapter 2 of the Manual of Practice.

(G) *Required Content of a Preliminary Plat and Supporting Documents.* Preliminary plats must at a minimum contain the information required in Chapter 2 of the Manual of Practice, as amended, including general requirements, existing conditions, and proposed conditions.

- (1) Traffic Impact Analysis report, if required by Section 21-220 of this Chapter;
- (2) General Area Plan, if required by Section 21-210 of this Chapter; and
- (3) Stormwater Management Plan, if required by Section 21-430(B) of this Chapter.

(H) *Limitation on Preliminary Plat Approval.*

- (1) Application for approval of a final plat shall be made no later than two (2) years after preliminary approval has been granted by the Plan Commission (if no major variances or deferrals are requested) or the Corporate Authorities (if major variances or deferrals are requested.) The Developer may request final plat approval of a part of the plat which received preliminary approval, and may delay application for approval of other parts until a later date with the approval of the Corporate Authorities, provided all facilities required to serve the part or parts for which final approval is sought have been or are to be provided.
- (2) The Administrative Review Committee may extend the period for final approval of a Preliminary Plat in annual increments of up to two (2) years under the following conditions:
  - (a) The Developer must submit a written request to extend the validity of the preliminary plat;
  - (b) No new major variances or deferrals from the ordinance are requested;
  - (c) The facts upon which any major variances or deferrals were approved have not changed substantially and are not likely to change during the period for which the extension is granted;
  - (d) No new regulations have been adopted by the City since the plat was originally approved by the Corporate Authorities which would affect the configuration of the subdivision, unless the plans as previously approved do not adversely affect the public health, safety, and general welfare.
  - (e) The Secretary of the Plan Commission shall notify the Developer, in writing, of approval or denial of the requested extension within ten (10) working days of the receipt of the request.

***Sec. 21-230. Final Plat of a Major Development***

- (A) *Submission.* The Developer shall have a final plat and supporting documents prepared as required by this Chapter. The Developer shall submit the following to the Secretary:
- (1) Copies of the Final Plat, of the number and type as specified in Chapter 3 of the Manual of Practice; with all said prints being signed by the Developer's relevant parties;
  - (2) Copies of the Subsidiary Drainage Plat and supporting materials containing the information required in Chapter 3 of the Manual of Practice in the number and types of copies required in said Chapter of the Manual of Practice;
  - (3) A copy of all new variance or deferral requests in writing and presented in the manner required for preliminary plats;



- (4) A County Clerk's tax certificate substantially in the form set forth in Appendix B of the Manual of Practice;
- (5) A fully executed and notarized School District Statement in the form set forth in Appendix B of the Manual of Practice;
- (6) The Construction Performance Bond, if required by Section 21-310 of this Chapter;
- (7) Copies of the Site Engineering Plans required to be prepared under Sections 21-300 and 21-430(B) of this Chapter as well as the Manual of Practice, of the types and number of copies specified in Chapter 6 of the Manual of Practice;
- (8) The perpetual maintenance of any Commons Areas shall be provided for by an entity established for the purpose of maintaining said Commons Areas for the benefit and use of the owners and residents of the development. Prior to final approval of the development, the Plan Commission must be afforded the opportunity to review and approve the Developer's selected method of perpetual maintenance. The Developer shall make no change in the approved method unless said commission and the Corporate Authorities approve.
  - (a) *Homeowner's Association.* If a homeowner's association is to be (or is) formed, the articles of incorporation must minimally contain the following provisions:
    - 1. Legal description which geographically defines the area owned and controlled by the homeowner's association.
    - 2. Notice that all owners of property within the development shall automatically become members of the homeowner's association and shall be required to incur all costs necessary to maintain any facility or common facility of the association.
  - (b) *Single Ownership or Other.* In the event that the entire development is to remain under single ownership, trust, or other form of ownership, the Developer shall file a deed restriction (covenant) between the owner and the City with the County Recorder of Deeds providing for a legal entity to be responsible for the maintenance of all common areas.
  - (c) Any method for maintenance of common facilities shall require that no common open space within the development be converted to any other use unless the owners of all property within the development, the Plan Commission, and City Council authorize such change.
- (9) *Owner's Certificate.* An Owner's Certificate stating that the applicant/Developer holds sole or joint title to the property being developed and that the property has been surveyed. Said Owner's Certificate shall be in the form as provided for in the Manual of Practice. The Owner's Certificate shall be acknowledged before a notary, shall

contain dedications to the public and any proposed covenants to run with the property, and shall be dated and signed by the owner or the owner's designee. Where land is proposed to be subdivided for common-lot-line dwelling units, the applicant/Developer shall include a notation in the Owner's Certificate indicating such intent, and the Owner's Certificate shall provide for the requirements stated in Section 21-250(D) of this Chapter.

- (10) The appropriate fee in accordance with Section 14-7 of the City's Code of Ordinances;
  - (11) A Champaign County Soil and Water Conservation District Natural Resource Information (NRI) Report (except for any replat) when the site is currently vacant or in agricultural use, as applicable;
  - (14) An Illinois Department of Natural Resources (IDNR) environmental impact statement pertaining to the presence of wetlands or endangered animal species, as applicable;
  - (15) An Illinois State Historic Preservation Office (SHPO) statement, as applicable;
  - (16) Fire flow analysis for the potable water system serving the development;
  - (17) Phase 1 Environmental Site Assessment (ESA) report, as applicable;
  - (18) A completed application form.
- (B) *Distribution Prior to Approval.* Upon receipt of the final plat and any additional variance or deferral requests, the Secretary shall transmit copies of the final plat prints as set forth in Chapter 3 of the Manual of Practice.
- (C) *Review and Comment.* The Administrative Review Committee shall review the final plat for any additional detail and for adherence to the approved preliminary plat. Said committee will forward its comments to the Secretary in writing within twenty (20) working days of the committee's receipt of the plat.
- (1) If: (a) the final plat of a major development substantially differs from the previously approved preliminary plat of the site; or: (b) the Developer requests new or different major variances or deferrals than those included with the preliminary plat approval, then the Secretary will submit the final plat to the Plan Commission for review.
  - (2) If the final plat substantially conforms to the previously approved preliminary plat and no new major variances or deferrals are requested, the Secretary will submit the final plat directly to the Corporate Authorities for approval.
- (D) *Plan Commission.* In the event that the case must be returned to the Plan Commission per subsection (C)(1) of this Section, then upon receipt of comments from the Administrative Review Committee, the Secretary will docket the case at the next regularly-scheduled Plan Commission meeting. Said commission shall recommend approval or denial of the final plat and all major variance or deferral requests within forty-five (45) consecutive calendar days

from the date of submission to said commission, regarding the final plat and all supporting material (including major variance or deferral requests). Said commission may recommend denial if the final plat deviates substantially from the approved preliminary plat. If the commission recommends denial of said plat, the Secretary will furnish a written statement to the Developer within five (5) working days noting that the plat has been recommended for denial and the reasons for denial.

- (E) *Corporate Authorities.* The Secretary will forward the Plan Commission memoranda, minutes, and recommendation to the Committee of the Whole, which will consider the recommendation as its next regularly-scheduled meeting and shall forward its recommendation to City Council. City council will approve or deny said final plat including request(s) for major variance(s) within thirty (30) consecutive calendar days of the Corporate Authority's first meeting to consider the case following the action of the Plan Commission, unless the Corporate Authorities and Developer mutually agree to extend such time. In all cases of denial of a plat or major variance or deferral request, the Corporate Authorities will state the reasons for such denial. If a plat or major variance or deferral request is denied, the Secretary shall furnish to the Developer, in writing, a statement of the Corporate Authorities' denial. Said written statement will be furnished to the Developer within ten (10) days of the Corporate Authorities' action. Approval of said final plat shall constitute acceptance by the Corporate Authorities of all dedications of public rights-of-way and permanent easements within such final plat unless otherwise stated.
- (F) *Recording.* The Secretary will retain the plat original and supporting documents and certificates for recording. Within one-hundred-eighty (180) consecutive calendar days of the date the ordinance approving the final plat is signed by the Mayor, the Secretary shall record the final plat and required supporting documents. Recording shall take place only after the required public improvements have been made and accepted by the City or bonds have been posted in accordance with subsection (A) of this section. The Developer shall pay the recording fee as the County Clerk & Recorder of Deeds establishes at the time of recording. Upon recording, the Secretary will notify the City Clerk's office that the plat original has been recorded.
- (G) *Extension of Approval and Recording Period.* The Secretary may extend the approval of a final plat, and such plat may be recorded, for a period of up to one (1) additional year after the aforementioned, automatic one hundred eighty-day (180) period. The extension of approval may be granted twice, for a total extension period of up to two (2) additional years after the aforementioned automatic one hundred eighty-day (180) period. Such approvals may be given, in the sole discretion of the Secretary, if such extension does not negatively impact the construction of infrastructures necessary for development on neighboring tracts or within the City's growth areas, and if it is in the public's best interest.
- (H) *Distribution Following Approval.* The Secretary will transmit copies of the final plat as set forth in Chapter 3 of the Manual of Practice.
- (I) *Limitation on Final Plat Approval.* The City will not issue any building or zoning permits until the final plat is recorded. If the final plat has not been recorded within the time specified in subsection (F) of this section, final plat approval shall become void unless during the

aforementioned one hundred eighty (180) day period the Corporate Authorities approve a written application for an extension of time.

- (J) *Final Plat and Subsidiary Drainage Plat Drafting Requirements.* Drafting requirements shall conform to Chapter 3 of the Manual of Practice.
- (K) *Required Content of a Final Plat and Supporting Documents.* Final plats must at a minimum contain the information required in Chapter 3 of the Manual of Practice.

**Sec. 21-235. Concurrent Preliminary/Final Plat Procedure for a Major Development.**

- (A) *Eligibility.* At the Developer's discretion, an application may be made for a combined concurrent preliminary and final plat approval procedure.
- (B) *Submission.* The Developer shall cause to be prepared a preliminary plat and supporting material as prescribed in Sections 21-225(A), (F), and (G) and a final plat and supporting material as prescribed in Sections 21-230(A), (J) and (K) of this Chapter. The Developer shall submit the appropriate number of plat prints as required by Sections 21-225(A) and 21-230(A) of this Chapter, and the Manual of Practice.
- (C) *Distribution Prior To Approval.* The Secretary will distribute material to the appropriate reviewing authorities as prescribed in Sections 21-225(B) and 21-230(B) of this Chapter.
- (D) *Review and Comments.* The reviewing officers shall conduct their reviews as prescribed in Sections 21-225(C) and 21-230(C) of this Chapter.
- (E) *Plan Commission.* The Plan Commission will recommend approval or disapproval of the preliminary/final plat as prescribed in Sections 21-225(D) and 21-230(D) of this Chapter.
- (F) *Corporate Authorities.* The Corporate Authorities will review the recommendation of the Plan Commission on the preliminary/final plat as prescribed in Sections 21-225(E) and 21-230(E) of this Chapter.
- (G) *Recording.* The final plat and required supporting documents if approved shall be recorded as prescribed in Section 21-230(F) of this Chapter.
- (H) *Distribution Following Approval.* The Secretary will distribute copies of the signed final plat as prescribed in Section 21-230(H) of this Chapter.
- (I) *Limitation on Final Plat Approval.* The granting of permits for, and restrictions on recording of the final plat shall be as specified in Section 21-230(I) of this Chapter.

**Sec. 21-240. Certificate of Exemption in Lieu of Plat**

- (A) The Administrative Review Committee may determine that the submission of a plat is not required for minor lot line adjustments.

(B) The Administrative Review Committee may issue a certificate of exemption in lieu of a plat provided the lot line adjustment meets the following requirements:

- (1) The lot line adjustment will not result in a change exceeding twenty-five (25) feet of any lot width;
- (2) The sum of the area(s) transferred from one (1) lot to another may not exceed ten thousand (10,000) square feet; and
- (3) The lot line adjustment may not change the total number of lots, nor create any nonconforming lots or structures according to the minimum standards of the Zoning Ordinance.

(C) *Required Documents for a Certificate of Exemption in Lieu of Plat.* The owners of all affected lots shall submit a signed and notarized affidavit for a Certificate of Exemption in lieu of a plat stating that the proposed lot line adjustment(s) meets all requirements for a Certificate of Exemption. The affidavit shall be accompanied by the following:

- (1) A sketch plan which details the proposed lot line adjustment(s) to be transmitted for review by pertinent government entities and utility companies. Said sketch plan need not be prepared by or approved by a surveyor;
- (2) A complete legal description of all lots subject to the proposed lot line adjustment(s) and a legal description of the lots after the proposed adjustment(s); Said legal description shall be prepared by a surveyor.
- (3) Permanent index numbers for all lots affected by the proposed adjustment(s);
- (4) Original notarized, signed Owner's Certificate which shall include any and all covenants affecting the development. Said certificate shall be in the form as provided for in the Manual of Practice. Reference to an existing Owner's Certificate for the existing subdivision shall suffice to meet this requirement;
- (5) A completed application form;
- (6) Fee, as established for a minor development plat in Section 14-7 of the City's Code of Ordinances.
- (7) Where the subject location is in the City's extraterritorial jurisdiction, no certificate of exemption shall be recorded until such time as Champaign County has given its final zoning approval in accordance with the Champaign County Zoning Ordinance.

(D) Nothing in this Section shall be construed to mean that zoning approval by Champaign County will release the Developer from meeting the requirements of this Section and Chapter.

(E) *Recording the Certificate of Exemption.* The Secretary or an authorized designee shall record an approved Certificate of Exemption in lieu of a plat contemporaneously with the deed

which documents the transfer of the parts of the existing lots. The Certificate of Exemption shall contain reference to the existing subdivision, the name of the property owners, complete legal descriptions of the affected lots before and after the lot line adjustment(s), the criteria for the exemption from the platting requirement, and the signatures of all members of the Administrative Review Committee. Said certificate shall be in the form as provided for in the Manual of Practice. The Secretary or an authorized designee shall record the certificate, and the applicant shall pay all associated fees.

***Sec. 21-245. Planned Unit Development (PUD) Approval in the City's Extraterritorial Jurisdiction (ETJ).***

- (A) *Applicability.* For proposed PUDs within the City's extraterritorial jurisdiction and for which Champaign County must give zoning approval, the Developer shall obtain approval of the Corporate Authorities as to matters set forth in this Chapter prior to commencing any required improvements. For purposes of this Chapter, a PUD shall constitute a major development, as herein defined.
- (B) *Pre-Application Conference Required.* A pre-application conference with the Administrative Review Committee as prescribed in Section 21-200 of this Chapter shall be required. For planning coordination purposes, such a pre-application conference may be jointly held with the Developer, the Administrative Review Committee and those Champaign County officials required to hold their own preliminary conference as specified in the Champaign County Zoning Ordinance.
- (C) *Application and Procedural Requirements:*
  - (1) Upon submission of a PUD preliminary application to the Champaign County Zoning Administrator's office, as required in the Champaign County Zoning Ordinance, the Developer shall concurrently submit the following to the Secretary of the Plan Commission:
    - (a) Prints of the PUD plan that the applicant has filed with Champaign County. The number and type of prints to be submitted shall be the same as the number required for a preliminary plat of a major development, in accordance with Section 21-225 of this Chapter and the Manual of Practice; and
    - (b) A Preliminary Plat of a major development in accordance with Section 21-225 of this Chapter.
  - (2) The Plan Commission and Corporate Authorities will review the proposed Preliminary Plat subject to the procedures and requirements for a preliminary plat, except that:
    - (a) The Corporate Authorities must consider and approve or deny such plat, in accordance with Section 21-225(E) of this Chapter; and

- (b) The application for final plat approval shall be made within six (6) months following the Corporate Authorities' approval of the Preliminary Plat, notwithstanding the two (2) year requirement contained in Section 21-225(H) of this Chapter.
- (3) Upon submission of a PUD's final application to the Champaign County Zoning Administrator's office, as required in the Champaign County Zoning Ordinance, the Developer shall concurrently submit to the Secretary:
  - (a) Prints of the PUD's General Area Plan that the applicant has filed with Champaign County. The number of prints to be submitted shall be the same as the number required for a final plat of a major development, in accordance with Section 21-230 of this Chapter; and
  - (b) A final plat of a major development, in accordance with Section 21-230 of this Chapter.
- (D) *Special Conditions on Final Plat Recording.*
  - (1) A final plat of a PUD shall be recorded as required in Section 21-230(F) of this Chapter. However, no final plat shall be recorded until such time as Champaign County has given final zoning approval in accordance with the Champaign County Zoning Ordinance. The City Clerk shall record, at the Developer's expense, such final plat and accompanying PUD supporting materials within one hundred and twenty (120) consecutive calendar days of the date the ordinance approving the final plat is signed by the Mayor; if it is not so recorded within said one hundred twenty (120) days, the approval thereof shall become void.
  - (2) Nothing in this section shall be construed to mean that zoning approval by Champaign County will release the Developer from meeting the requirements of this Section and Chapter.
- (E) *Standards and Requirements.* Unless the Plan Commission expressly recommends approval of any proposed major variances, the Corporate Authorities will review the proposed PUD in accordance with the requirements of this Chapter relating to the design and construction of required improvements, as applicable.

#### **Sec. 21-250. Common Lot-Line Subdivisions**

- (A) *Applicability.* The subdivision of land into lots for common-lot-line dwelling units, as defined and regulated in the Zoning Ordinance, shall conform to all requirements of this Chapter.
- (B) *Formal Statement of Intent.* Where land is proposed to be subdivided for common-lot-line dwelling units, the sketch plan, the minor development plat, the preliminary plat, and/or the final plat shall bear the following notation indicating such intent: "This subdivision was approved as a common-lot-line development and, as such, complies with all provisions of the City of Urbana's Land Development Code."

- (C) *Application and Procedural Requirements.* The subdivision and development of lots for common-lot-line dwelling units shall conform to the application and procedural requirements found in Article II of this Chapter.
- (D) *Required Maintenance Agreement.* A request for approval of a subdivision for common-lot-line dwelling units shall be accompanied by a form of agreement by and between the owner(s) and future owner(s) to own, use, maintain, rent, or otherwise occupy the common-lot-line dwelling units. This maintenance agreement shall provide for the following:
- (1) All appropriate signatures and certificates with signature of notary;
  - (2) Rules and regulations regarding the maintenance, upkeep and repair of the building(s) or structure(s), all common areas (if any), stormwater holding basins, roof and all areas of pavement surfaces including sidewalks, drives and off-street parking facilities and similar improvements;
  - (3) Party wall easements for all common walls located between the common-lot-line dwelling units;
  - (4) Repair and maintenance of any common service sewers providing for necessary easements of ingress and egress for any existing common lot line subdivisions;
  - (5) Insurance to cover the structure(s) and, if desired, homeowner's insurance for each individual dwelling unit or public liability insurance;
  - (6) For townhouse or row house units, the establishment of a governing board, and dues and assessments, for the preservation and maintenance of all common or other facilities which may be perfected by a lien on individual dwelling units of the structure(s) if the same remain unpaid;
  - (7) Covenants to assure the repair and reconstruction of any damaged common-lot-line dwelling unit(s) to a condition and style consistent with the architectural style of the other common-lot-line dwelling unit(s) remaining in the structure;
  - (8) Covenants and/or easements providing for reasonable ingress and egress for general repairs, utility connection and repairs, and maintenance; and
  - (9) A statement requiring replacement of any common sanitary sewer service with separate sanitary sewer service connections and vacation of any easements devoted solely to the common sewer service upon its failure.

***Secs. 21-251 through 21-299. Reserved***



## **ARTICLE III: SITE ENGINEERING PLANS, CONSTRUCTION OF IMPROVEMENTS, BONDS**

### ***Sec. 21-300. Site Engineering Plans for Developments***

- (A) *Site Engineering Plans.* The Developer shall prepare site engineering plans and specifications for all improvements required or regulated by this Chapter and Chapter 6 of the Manual of Practice.
- (B) *Plan sheet dimensions.* See Chapter 6 of the Manual of Practice.
- (C) *Copies:* The Developer shall submit the number and type of copies as specified in Chapters 1 and 6 of the Manual of Practice.
- (D) *City Engineer review and approval.* The Developer shall submit a set of Site Engineering Plans to the City Engineer for review and written approval prior to the commencement of construction of any improvements required or regulated by this Chapter. Along with such plans, the Developer shall submit a completely filled out “Site Engineering Plan Review Checklist”. Said application shall include, but not be limited to, the following:
  - (1) Written requests for variance of minimum materials and construction standards, describing the degree of deviation, and the necessity or advantage of it on a form provided by the City Engineer.
  - (2) A signed statement authorizing the Developer’s engineer to provide complete observation during actual construction to enable said engineer to certify that the required improvements were constructed in substantial accordance with these regulations, the Manual of Practice and the other applicable City ordinances.
  - (3) A completed and signed site engineering plan review checklist as set forth in Appendix D of the Manual of Practice.
- (E) *Floodplains.* When a development or part thereof is located in a flood-prone area as designated by the Federal Emergency Management Agency, the City Engineer may require the Developer to provide at the Developer’s expense, such hydrologic design data and calculations and utility and drainage plans to assure that the development is consistent with the need to minimize or eliminate flood damage, in accordance with Chapter 5, Article XI of this Code.
- (F) *City Engineer review deadline.* The City Engineer will notify the Developer and the Secretary in writing of the approval or disapproval of the engineering plans and specifications and the subsidiary drainage plat and studies. If the engineering plans are disapproved, the City Engineer will notify the Developer within fifteen (15) working days of the date of plan submission, in writing, of the reasons for disapproval. Construction of required improvements shall not commence until the City Engineer has approved, in writing, engineering plans and specifications for said improvements, hydrologic design data as may be required by Subsection (D) of this section and the subsidiary drainage plat and studies.

**Sec. 21-305. Completion and Acceptance of Improvements**

- (A) *Generally.* Improvements required and/or regulated by this Chapter shall be constructed in substantial accordance with approved engineering plans and specifications, the standards, requirements and regulations set forth in this Chapter, the Manual of Practice and the other applicable City ordinances.
- (B) *Improvement modifications.* If, in the course of construction, the Developer wishes to modify the size, type, quantity, and/or locations of any or all of required improvements, the Developer's engineer shall submit a written change request to the City Engineer for review and obtain written approval prior to proceeding with installation of the modified improvement.
- (C) *City Engineer notification.* The Developer or Developer's engineer shall notify the City Engineer of the commencement, suspension, or resumption of work at least one (1) working day prior to the commencement, suspension, or resumption of such work. The requirement shall not apply to work suspended due to adverse weather conditions. In the event that the Developer or Developer's engineer fails to comply with this requirement, the City Engineer is hereby authorized to take whatever steps may be necessary to ensure that work performed complies with approved engineering plans and specifications, the standards set forth in these regulations, and applicable city ordinances.
- (D) *Recording deadline.* The Development shall have all public improvements completed and accepted or construction performance bond approved prior to the recording of the final plat. The final plat must be recorded in the period specified in Sections 21-230(F) and (G).
- (E) *Failure to complete.* If a construction performance bond is required but not approved, or the required public improvements have not been constructed and accepted by the City within one hundred eighty (180) consecutive calendar days of the date of approval of the final plat, the approval of such plat is automatically withdrawn and void unless the City Council approves an extension of the deadline for specified time.
- (F) *Maintenance Bond.* The Developer shall file a Maintenance Bond as provided by Section 21-330 of this Chapter prior to the City's acceptance of the public improvements.

**Sec. 21-310. Public Improvements Construction Performance Bond**

- (A) *Construction Performance Bond amount.* The Construction Performance Bond shall be in the amount as specified in the Manual of Practice, which shall be estimated by the Developer's engineer and approved by the City Engineer.
- (B) *Construction deadline.* The Construction Performance Bond shall require the Developer to complete or cause to be completed all bonded public improvements, in accordance with the approved Site Engineering Plans and applicable city ordinances, resolutions, and codes, within the time period listed in the Manual of Practice. Approved city bond forms must be used, as specified in the Manual of Practice.

- (C) *Surety.* Said Bond shall be secured by one or more of the methods specified in the Manual of Practice.
- (D) *Bond approval deadline.* The deadline for the City Engineer and City Attorney to review and approve or reject the Construction Performance Bond shall be as specified in the Manual of Practice.
- (E) *Failure to meet deadline.* If the Developer fails to complete all bonded public improvements within the period specified in subsection (B) of this section, the City may complete such work, using the proceeds of the bond. Thereafter, the City shall return the balance of the unused proceeds of the bond, if any, to the Developer.

**Sec. 21-315. Observation and Inspection of Public Improvements**

- (A) *Generally.* Actual construction of all public improvements required or regulated by this chapter shall be observed by competent and qualified personnel employed by and under the direction of the Developer's engineer and shall follow the observation procedures specified herein and in the Manual of Practice. The observation efforts specified herein shall be provided to the extent as specified in the Manual of Practice and shall serve to provide better assurance to the Developer and to the City that all constructed work complies with the City-approved Site Engineering Plans and these regulations.
- (B) *Engineering tests.* Either an independent testing laboratory, the Developer's engineer, or qualified personnel employed by the Developer's engineer shall perform the required tests of this Chapter at the Developer's expense. The Developer shall direct the testing agent to mail, email, or deliver results of required tests to the City Engineer immediately on completion of the test, and no test results are to be withheld from the City Engineer.
- (C) *Required documents.* Upon completion of construction of required improvements, the Developer's engineer shall deliver to the City Engineer:
  - (1) All required test data not previously forwarded to the City Engineer.
  - (2) A signed and sealed "Engineer's Certificate" that conforms to the Manual of Practice, in both form and content.
  - (3) With approval of the City Engineer, said certificate may certify to the completion of a portion of the improvements with specifically stated exceptions for which a Construction Performance Bond shall be filed or retained in accordance with Section 21-320.
- (D) *City's Final Inspection.*
  - (1) Within two (2) weeks, weather permitting, of receipt of all documentation required in the preceding subsection, the City Engineer shall conduct a final inspection of the required improvements. If the improvements conform to the approved Site Engineering Plans and this Chapter, the City Engineer shall certify this acceptance in writing.

- (2) The City Engineer will give written notification of said approval to the Developer, the Secretary of the Plan Commission and the City Clerk, and the Construction Performance Bond shall be released in accordance with Section 21-325.
- (E) *Record Drawings.* The Developer shall submit to the City Engineer one (1) complete set of “Record Drawings” plans, each sheet of which is clearly marked “Record Drawing” in the lower right corner. The Record Drawings shall depict the actual construction on the date of submittal of the plans and shall be in accordance with the Manual of Practice. Record Drawings shall also be submitted in an electronic format in accordance with the Manual of Practice.
- (E) *Notification of acceptance.* Following approval of improvements, the City Engineer shall notify the appropriate township road superintendent, in writing, that the City has accepted the improvements.

**Sec. 21-320. Defects**

- (A) *City Engineer rejection.* The City Engineer is authorized to reject any construction which fails to conform to the approved plans and specifications of this Chapter and the Manual of Practice.
- (B) *Defects in Public Improvements.* In the event that there are defects in the construction of the public improvements as determined from the final inspection by the City Engineer, the City Engineer will give written notification to the Developer of those defects and repairs to be made. If there is a disagreement about the defects, the Developer and the City Engineer shall agree upon a third independent engineer. The third engineer shall inspect the public improvements and prepare a report outlining the defects, if any, their probable cause, and the proposed method of repair. The reported findings of the third engineer shall be binding on the Developer and the City. The defect to which the third engineer’s report is related shall be repaired or reconstructed by the Developer, as recommended in said report, at the expense of the Developer. The City and Developer shall share equally the cost of the third engineer’s services. The construction performance bond may be released or reduced by the City, as the case may be, in accordance with Section 21-325, upon completion of the repairs and submittal of the following:
  - (1) Results of any further engineering tests performed; and
  - (2) Any changes in the Record Drawings that have been previously submitted;
  - (3) A listing of the materials suppliers and subcontractors which the Developer utilized in constructing the public improvements portion of the Development, along with a signed and notarized Final Lien Waiver from each said parties, indicating that all supplier and subcontractor bills for the public improvements have been paid by Developer and that the Development is not subject to a property lien; and
  - (4) Maintenance Bond.

**Sec. 21-325. Release**

- (A) *Generally.* Upon completion and acceptance by the City of all required public improvements including the requirements of the Manual of Practice, and submission of the final Record Drawings and Maintenance Bond, the City Engineer and City Attorney shall release the Construction Performance Bond.
- (B) *Release of Bond.* In the event that said public improvements are constructed in part, the City Engineer and City Attorney may release a Construction Performance Bond posted under this section upon the filing of an identical bond in a lesser amount, but not less than ten thousand dollars (\$10,000) or ten percent (10%) of the original bond amount, whichever is greater. However, a substitute bond may be issued for a shorter or longer period of time if the City Engineer so determines.
- (C) *Bond release.* Regardless of any other provision of this section, the City Attorney may release any development construction performance bond or PUD bond upon the recommendation of the City Engineer.

**Sec. 21-330. Public Improvements Maintenance Bond**

- (A) *Bond time limit.* The Maintenance Bond required by subsection (F) of this Section shall be filed with the City Engineer on an approved bond form, as provided in the Manual of Practice. Said bond shall be for a term as specified in the Manual of Practice. The bond shall, by its terms, guarantee the repair of any defects or failures appearing in the construction of the public improvements required to have been built under the approval granted to the development under this section.
- (B) *City Engineer Maintenance Bond Inspection.* The City Engineer and/or an authorized designee will conduct a Final Inspection of the public improvements within the timeframe listed in Chapter 7 of the Manual of Practice. The City Engineer will notify the Developer of the date, time, and place of the Final Inspection visit, as prescribed in Chapter 7 of the Manual of Practice. If such public improvements are, in the City Engineer's opinion, free of defects, the City Engineer will certify as such, as prescribed in Chapter 7 of the Manual of Practice.
- (C) *Third Engineer.* If defects in construction are found during the Final Inspection, the City Engineer will give the Developer written notification of those defects and the repairs to be made, as prescribed in Chapter 7 of the Manual of Practice. If there is a disagreement between the Developer and the City Engineer about said defects, the resolution of said dispute shall be made as prescribed in Chapter 7 of the Manual of Practice.
- (D) *Developer response deadline.* After receiving the Final Inspection report from the City Engineer, the Developer shall cause to be repaired any defects or failures in the construction of the public improvements, or promptly and without unnecessary delay, agree to retain the third engineer as provided herein. The time limit to complete the repairs ordered by the City Engineer or found to be needed by the third engineer shall be as prescribed in Chapter 7 of the Manual of Practice. No extension to this time limit or partial releases will be allowed. If such repairs are not fully completed by the time limits as prescribed in Chapter 7 of the

Manual of Practice, the City Engineer will promptly cause such repairs to be made and shall charge such against the maintenance bond posted.

- (E) *Performance failure.* Failure of the Developer to complete the repairs within the time prescribed in Chapter 7 of the Manual of Practice shall be deemed to be an authorization to the City to complete the repairs. The proceeds of the bond shall be used to pay for all the costs of such repairs undertaken by the City, to the extent prescribed in Chapter 7 of the Manual of Practice.
- (F) *Bond amount.* The maintenance bond shall be in the amount as stipulated in the Manual of Practice. The Developer's engineer's estimated cost of construction in calculating the bond amount is subject to the City Engineer's review and approval.
- (G) *Authorized surety.* A maintenance bond shall secure the City in the same manner as a construction performance bond as stipulated in the Manual of Practice.
- (H) *Bond release.* The City Engineer and City Attorney will release maintenance bonds and the surety thereon, if any, upon certification from the City Engineer that all public improvements are free of defects in construction and that the conditions of the bond have been satisfied.

***Secs. 21-331 through 21-399. Reserved.***

## ARTICLE IV. MINIMUM DESIGN STANDARDS

### ***Sec. 21-400. Design of Streets***

#### (A) *General.*

- (1) All new streets shall comply with the minimum standards set forth in the Manual of Practice.
- (2) Each buildable lot within a new development shall abut a street. Private streets in new developments may be permitted only in a planned unit development or mobile home park.
- (3) All streets shall be located, designed, and constructed to integrate with the existing and proposed system of streets as established in the comprehensive plan and in the Manual of Practice.
- (4) Developments must be contiguous with a dedicated public right-of-way, to which the proposed Development will connect. Developments which are not contiguous with a public right-of-way and/or which rely on ingress-egress easements through other platted private properties in order to gain access to public rights-of-way are prohibited.
- (5) Where a new Development proposes a new intersection or modifications to an existing intersection, the proposed geometrics and traffic control of the intersection shall be based on an intersection capacity analysis and designed according to the requirements of the Manual of Practice.

#### (B) *Street Arrangement.*

- (1) Streets should be related appropriately to topography. All streets shall be arranged so as to obtain as many of the building sites as possible at, or above, the highest elevation of the street curb abutting the lot.
- (2) Where a development abuts or contains an existing or proposed arterial street, direct access to such street shall conform to Chapter 9 of the Manual of Practice and shall be limited in one or more of the following ways:
  - (a) Subdividing lots with rear lot lines along the arterial and front lot lines along a parallel local or collector street; lots would have no direct access to the arterial.
  - (b) Subdividing lots with front lot lines along the arterial and parking accessed by a rear alley; lots would have no direct access to the arterial.
- (3) Arrangement of streets shall comply with Chapter 8 of the Manual of Practice.

- (C) *Cul-de-Sac Streets.* Cul-de-sac streets shall be designed and constructed in accordance with Chapter 8 of the Manual of Practice.

***Sec. 21-405. Design and Arrangement of Sidewalks, Mid-Block Walks, Bikeways, Lots and Blocks***

(A) *Sidewalks*

- (1) Sidewalks or multi-use paths shall be provided along both sides of the street in all areas of development, except when the Administrative Review Committee defers this requirement in accordance with Section 21-215 of this Chapter. See Chapter 11 of the Manual of Practice for further requirements.
- (2) The minimum width of sidewalks shall be as specified in the Manual of Practice.
- (3) Mid-Block walks shall be as specified in the Manual of Practice.

(B) *Design and Arrangement of Bikeways.*

- (1) Bikeways shall be required where indicated by the Urbana Bicycle Master Plan's Recommended Bicycle Network and the Champaign County Greenways and Trails Plan, as amended. In the event of a conflict, the Urbana Bicycle Master Plan, as amended, shall prevail.
- (2) Minimum construction and dimensional standards shall be in accordance with the currently adopted Urbana Bicycle Master Plan except when the administrative review committee determines that site conditions warrant alternate improvement standards. The decision of what appropriate alternate standard shall be used is at the discretion of the City Engineer.
- (3) The Administrative Review Committee may defer construction of bikeways until a later date in accordance with Section 21-215 of this Chapter.

(C) *Design and Arrangement of Lots.*

- (1) Proposed lot shapes and layouts shall be designed so that buildings may be placed in compliance with the Zoning Ordinance.
- (2) Lot dimensions shall conform to the standards of the Zoning Ordinance.
- (3) In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.
- (4) Corner lots for residential use shall have sufficient width to permit appropriate building setbacks from and orientation to both adjoining streets.



- (5) Lot depth and lot width of lots on properties reserved or designed for commercial or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for the type of use and development contemplated, as established in the applicable Zoning Ordinance. Residential lots shall each have a depth that is no greater than three times the width.
  - (6) Double-frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets or when desirable because of specific limitations of topography and orientation. Lots shall not derive direct access from an arterial street.
  - (7) Where permitted under applicable zoning regulations, flag lots may be permitted when a block containing two tiers of lots is not practical due to abutting waterways, topography, or existing surrounding approved subdivision or development patterns; and a street cannot reasonably serve the portion of the property intended for flag lots. The following minimum design requirements shall be observed for all flag lots:
    - (a) The width of the access portion of the lot connecting to the street shall be a minimum of twenty (20) feet;
    - (b) The length of the access portion of the lot shall not exceed three and one-half (3½) times the lineal distance of the minimum lot width of the zoning district the lot is to be located in (see the Illustration titled “Example of Flag Lot Dimensions,” in Appendix C of the Manual of Practice); and
    - (c) Each access portion of any flag lot shall be separated from the access portion of an adjoining flag lot by at least the minimum lot width of the zoning district it is to be located in, measured along the street frontage.
- (D) *Design and Arrangement of Blocks.*
- (1) The lengths, widths, and shapes of blocks shall be determined with due regard to:
    - (a) The provision of adequate building sites suitable to the special need of the type of use contemplated;
    - (b) The need of convenient access, circulation, control and safety of street traffic;
    - (c) The limitations and opportunities of the existing topography; and
    - (d) The development standards of the Zoning Ordinance.

- (2) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this rule shall be permitted for blocks abutting arterial streets, waterways, parks and unusual topographic or special design features of the development.
- (3) Block lengths shall not exceed one thousand (1,000) feet and not be less than two hundred forty (240) feet. The Plan Commission may permit exceptions to the minimum and maximum lengths if these limitations prove to be impractical due to terrain or a more desirable alternative block arrangement.

**Sec. 21-410. Right-of-Way and Easement Dedications**

- (A) When the Developer owns the land on both sides of a proposed street, the entire right-of-way for the street shall be dedicated by the Developer except in a planned unit development, in which case the Plan Commission shall recommend to the Corporate Authorities which streets shall be dedicated to the public, if any.
- (B) When the Developer owns the land on only one side of an existing right-of-way, and the existing right-of-way is narrower than these regulations or the Comprehensive Plan requires, the Developer shall dedicate the additional right-of-way as necessary to provide at least one-half (½) of the required right-of-way width.
- (C) Developers shall dedicate any required rights-of-way for streets and alleys, in accordance with the standards set forth in the Manual of Practice and the Comprehensive Plan.
- (D) When the proposed development contains a street that adjoins an existing street, and the required right-of-way and roadway width shown in the Manual of Practice is not equal to the existing street, the Developer shall provide for equal width or for a gradual narrowing or widening of the roadway and right-of-way, whichever the City Engineer deems appropriate. The length of this transition would generally be no more than one (1) block in order to provide for a smooth transition between the existing and proposed roadway width.
- (E) Minimum right-of-way requirements for cul-de-sacs are set forth in Section 21-400 of this Chapter.
- (F) *Location and width of easement dedications for utilities:* In general, utilities shall be placed within publicly dedicated streets or alley rights-of-way. However, where in the City Engineer's opinion such placement is impossible or impractical, the City Engineer may, in their discretion, authorize placement of utilities within a permanent utility easement dedicated to the City. Such permanent easements shall be called out on the plat as a "general utility easement", unless a dedicated utility easement is approved by the City Engineer. All permanent utility easements shall be located abutting to and parallel with the street right-of-way. Easements alongside or rear lot lines are permitted only with prior City Engineer approval. The width of easement dedications for utilities shall be as specified in Chapter 15 of the Manual of Practice.

- (G) *Dedication other than by Final Plat:* The City Engineer is authorized to accept on behalf of the City dedications of rights-of-way and public easements within the City not arising from the Corporate Authorities' approval of final plats. Such acceptance shall consist of the signature of the City Engineer on the deed of dedication and shall be effective upon recording of the deed and any required supporting documents.

**Sec. 21-415. Design of Alleys**

- (A) As part of a multi-family residential, commercial or industrial development, the City Engineer may require that the Developer improve or construct an alley used as secondary access for the Development, if deemed necessary for traffic and pedestrian safety and secondary access for the development. Such alleys shall be constructed in accordance with City-approved plans.
- (B) All alleys shall be extended to connect with streets, except that for reasons of traffic and pedestrian safety, alleys that might otherwise be interconnected with commercial or industrial collector or arterial streets may be required to terminate with a permanent turn-around as recommended by the Administrative Review Committee.
- (C) Minimum design standards for alleys are set forth in the Manual of Practice. Alleys shall be constructed in accordance with Section 21-510 of this Chapter and the Manual of Practice.

**Sec. 21-420. Names of Streets, Street Signs, Traffic Control Devices**

- (A) Streets which align with or continue existing streets shall bear the name of the existing street. New street names shall not duplicate or closely resemble the names of streets already existing in the City, City of Champaign, Village of Savoy, or within one and one-half (1½) miles from any of these municipalities. New street names shall be formed in the English language, shall use the English language alphabet letterings and shall be, in the City Engineer opinion, easily pronounceable. Following the review for compliance with this section by the Champaign County Emergency Management Agency (EMA), all street names shall be subject to final approval by the City Engineer.
- (B) *Street name signs.* The Developer shall furnish and install street name signs as specified in the Manual of Practice and as required by the City Engineer, at the Developer's expense. Street signs for private streets shall have black letters on a white background, and the words "private street" shall be printed on the bottom of the sign.
- (C) *"No Parking" and other signs.* The Developer shall furnish and install "No Parking" and other signs as specified in the Manual of Practice and as required by the City Engineer. Whenever such signs are required to be erected within the city's extraterritorial jurisdiction, the City Engineer shall coordinate with appropriate Champaign County officials to ensure that placement of such signs will permit enforcement of no parking zones under Champaign County ordinances.

- (D) All traffic control devices shall comply with the Illinois Department of Transportation’s *Illinois Manual on Uniform Traffic Control Devices (IMUTCD)*, as amended, and the Manual of Practice.

**Sec. 21-425. Sanitary Sewers**

- (A) No development shall be approved unless the Developer provides for and guarantees construction of a sanitary sewer system adequate to serve the needs of the Developer’s entire development at no cost to the City, when the same is fully developed in accordance with the provisions of subsection (C) of this section. The sanitary sewer system shall be designed to meet the needs of the entire sub-basin drainage area as shown in the June 1981 Greeley and Hansen “Report on the Sanitary Sewer System” for the City, any current Urbana & Champaign Sanitary District (UCSD) Master Plans and/or any updates thereof. A PDF copy of said report can be obtained from UCSD by contacting the District’s Engineering Department, as listed in Appendix I of the Manual of Practice. The location and design of the proposed sanitary sewer system components, including any proposed lift station(s), are subject to the approval of the City Engineer, the Illinois Environmental Protection Agency, the Corporate Authorities, and the UCSD. In cases where the development lies outside the corporate boundaries of the UCSD, the facilities are subject to the approval of the Champaign-Urbana Public Health District instead of the UCSD.
- (B) Sanitary sewers shall be constructed in accordance with the standards set forth in Chapter 18 of the Manual of Practice prior to the issuance of any service connection permit.
- (C) All major developments, as defined in Section 21-115 of this Chapter, and located in whole or in part within the UCSD facility planning area, shall provide functional public sanitary sewer service laterals in accordance with Sections 24-36 and 24-37 of Chapter 24 of the Urbana City Code, Chapter 18 of the Manual of Practice and the following table:

<b>Proposed Residential Dwelling Units (DU)*</b>	<b>Distance to existing sewer</b>	<b>Requirement</b>
1 to 10 DU	0 to 300 feet	Connect to public sanitary sewer system
1 to 10 DU	>300 feet	Future sewer connection requirements
11 to 35 DU	0 to 350 feet	Connect to public sanitary sewer system
11 to 35 DU	>350 feet	Future sewer connection requirements
36 to 65 DU	0 to 500 feet	Connect to public sanitary sewer system
36 to 65 DU	>500 feet	Future sewer connection requirements
66 to 100 DU	0 to 750 feet	Connect to public sanitary sewer system
66 to 100 DU	>750 feet	Future sewer connection requirements
101+ DU	0 to 1,000 feet	Connect to public sanitary sewer system
101+ DU	>1,000 feet	Future sewer connection requirements
<i>*Or equivalent discharge flow rates.</i>		

In cases where there will be future sewer requirements for a development, each of the following criteria must be met:

- (1) A sanitary sewer system must be designed and the plans for it approved by the City Engineer and the UCSD; and
  - (2) Easements shall be provided in accordance with the easement sizing requirements in Chapter 15 of the Manual of Practice; and
  - (3) The Developer shall provide an on-site disposal septic or similar system if a State of Illinois permit is obtained from and approved by the Champaign-Urbana Public Health District. The on-site system shall be configured so that any piping can be disconnected from the on-site system and routed to the public sewer system as described in subsection (C)(1) of this section. The Developer shall utilize the system approved by the permit until such time as a connection to a public sanitary line is established.
- (D) When sanitary sewage or potential sanitary sewer servicing needs from areas outside the development necessitate the construction of sanitary sewers of a larger size or depth than the development needs, the City, with the Developer and/or abutting benefiting property owners, may consider and determine the terms and conditions thereof and may enter into recapture agreements to set forth financing and contractual repayment arrangements for the installation of any additional size or depth of sanitary sewers. Such agreements are subject to the Corporate Authorities' approval. If the development is outside the City limits, such reimbursement shall be made when the entire development is annexed or at such other time as approved by the Corporate Authorities.
- (E) If one or more sewage lift stations are needed to provide gravity sanitary sewer service for the Development, the Developer shall be completely responsible for the design, construction and cost of said pump station(s) in accordance with the Manual of Practice,

contingent upon City and UCSD approval and contingent upon the design complying with UCSD's long-term planning.

**Sec. 21-430. Stormwater Management; Storm Sewers and Other Drainage Facilities**

- (A) *Storm sewers.* All new streets shall be constructed with inlets and underground drainage facilities with sufficient design capacity to transport surface water falling or draining onto the streets as required by Chapter 17 of the Manual of Practice. The Developer's engineer shall submit calculations showing compliance with these regulations.
- (1) The City Engineer may approve alternate drainage systems if a detailed engineering study performed by an engineer demonstrates that the alternate drainage system provides a level of service equal to the standard required without increasing maintenance and operating costs to the City.
  - (2) A sump pump discharge service line shall be provided for each lot, for all developments. Each said sump pump discharge service line shall extend from the main public sump pump discharge collection line to each lot's property line. Said service line will be extended into the lot and its structure when the structure to be served is actually built.
  - (3) The Developer shall maintain temporary drainage courses and structures that are not in the public right-of-way and/or are not part of the proposed development which are necessary to protect the public from flood risk until they are replaced with permanent facilities.
  - (4) When an existing open ditch drainage course within the proposed development abuts an existing closed conduit system upstream or downstream, the Developer shall extend the existing conduit system in full compliance with this Chapter. The Developer shall pay the cost for the pipe size necessary to convey the drainage for the proposed development, and the City shall pay for any pipe upsizing beyond this requirement.
  - (5) No plat of any development shall be approved unless the Developer provides for and guarantees the construction of a storm sewer system adequate to serve the needs of the area when it is fully developed as proposed in the general area plan or, if no general area plan is required, the area covered by the development plat at no cost to the City. The location and design of the storm sewer system are subject to the City Engineer's approval. Stormwater management facilities shall be designed to facilitate the effective and efficient operation of stormwater facilities of abutting areas of the same watershed and to minimize operation and maintenance costs.
- (B) *Stormwater management plan.* No development shall be approved unless the City Engineer approves a stormwater management plan which attenuates the acceleration of runoff due to development.

- (1) Except as provided in this subsection, a stormwater management plan shall be required for:
  - (a) All non-residential developments;
  - (b) Residential developments of five (5) or more acres gross aggregate land area, including roads, utility rights-of-way, and any other dedicated lands; and
  - (c) Residential developments of fewer than five (5) acres when the amount of proposed impervious surface is greater than fifty percent (50%) of the total area of development. The measurement of an impervious area shall include all of the impervious areas in the total proposed development, even if development is to take place in stages or phases. For any development taking place in stages or phases, the entire development plan must be used in determining conformance with this Chapter.
- (2) Exemptions:
  - (a) Developments of fewer than two (2) acres located in the City's B-4 Central Business Zoning District, B-4E Central Business Expansion District, or MOR Mixed-Office Residential District shall be exempt from these regulations as long as capacity in the storm sewer system serving this area exists.
  - (b) For developments equal to or greater than two (2) acres in area in the B-4, B-4E, or MOR zoning district, the City Engineer may waive stormwater management plan requirements when the Developer can demonstrate through a study prepared by or under the supervision of an Illinois-registered professional engineer that no adverse impact will occur and that controls are unnecessary. Said engineer shall, in the City Engineer's opinion, be experienced in stormwater management engineering.
  - (c) For developments abutting the Boneyard Creek, Saline Ditch, McCullough Creek, or Saint Joseph Drainage Ditch that can direct discharge the 50-year post-development design storm, the City Engineer may waive stormwater management plan requirements when the Developer can demonstrate through a study prepared by or under the supervision of an Illinois-registered professional engineer that no adverse impact will occur due to the development and that no additional controls are necessary. Said engineer shall, in the City Engineer's opinion, be experienced in stormwater management engineering.
- (3) The stormwater management plan shall be prepared by an engineer in accordance with Chapter 19 of the Manual of Practice.

- (4) Stormwater holding basins and appurtenances shall be designed in accordance with Chapter 23 of the Manual of Practice.
- (C) *Cooperative drainage structures.* Whenever possible, developers are encouraged to construct stormwater storage facilities which serve more than one development. In cases where the Corporate Authorities deem this beneficial, the City may consider and determine the terms and conditions of a recapture agreement to establish financing and contractual repayment arrangements for the construction of a detention or retention facility designed to serve the subject development and adjoining properties. The agreement is subject to the Corporate Authorities' approval. If the Development is outside the City Limits, such reimbursement shall be made when the entire development is annexed or in compliance with other terms and conditions approved by the Corporate Authorities.
- (D) *Recapture agreements.*
  - (1) When runoff from other areas outside the Development necessitates construction of storm sewers of a larger size or greater depth than is required by the Manual of Practice, the City, with the Developer and/or abutting benefitting property owners, may consider and determine the terms and conditions thereof and may enter into recapture agreements to set forth the financing and contractual repayment arrangements for the installation of any oversized storm sewers during the initial phase of the Development. Such agreements are subject to the Corporate Authorities' approval. If the Development is outside the city limits, such reimbursement shall be made when the entire Development is annexed or in compliance with other terms and conditions approved by the Corporate Authorities.
  - (2) The Developer shall pay the cost of constructing and installing all elements of the drainage facility required to manage the existing stormwater runoff being accepted on site. The location and sizing of the drainage facility elements are subject to City Engineer approval, in accordance with generally accepted engineering and drainage solutions.
- (E) *Sump Pump Discharge Collection Lines.* Said lines are required when primary drainage facilities (storm sewers) are not abutting the lot to provide for individual storm sewer service connections, in accordance with subsection (A) (2) of this section. Individual sump pump discharge service lines shall not discharge to either sanitary sewers or to the ground surface, except if so permitted in the Manual of Practice. The City Engineer shall determine the need for the provision of the facilities and, when required, the Developer shall provide said facilities in accordance with Section 21-515 of this Chapter and Chapters 17 of the Manual of Practice.



(F) *Drainage Easements and Access.*

- (1) If the City has agreed to assume ownership, maintenance and operation of any stormwater holding basins, permanent easements for the detention, retention, and conveyance of stormwater, including easements of ingress-egress access to structures and facilities, shall be dedicated to the City.
- (2) If the Urbana Park District, UCSD, a drainage district, or other public body has agreed to assume ownership, maintenance, or operation of said stormwater detention or retention facilities, or any part thereof, and the Corporate Authorities have approved an agreement providing for said ownership, maintenance, or operation, then permanent ownership or easements shall be granted to the responsible public body. If a developer, maintenance corporation, homeowners' association, or other private entity, has agreed to assume ownership, maintenance, or operation of said detention or retention facilities, or any portion thereof, and the Corporate Authorities have approved an agreement providing for said ownership, maintenance, or operation, then permanent ownership or easements shall be granted to the responsible private entity.
- (3) The City, in all cases, will be granted perpetual access to all sites.

(G) *Construction performance bonds.* Upon approval of the stormwater management plan, but before the issuance of a building permit or the recording of the subdivision plat, the City Engineer will require the applicant to post a Construction Performance Bond in accordance with Section 21-310 of this Chapter for any public improvements.

(H) *Construction of Stormwater Holding Facilities.*

- (1) Stormwater holding facility construction shall comply with Chapter 23 of the Manual of Practice and Chapter 6.5, Article II, of the City's Code of Ordinances.
- (2) *Construction timing.* Detention or retention facilities in a particular watershed basin shall be constructed in the early stages of development to minimize excess flow during construction and to collect sediment, top soil and other construction related materials which could flow into the drainage system during development.
- (3) Upon the completion of the Development, the detention or retention facilities shall be restored to the original cross section illustrated on the Site Engineering Plans that the City Engineer has previously approved. The City Engineer shall approve the manner and disposition of any soil and sediments deposits removed from the facility. The bond for the Development will not be released until the City Engineer has certified that the stormwater holding basin has been restored to its original design cross section.
- (4) If parking lots or other stormwater holding facilities are not available at the initiation of construction, the Developer shall provide alternatives to minimize

flooding and degradation of water quality until the permanent stormwater holding facilities are constructed.

- (I) *Maintenance agreements.* Stormwater management maintenance agreements for subdivisions and developments shall comply with Chapter 23 of the Manual of Practice.
- (J) *Obstruction of drainage.* Disposal of grass clippings, trash, debris, obstructions or unwanted materials into the storm sewers, storage basins, or within or along stormwater channels or in abutting floodplain areas which may wash into sewers and channels shall be prohibited and shall be subject to penalties as provided for in Section 1-10 of the City Code of Ordinances.
- (K) Low impact development (LID) principles, as defined in Chapter 27 of the Manual of Practice, are recommended for incorporation into new developments within the City and its extraterritorial jurisdiction. Incorporation of these principles may require approval of variances of development ordinance standards or planned unit development approval to allow for non-standard lot or street configurations or alternative stormwater management facilities; minimum design standards for stormwater holding storage requirements must be met. LID principles include:
  - (1) Conserve natural areas wherever possible;
  - (2) Minimize the development impact on natural hydrological flow;
  - (3) Maintain or decrease stormwater runoff rate and duration from the site;
  - (4) Scatter integrated management practices (decentralized, microscale controls that infiltrate, store, evaporate, and/or detain runoff close to the source) throughout the site; and
  - (5) Implement pollution prevention, proper maintenance, and public education programs.

#### **Sec. 21-435. Sewer and Utility Location**

In order to optimize the delivery of services to City residents and businesses, sewers and utilities should be located in such a fashion that reduces unnecessary construction, land disturbance, and land consumption, while providing adequate capacity. Sewers and utilities shall be located, designed, constructed, and modified in accordance with the Manual of Practice.

#### **Sec. 21-440. Minimum Requirements in Flood-prone Areas**

- (A) Critical infrastructure, including but not limited to sanitary and storm sewers, natural gas distribution, electricity transmission, and potable water, should be protected from damage by floodwaters. Stormwater infiltration into these systems can lead to loss of life or limb, property damage, and closed or reduced business operations. Properly locating these systems will minimize the probability of damage and the need to repair or replace these

systems. Potential risks shall be considered by the Developer and the City staff when siting and designing future developments. Necessary hydrologic and hydraulic data and studies shall be provided by the applicant when required.

- (B) The City Engineer or an authorized designee shall review all developments pursuant to Chapter 5, Article XI, of the City’s Code of Ordinances, to assure that proposals are consistent with the need to minimize or eliminate flood damage. Utilities such as sewer, gas, electric and water shall be located so as to minimize or eliminate flood damage. The Developer’s engineer shall show such special treatment to utilities on a utilities plan when any part of a proposed development lies within a flood hazard area pursuant to Chapter 5, Article XI of the City’s Code of Ordinances.

#### ***Sec. 21-445. Earthwork Standards***

- (A) Earthwork standards include design and construction standards for various land disturbance and grading activities. These standards are designed to protect the structural integrity of developments and the land upon which they are constructed, as well as to protect the natural processes, including but not limited to hydrologic, biologic, and geologic processes, that occur within the earth’s surface layers and are impacted by development activities. This Chapter addresses the need to provide standards for earthwork activities, including but not limited to requiring minimum thicknesses of topsoil applications, limiting slope gradients, and maintaining historical drainage patterns.
- (B) Earthwork shall be in performed in accordance with Chapter 6.5, Article II, of this Code and Chapter 21 of the Manual of Practice.
- (C) Finished grades for developments involving earthwork shall meet the requirements of Chapter 21 of the Manual of Practice.

#### ***Sec. 21-450. Water Distribution System Standards***

Water distribution systems are critical for fire suppression, as well as for providing potable water for personal consumption, manufacturing and commercial processing, agricultural and livestock irrigation, recreation, and energy generation. This Chapter addresses the need to provide direction on the proper location, sizing, and installation of water distribution systems for fire suppression, including water mains and fire hydrants, and for sufficient water flow rates. To this end, all proposed water mains and fire hydrants shall be furnished and installed in accordance with the minimum standards contained in Chapter 26 of the Manual of Practice.

#### ***Sec. 21-455. Street Lighting***

- (A) Street lighting is an integral component in the transportation infrastructure, providing the illumination necessary for motorized traffic, cyclists, and pedestrians to see and be seen by other roadway and sidewalk users, reducing the likelihood of injury and property damage. The street lighting network and its luminaires should be properly selected, designed, and installed to minimize areas of over- and under-lighting.

- (B) When new streets are constructed, the Developer shall furnish and install new streetlights and appurtenances as specified in the Manual of Practice to be located within public rights-of-way or permanent utility easements and to be placed at a minimum at every street cross or tee intersection, at the terminus of every new cul-de-sac, and in the vicinity of each new fire hydrant, as specified in the Manual of Practice. Where a fire hydrant is proposed to be placed at an intersection or at the end of cul-de-sac, only one streetlight is required to fulfill this requirement, with the streetlight's distance from said hydrant meeting the requirements of Chapter 13 of the Manual of Practice.
- (C) All street lighting infrastructure shall be furnished and installed in accordance with the minimum standards contained in Chapter 13 of the Manual of Practice.

***Sec. 21-460. Street Trees***

- (A) All new streets within the City Limits and within the extraterritorial jurisdiction shall have street trees, furnished, installed and maintained in conformance with this Section, Chapter 24 of the Manual of Practice and the arboricultural specifications manual adopted pursuant to Chapter 25 of this Code.
- (B) New street tree planting will be accomplished by the City and at the Developer's expense through a per tree payment as set forth in the schedule of fees provided for in Section 14-7 of the City's Code of Ordinances. See Chapter 24 of the Manual of Practice for tree planting requirements.

***Secs. 21-461 through 21-499. Reserved.***

## **ARTICLE V. MINIMUM MATERIALS AND CONSTRUCTION STANDARDS FOR IMPROVEMENTS**

### ***Sec. 21-500. General***

Development and street improvements shall be governed by the relevant state and local regulations, listed in Section 21-125(C), unless otherwise provided in this Chapter.

### ***Sec. 21-505. Streets and Curbs***

- (A) Streets and curbs shall be constructed in accordance with this Code, the Comprehensive Plan, and Chapter 10 of the Manual of Practice.
- (B) Curbs are required on both sides of a street of the type in accordance with the Manual of Practice.

### ***Sec. 21-510. Alleys***

Alleys shall be constructed in accordance with the minimum standards for street pavement design as set forth in this Chapter.

### ***Sec. 21-515. Storm Sewers and Sump Pump Discharge Collection Lines***

Proper design and operation of storm sewer and other drainage facilities, which includes the selection of appropriate materials and adherence to the relevant construction standards, is important to any development. For storm sewers, this includes adherence to Chapter 6.5, Article II, of the City's Code of Ordinances and submittal of a stormwater management plan and construction plans for approval by the City Engineer. Storm sewers and sump pump discharge collection lines shall be constructed in accordance with Chapter 17 of the Manual of Practice.

### ***Sec. 21-520. Sanitary Sewers***

The design, construction, and rehabilitation of sanitary sewers are regulated by several agencies, including the City, the UCSD, and the Illinois Environmental Protection Agency. See the Manual of Practice. Permits may be required for these activities, as well as for performing sewer relocations, repairs and renovations. Sanitary sewers shall be designed and constructed in accordance with Chapter 18 of the Manual of Practice.

### ***Sec. 21-525. Sidewalks***

- (A) Sidewalks, mid-block sidewalks, and multi-use paths shall be constructed in accordance with Chapter 11 of the Manual of Practice, with the following specifications:
  - (1) Sidewalks shall be constructed of Portland cement concrete. The City Engineer may authorize an exception to permit hot mix asphalt pavement to substitute for Portland cement concrete in instances where specialized improvements such as multi-purpose facilities or side paths are proposed.

- (2) The minimum thickness of Portland cement concrete sidewalks and mid-block sidewalks shall be as specified in the Manual of Practice.
- (3) Sidewalks and mid-block sidewalks which abut streets shall be ramped so that street and sidewalk and mid-block sidewalks intersections merge to a common elevation, enabling persons in wheelchairs to travel freely.

***Sec. 21-530. Excavation, Trenches, and Backfill***

Excavation, trenches, and backfill work, including that performed by utility companies, shall comply with the Manual of Practice.

***Sec. 21-535. Monuments and Lot Corners***

- (A) Survey monuments for all developments shall be set in accordance with the Plat Act.
- (B) All lot corners shall be monumented by at least one half (½) inch iron pipe or solid rod at least thirty (30) inches long with an identification cap affixed to the top with the identification of the firm or surveyor setting the monument. If disturbed or lost during construction of public improvements, such monuments shall be replaced by, and at the expense of, the Developer.
- (C) All block corners, each end of all curves, points where curves change radius, all angle points in a line, and two (2) opposite exterior corners of the plat shall be monumented with permanent monuments set in concrete posts, the concrete having a minimum depth of thirty-six (36) inches and a minimum cross section of a four (4) inch diameter circle.
- (D) All monuments shall be set such that they will not be moved by frost.
- (E) The Developer shall notify the City Engineer of any placement of monuments.

***Sec. 21-540. Street Lighting***

- (A) All street lighting shall be designed and constructed in conformance with Chapter 5, Article VI, of the Urbana City Code, Chapter 13 of the Manual of Practice, and the following standards:
  - (1) Street lighting improvements shall consist of the complete installation of an LED (Light-Emitting Diode) lighting system, including full cut-off luminaries or approved alternate, aluminum street lighting standards or approved equivalent, cable in conduit, controls with ground rod, and meters (supplied by a public utility). The system shall not consist of individual lights connected to a public utility but shall be composed of a reasonable number of complete circuits.
  - (2) Each circuit in the street lighting system shall be equipped with a circuit breaker, a disconnect switch and a photoelectrical cell to automatically turn the lights on and off at dark and dawn, respectively, and shall be mounted in a cabinet, the make, model

and type to be as specified by the City Engineer.

***Sec. 21-545. Street Trees***

- (A) The proper selection, installation, and maintenance of trees in the public right-of-way creates a healthy urban forest which increases the value of real property and improves the quality of life for residents and business operators. The location and timing of installation are critical to the long-term viability of the trees and should be completed in consultation with the city arborist. Street trees shall be planted in accordance with Chapter 24 of the Manual of Practice and the arboricultural specifications manual, adopted pursuant to Chapter 25 of this Code.

***Sec. 21-550. Other Public Utilities***

Record Drawings, as defined in Chapter 1 of the Manual Practice shall show locations and actual elevations of existing and proposed utilities as provided by the respective utility company.

***Secs. 21-551 through 21-599. Reserved***

**END OF CHAPTER 21**