

**VILLAGE OF NORTHBROOK SUBDIVISION & DEVELOPMENT CODE**

**ARTICLE I  
GENERAL PROVISIONS**

**SECTION 1-101: SHORT TITLE**

This document shall be known, and may be referred to, as the "Subdivision and Development Code of the Village of Northbrook, Illinois", the "Village of Northbrook Subdivision and Development Code", or if cited herein, "this Code".

**SECTION 1-102: AUTHORITY**

This Code is adopted pursuant to the authority granted to local governments in the State of Illinois by Section 11-12-5(1) of the Illinois Municipal Code, and further by such powers granted to Home Rule Units in accordance with Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois.

**SECTION 1-103: GENERAL PURPOSE AND INTENT**

The purpose of this Code is to establish reasonable design standards and procedures for Subdivision and Development applications within the corporate limits and extraterritorial jurisdiction of the Village and, further, to promote the public health, safety, comfort, morals and welfare of the community.

This Code is further intended to:

- A. Promote the orderly development of the Village and surrounding unincorporated areas in accordance with the Official Comprehensive Plan;
- B. Protect the character and maintain the stability of the Village of Northbrook and surrounding unincorporated areas;
- C. Ensure the proper coordination and installation of streets and other public improvements and utilities;
- D. Provide adequate storm drainage and flood control measures;
- E. Protect valuable natural and cultural resources;
- F. Promote the logical arrangement of lots for future development;
- G. Insure proper legal descriptions and monumenting of subdivided properties; and
- H. Guarantee the construction, inspection, dedication and acceptance of reasonable public improvements.

**SECTION 1-104: JURISDICTION**

The requirements of this Code shall be applicable to any and all Subdivisions or Developments of land within the corporate limits of the Village of Northbrook, as may be modified from time to time, as well as all unincorporated areas within one and one-half (1.5) miles of the corporate limits of

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the Village of Northbrook. Valid and fully executed jurisdictional boundary line agreements between the Village of Northbrook and other municipalities may take precedence in establishing the jurisdiction in unincorporated areas, as authorized by Section 11-12-9 of the Illinois Municipal Code.

### **SECTION 1-105: OFFICIAL COMPREHENSIVE PLAN COMPONENT**

In accordance with Section 11-201 of the Village of Northbrook Zoning Code (1988), as amended, this Subdivision and Development Code is and shall be a part of the "Official Comprehensive Plan" of the Village of Northbrook.

### **SECTION 1-106: CONSISTENCY WITH STATE LAWS REGARDING DIVISION OF LAND**

From and after the effective date of this Code, no lot or tract of land located within the Village of Northbrook or within the area of jurisdiction of the Village of Northbrook shall be divided or redivided in any manner into two or more lesser tracts for building site purposes, without subdividing or resubdividing and platting such tract in the manner provided by the Statutes of the State of Illinois.

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**ARTICLE II  
ADMINISTRATION AND ENFORCEMENT**

**SECTION 2-101: POWERS AND DUTIES OF ADMINISTRATIVE OFFICIALS & BODIES**

**A. Village Manager** The Village Manager shall make and enforce reasonable rules and regulations necessary and appropriate for the administration and enforcement of this Code. In addition to the jurisdiction, authority and duties conferred by other provisions of State Statutes and Village Codes and Ordinances, the Village Manager shall have all powers necessary for such administration and enforcement, and shall, in particular, have the jurisdiction, authority and duties hereafter set forth. The Village Manager, acting on behalf of the Plan Commission and Board of Trustees, shall have the authority, duty and responsibility to do or perform, without limitation, the following:

1. Make staff and consulting assistance available to the Plan Commission and Board of Trustees by attending meetings and performing other functions which are the responsibility of the Village Manager;
2. Inform the Plan Commission and Board of Trustees regarding the relevant facts and information available concerning applications brought before them;
3. Research matters on behalf of the Plan Commission and Board of Trustees and make recommendations related to such topics;
4. Determine whether or not the application requirements of this Code have been satisfied;
5. Distribute copies of the proposed Subdivision and/or Development application materials to appropriate staff and officials and agencies for their study and comments, and forward such comments to the Plan Commission and Board of Trustees for review;
6. Receive, review, file, forward and maintain records of applications under the terms of this Code;
7. Prepare forms and develop procedures in order to achieve the purpose and intent of this Code;
8. Issue orders authorizing the commencement of site and utility work, in compliance with the standards and procedures of this Code;
9. Issue orders to discontinue work in instances of non-compliance with this Code and initiate legal proceedings, as necessary, to secure compliance with these regulations;
10. Review and approve Development Agreements; and
11. Delegate to the Village staff any or all of the duties and responsibilities set forth herein.

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- B. Village Engineer** The Village Engineer shall be responsible for ensuring the proper design and construction of public and private improvements resulting from Subdivision and Development applications. The Village Engineer shall have responsibilities which include, but are not limited to, the following:
1. Receiving, reviewing and approving all final engineering plans, and so certifying the final plat;
  2. Inspecting public and private improvements;
  3. Approving initial guarantee amounts and authorizing reductions in performance guarantees, as specifically authorized in this Code;
  4. Making reports to the Board of Trustees regarding acceptance of public improvements;
  5. Reviewing and approving various utility and highway permit applications; and
  6. Performing other studies and making other determinations, as required by this Code.
- C. Plan Commission** With regard to matters involving this Code, the Plan Commission shall:
1. Conduct public meetings, or public hearings if variation requests are involved, regarding applications for tentative plats, final plats and minor Subdivisions;
  2. Review and recommend to the Board of Trustees approval, approval with conditions, or disapproval of tentative plats, final plats or minor Subdivision applications;
  3. Review and recommend to the Board of Trustees approval, approval with conditions or denial of requests for variations of the provisions of this Code;
  4. Recommend to the Board of Trustees, from time to time, such amendments to this Code as the Plan Commission may deem necessary or advisable; and
  5. Make all other determinations so required by this Code.
- D. Board of Trustees** With regard to matters involving this Code, the Village President and Board of Trustees shall:
1. Refer all Subdivision applications requiring variations to the Plan Commission for a public hearing and recommendation;
  2. Approve, approve with conditions, or deny requests for variations of this Code, following recommendation by the Plan Commission;
  3. Approve or disapprove all tentative plat, final plat and minor Subdivision applications, following recommendation by the Plan Commission;

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4. Approve or disapprove all Subdivision agreements, performance guarantees and other documents required prior to final approval of Subdivision applications;
5. Accept satisfactorily completed public improvements required by this Code;
6. Initiate and approve or deny amendments to the Subdivision and Development Code which may, but need not, involve referral of such amendments to the Plan Commission for recommendation; and
7. Take such other actions as may be required by this Code.

### SECTION 2-102: VARIATIONS OF CODE REQUIREMENTS

Upon application to the Village Manager and payment of applicable fees, variations of the provisions of this Code may be granted, unless otherwise expressly prohibited by this Code, by the Board of Trustees. (*Note: Revised Ord. 06-44*)

- A. Statement of Justification** In applying for a variation of the provisions of this Code, the applicant shall demonstrate in writing that:
1. The requested variation is in keeping with the overall purpose and intent of the Subdivision and Development Code;
  2. The granting of the variation will not be to the detriment of adjacent properties;
  3. The granting of the variation will not be contrary to the public health, safety and general welfare; and
  4. The situation of the applicant is not of a general or recurring nature for similarly situated properties within the Village or its jurisdiction.
- B. Limitations on Variations** No variation granted pursuant to this Section shall relieve the applicant, subdivider or developer from complying with any other applicable local, state or federal regulations.
- C. Conditions May Be Imposed** In authorizing a variation, the Plan Commission may recommend and the Board of Trustees may impose such conditions regarding the location, character and other features of the proposed Subdivision or Development as it may, in its sole and absolute discretion, deem necessary in the public interest, and may require the posting of a performance guarantee to insure compliance with the conditions imposed.
- D. Procedure for Review of Variation Requests** Applications for variations of the provisions of this Code shall be reviewed concurrently with the related Subdivision or Development application, except when such applications require:
1. An initial review of the request by the Board of Trustees prior to forwarding the request to the Plan Commission, as specified in Subsection 3-201 D of this Code; and

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2. A duly noticed public hearing conducted by the Plan Commission, as specified in Subparagraph 3-201 G2 of this Code.

### **SECTION 2-103: AMENDMENTS TO SUBDIVISION AND DEVELOPMENT CODE**

This Code may be amended from time to time by the Board of Trustees, upon enactment of an Ordinance; provided, however, no public hearing shall be required prior to the adoption of such Ordinance. Amendments to the Code may be proposed by parties other than the Board of Trustees or Plan Commission; however, all such applications shall be subject to the fees, as may be established, by the Village of Northbrook, and set forth in the Annual Fee Ordinance.

### **SECTION 2-104: COMPLIANCE AND ENFORCEMENT**

#### **A. Subdivisions**

1. No owner or agent of the owner of any parcel of land located in a proposed Subdivision shall transfer or sell such parcel before a plat of said Subdivision has been approved by the Board of Trustees and filed with the County Recorder of Deeds, or County Register of Title, as appropriate.
2. The division of any lot or any parcel of lands by the use of metes and bounds description, for the purpose of sale, transfer or lease shall be subject to all of the requirements and regulations contained in this Code.
3. No Building Permit shall be issued for the construction of any building located on a lot, plot, parcel or division which is subdivided or sold in violation of the regulations of this Code.
4. No plat of Subdivision shall be approved which does not comply with all applicable provisions of this Code.

#### **B. Development**

1. The Subdivision procedures of this Code shall not be applicable to applications involving only a Development, as defined in this Code. All standards for design, construction, installation and guarantees related thereto for public and private improvements set forth in this Code, the Village Standards and Specifications Manual and all provisions of the Northbrook Municipal Code relating to the design, construction and installation of any such improvements shall, however, be applicable to such Development applications. The owner of any such Development shall submit plans, specifications and calculations demonstrating compliance with all said public and private improvement regulations and provisions to the Village Engineer, and the Village Engineer shall, upon finding that such plans demonstrate such compliance, approve such plans evidencing that fact. No such Development shall be commenced unless approved by the Village Engineer.
2. No building permit shall be issued for construction of any building as part of a Development which has not been approved either as part of a Subdivision or as a Site Plan, as required by the Village of Northbrook Zoning Code (1988), as amended.

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### SECTION 2-105: PENALTIES

In addition to any penalties involving the Subdivision or Development of land established in applicable state and federal regulations, the Village of Northbrook may seek the prosecution of any person who violates any of the provisions of this Code, or agreements related thereto. Each day such violation exists shall constitute a separate offense and, as such, shall be subject to a Village fine or amount set forth in the Annual Fee Ordinance.

### SECTION 2-106: FEES

Reasonable fees, sufficient to cover costs incurred by the Village in reviewing Subdivision and Development applications, shall be paid at the time of such application shall be paid in accordance with this Section.

- A. Non-Refundable Fee and Escrow Deposit** Non-refundable fees and escrow deposits are established in the Annual Fee Ordinance, as amended from time to time. Such fees shall be submitted to the Village Manager at the time of application. The escrow deposit for such purposes shall apply to proposed Subdivisions, re-subdivisions, or Developments of property within the jurisdictional control of the Village of Northbrook.
- B. Recoverable Expenses** From the date of filing an application for Subdivision or Development, as authorized in this Code, the Village Manager shall maintain accurate records of all expenses incurred by the Village in reviewing and acting upon such applications. Expenses incurred by the Village shall be reimbursed by the applicant. Reimbursable expenses may include, but are not limited to:
1. Legal notice in newspaper;
  2. Plan Commission secretarial services;
  3. Village staff time for application review;
  4. Village Attorney fees;
  5. Document preparation and review;
  6. Professional and technical consultant services;
  7. Copy reproduction; and
  8. Document recording.
- C. Deposit Settlement** Prior to the final approval of a Subdivision or Development application, the Village Manager shall detail all applicable expenses involved in reviewing the application and require the payment of any additional monies prior to final action on the application. In the event monies remain, after accounting for applicable recoverable expenses, the Village Manager shall refund the balance of the escrow deposit to the applicant. The refund check shall be accompanied by a statement of expenses incurred. No interest shall be paid on the escrow deposit.

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**ARTICLE III:  
APPLICATION CONTENTS AND PROCEDURES**

**PART I: APPLICATION CONTENTS**

**SECTION 3-101: TENTATIVE PLAT APPLICATION**

Applications for tentative Subdivision plat approval shall include the information required in this Section.

**A. Application Form and Fee**

1. Completed Village application form, accompanied by payment of the fee and escrow deposit, as required by Section 2-106 of this Code.
2. Proposed subdivision name for file identification
3. Description of property location
4. Name(s) and address(es) of owner(s) of record of property, beneficial owners of a land trust, if any, consultant(s) involved in the Subdivision, and the applicant(s).
5. Names and addresses of all property owners of record within 250 feet of property to be subdivided.
6. Permanent Real Estate Index number(s) of property.
7. Identification of any variations requested, and written justification for such variations.
8. Name(s) of School District(s), Park District(s), and Sanitary and Drainage District(s) within which the property is located.
9. If property exceeds two (2) acres in size, evidence of application to the North Cook County Soil and Water Conservation District requesting preparation of a Natural Resources Assessment report.

**B. Specifications of Tentative Plat of Subdivision**

1. General Graphic Standards of Tentative Plat of Subdivision
  - (a) All sheets shall be clearly and legibly drawn at scale not less than 1 foot equals 50 feet, with north arrow, on sheets 24 by 36 inches in size, which shall be clearly labeled "Tentative Plat". If more than one sheet is required to depict the property, a match line and corresponding sheet numbering system shall be provided. The Village Manager is authorized to approve modified standards for the size and scale of the plat, if it is determined that the information required by this Section can more accurately be depicted on a plat of an alternate size and scale.
  - (b) Index of sheets associated with the tentative plat.
  - (c) Vicinity map, clearly indicated on the first sheet of the plat.
  - (d) Block for approval signatures, in a form approved by the Village Manager.
  - (e) The date and name of person preparing the plat, and the dates of all subsequent revisions.
2. General Subdivision Information
  - (a) Identification of all proposed uses of the property to be subdivided.



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- (b) Location, number and approximate dimensions, setbacks and areas of all proposed blocks, lots and outlots within the Subdivision, sufficient to demonstrate compliance with applicable zoning and Subdivision and Development Code requirements.
- (c) Indication of proposed phases or sections within the Subdivision and the order of site development.
- (d) If the proposed Subdivision includes any areas designated in the Official Comprehensive Plan as proposed sites for schools, parks, bike paths, or other public uses, the tentative plat shall include a statement regarding the disposition of such areas.
- (e) Identification of adjoining properties, including names of owners, addresses, lot numbers, Subdivision names, zoning and land uses.
- (f) Existing topography on the property and within 25 feet of the proposed Subdivision, with minimum one-foot (1') contour intervals.
- (g) Any Village, County or corporate boundaries within 25 feet of the property.
- (h) Location of any existing structures on the property and notation regarding whether the structure will be retained as part of the Subdivision.
- (i) Gross acreage of the property, to the nearest one-tenth acre.
- (j) Number of lots proposed.
- (k) Minimum lot area proposed and minimum required by zoning.
- (l) Minimum lot width proposed and minimum required by zoning.
- (m) Minimum lot depth proposed.
- (n) Approximate area, to the nearest one-tenth acre, to be dedicated for public rights-of-way.
- (o) Approximate area, to the nearest one-tenth acre, to be conveyed to a property owners' association as storm water detention area, common open space, outlot, private street right-of-way or other common use or maintenance obligation.
- (p) Approximate area, to the nearest one-tenth acre, to be devoted to lots.
- (q) Gross residential density, as defined in this Code.
- (r) Net residential density, as defined in this Code.

### 3. Transportation and Circulation System

- (a) Location, proposed name(s) and right-of-way width(s) of all existing and proposed streets and cul-de-sacs within and adjacent to the property, and the government agency with jurisdiction, if other than the Village.
- (b) Location and width of all existing and proposed sidewalks, trails and bike paths within and adjacent to the property.
- (c) Identification of proposed improvements to existing streets, intersections and rights-of-way within the property or contemplated as part of the improvements related to the Subdivision.
- (d) Identification of any proposed lots that will have driveway access limitations.
- (e) Information concerning projected average daily traffic to be generated as a result of subdivision.

### 4. Environmental Information

- (a) Location of the 100-year flood plain, including limits of floodway and flood fringe on the property and within 25 feet of the property, as shown on the

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current adopted Federal Emergency Management Agency (FEMA) maps. If flood plain modifications are proposed, the plat shall identify both the existing and proposed limits of such flood plain.

- (b) Location of all overland watercourses and drainage structures on the property or within 25 feet of the property. If stream or watercourse modifications are proposed, the location of such modifications.
- (c) Location and approximate size of existing wetland areas on or within 25 feet of the property, as identified on the most recent Wetland Inventory Map, prepared by the United States Fish and Wildlife Service. Information shall be submitted regarding the treatment of such wetland areas on the property as part of the Subdivision.
- (d) Information concerning existing vegetation on the property, identifying the location, genus and species of all trees having a diameter at breast height of six (6") inches or greater and a construction activity plan complying with the requirements of chapter 25 of the Northbrook Municipal Code (1988), as it may be amended from time to time. All trees required to be identified by this subparagraph shall be tagged or marked in the field in a manner to facilitate the ready identification of such trees in the field. (*Note: Revised Ord. No. 99-43*)
- (e) Information concerning the treatment of any other natural or historical resources identified on the property.
- (f) A preliminary landscaping plan identifying all trees, shrubs, bushes, flowering plants, native grasses, sod and seed, including the genus, species, size and location of each. (*Note: Revised Ord. No. 99-43*)

### 5. Utility Information

- (a) Existing widths and types of easements on the property and location and size of existing storm and drainage sanitary sewer, public water systems, and other public utility systems to which the Subdivision is proposed to be connected. If off-site easements are needed for such connections, a note shall be included on the tentative plat.
- (b) If individual lots are not to be served by public water and sanitary sewer service, information shall be submitted demonstrating the adequacy of existing soil and groundwater conditions for such systems.
- (c) Preliminary design for collecting, holding and discharging storm water, identifying the location and approximate size of proposed detention and/or retention ponds.

- C. **Other Information** The Village Manager, Village Engineer, Plan Commission or Board of Trustees may require the submission of such other information as deemed necessary and reasonable for the review of any tentative Subdivision application.

## SECTION 3-102: FINAL ENGINEERING PLAN APPLICATION

Following either approval of a tentative subdivision plat or approval of a Development application, an application may be filed for final engineering plan approval. Such application shall include the information required in this Section.

- A. **Application Form and Fee** The application for final engineering plan approval shall be submitted on a form approved by the Village Manager and shall be accompanied by

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payment of all applicable fees and escrow deposits, as required by Section 2-106 of this Code.

- B. Final Engineering Plans** The final engineering plans for required public and private improvements associated with the proposed Subdivision or Development shall include all plans, cross sections, details, calculations, notations and other supporting documentation as specified in the Village Standards and Specifications Manual.
- C. Copy of Approved Tentative Plat or Development**
1. Subdivisions All final engineering plan applications which involve Subdivisions shall include, as part of the final engineering plans, a copy of the approved tentative subdivision plat. If the proposed final engineering plans modify the approved tentative subdivision plat, the application for final engineering plan approval shall specify the manner in which the plans differ from the approved plat and the reason(s) for the modification(s). The Village Engineer shall review all final engineering plans in accordance with Subsection 3-202 B of this Code to determine whether or not the final engineering plans are in substantial compliance with the approved tentative subdivision plat.
  2. Developments All final engineering applications related to developments, shall include, as part of the final engineering plans, a copy of the approved site plan. If the proposed final engineering plans require a modification to the approved Development plan, the Village Manager shall determine whether or not the modification requires an amendment to the approved Development plan.
- D. Proposed Subdivision or Development Agreement** All final engineering plan applications shall include a proposed subdivision or development agreement, as the case may be, in a form approved by the Village Manager. The subdivision or development agreement shall, without limitation, include or reference the following minimum information:
1. Proposed site development schedule for installation of guaranteed public and private improvements, referencing the final plat or development plan, and final engineering plans, and stipulating the improvements which must be installed prior to issuance of a building permit or certificate of occupancy for the buildings or structures to be constructed.
  2. Description and estimated cost of public and private improvements, in a form and amount approved by the Village Engineer, providing a detailed accounting of the various types and amounts of improvements included in the estimate.
  3. Type and summary of terms of performance guarantee for the construction of public and private improvements.
  4. Method of satisfying the applicable requirements for dedicating, or contributing monies for the future acquisition or development of, public lands in accordance with Section 4-101 G of this Code.

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5. A summary of the covenants, restrictions and easements necessary for the Subdivision or Development, including the responsibilities of a property owners' association, if proposed.
  6. Agreement to pay:
    - (a) A fair and equitable share of all water, sanitary sewer and/or storm sewer improvements developed in the area surrounding the property that benefit the property, as determined by the Village Engineer;
    - (b) All applicable park and school donations; and
    - (c) Any other applicable costs, payments, permit fees or other fees attributable to the Subdivision or Development.
  7. An acknowledgment by the owner, subdivider or developer, as the case may be, that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as the result of the Village's review and approval of any plans for the subject property.
  8. Such other acknowledgements, indemnifications and hold harmless agreements as the Village Manager may require.
  9. All other provisions deemed necessary by the Village Manager in order to fulfill the purpose and intent of this Code.
- E. Proposed Guarantee for Improvements** All final engineering plan applications shall include a proposed guarantee for the installation of required public and private improvements. The guarantee shall comply with the requirements of Section 3-502 of this Code.
- F. Proposed Covenants and/or Association Documents** All final engineering plan applications which involve the creation of an owners' association or the recordation of restrictive covenants shall include a copy of such association documents or covenants for review and approval by the Village Manager and Village Engineer.
- G. Proposed Easements and Rights-of-Way** All final engineering plans which require the dedication of any on- or off-site easements or rights-of-way shall include information concerning such easements or rights-of-way with the application.
- H. Other Information** The Village Engineer may require such additional information as necessary and reasonable to review applications for final engineering plan approval in order to protect the public health, safety and general welfare.

### **SECTION 3-103: FINAL SUBDIVISION PLAT APPLICATION**

Following approval of the final engineering plans by the Village Engineer, the applicant is authorized to submit an application for final Subdivision plat approval. Such application shall include the information required in this Section.

- A. Application Form and Fee** The application for final plat approval shall be submitted on a form approved by the Village Manager and shall be accompanied by payment of all required escrow deposits and fees, as required by Section 2-106 of this Code.

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**B. Final Plat of Subdivision** The final plat of Subdivision shall be in compliance with the standards below:

1. Be no less than 8.5 inches by 14 inches, nor more than 30 inches by 36 inches in size, and may include more than one sheet;
2. Have a scale of no less than one-inch equals fifty feet (1"=50'), with north arrow, using a reference system specified in the Standards and Specifications Manual;
3. Describe, or identify the angular and linear measurements of:
  - (a) subdivision boundaries,
  - (b) blocks, lots and outlots,
  - (c) lot corners and monuments,
  - (d) permanent and temporary easements,
  - (e) public and private rights-of-way, and
  - (f) other pertinent information, as deemed necessary by the Village Engineer. (Each of the above shall be shown in sufficient detail and accuracy to locate and reproduce each upon the ground); and
4. State the name and current mailing address of the person(s) who prepared the final plat.

**C. Accompanying Certifications** The final plat shall include an area or separate sheet for the following signatures and certifications:

1. Village Officials (in a form approved by the Village Manager)
  - (a) Village President: indicating the date of approval of the plat by the President and Board of Trustees of the Village of Northbrook.
  - (b) Village Treasurer/Collector: indicating that there are no delinquent or current unpaid special assessments associated with the property.
  - (c) Village Engineer: indicating that the final engineering plans and specifications meet the minimum requirements of the Village of Northbrook.
  - (d) Chairman of Plan Commission: indicating the date of Plan Commission recommendation regarding the final plat.
2. State and County Officials (in a form prescribed by applicable laws or regulations)
  - (a) County Clerk: indicating that there are no delinquent or current unpaid special assessments or taxes associated with the property and that all applicable fees have been received.
  - (b) Illinois Department of Transportation: if the property will have access onto a State Highway, indicating that such access is approved.
  - (c) County Highway Department: if the property will have access onto a County Road or Highway, indicating that such access is approved.
  - (d) Illinois Department of Transportation, Division of Water Resources: if the property proposes to subdivide any land bordering or including any public waters of the State of Illinois in which the State has any property rights or

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property interests, indicating the limits of the public interest in the property, if any.

3. Professional Land Surveyor An Illinois Professional Land Surveyor shall certify the following by signing and affixing his seal to the final plat of Subdivision:
    - (a) The property has been surveyed and subdivided in accordance with a specific legal description;
    - (b) Certain monuments and iron pipes have been or are to be located on the property;
    - (c) Location of the property in relation to Village of Northbrook corporate boundaries, which has adopted an Official Comprehensive Plan; and
    - (d) Location of property in relation to Special Flood Hazard Areas, as identified by the Federal Emergency Management Agency on the most recent Flood Insurance Rate map.
  4. Property Owner(s) and Mortgagee(s) All owners of the property and all mortgagees shall sign, as evidenced by the signature and seal of a notary public, that they consent to the subdivision of the property.
  5. Design Engineer and Property Owner If the subdivision and site development of the property will alter surface drainage patterns, the applicant's design engineer shall sign the plat and certify that the subdivision design adequately accounts for changes in the drainage of surface in accordance with the State Plat Act (Ill. Rev. Stat., Ch. 109, Sec. 2) and the Village Standards and Specifications Manual.
- D. Other Notations: Dedications and Restrictions** The final plat shall also include statements, in a form approved by the Village Manager, concerning the dedication of land or granting of easements, as shown on the plat, and any restrictions related thereto.
- E. Approved Tentative Plat** Applications for final plat approval, except minor Subdivision applications, shall be accompanied by a copy of the approved tentative Subdivision plat for the property.
- F. Approved Final Engineering Plans** Applications for final plat approval, except minor Subdivision applications, shall be accompanied by a copy of the approved final engineering plans associated with the Subdivision.

### **SECTION 3-104: MINOR SUBDIVISION APPLICATION**

Applications for minor Subdivisions, as defined in this Code, shall include all information required for final subdivision plats, as specified in Section 3-103 of this Code, except that a copy of the approved tentative plat shall not be required. Nothing in this Code shall be interpreted to relieve an applicant for approval of a minor Subdivision from the obligation to enter into agreements with applicable school and park districts, or other government agencies, in conformance with Subsection 4-101 G of this Code.

### **SECTION 3-105: OTHER SUBDIVISION APPLICATIONS**

The Village Manager shall have available appropriate forms for other Subdivision applications, as authorized by this Code. Such other applications shall include, but are not limited to:

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- A. Applications to consolidate two or more existing lots of record into a single lot;
- B. Applications to vacate recorded Subdivisions or public rights-of-way;
- C. Applications to create a condominium association; and
- D. Applications for modification of real estate tax identification numbers.

### **SECTION 3-106: DEVELOPMENT APPLICATIONS**

Applications for Development review and approval, which do not involve Subdivisions, shall include:

- A. Payment of all applicable fees and escrow deposits, as required in Section 2-106 of this Code;
- B. All information required for Site Plan Approval, as specified in Subparagraph 11-301 E11 of the Northbrook Zoning Code (1988), as amended, regardless of whether all or any portion of the property is located within the corporate limits of the Village of Northbrook; and
- C. The information required for final engineering plan application, as specified in Section 3-102 of this Code, as appropriate.

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### PART II: STANDARD SUBDIVISION PROCEDURES

#### SECTION 3-201: TENTATIVE PLAT REVIEW

All proposals for the subdivision of land, except proposals concerning minor Subdivisions and proposals for Developments not involving the subdivision of land, shall adhere to the procedures for tentative plat review.

- A. Filing Tentative Plat** At least five (5) copies of the application materials and proposed tentative plat shall be filed with the Village Manager in accordance with Section 3-101 of this Code.
- B. Review for Completeness** The Village Manager shall conduct an initial review of the application and proposed tentative subdivision plat for general completeness and technical accuracy. Within ten (10) working days of the date of filing an application for tentative subdivision plan approval the Village Manager shall notify the applicant as to whether the application has been accepted or if deficiencies or inaccuracies have been identified in the initial review of the application materials which would warrant the rejection of the application. Applications which are deemed incomplete or inaccurate shall not be accepted until the deficiencies identified have been properly addressed. In the event the application is not accepted within ten (10) working days after the date of filing the application, the application shall be deemed incomplete and rejected.
- C. Referral of Application to Review Agencies** Promptly following acceptance of a complete application, the Village Manager shall request additional copies of the proposed tentative Subdivision plat from the applicant and, upon receipt, shall forward the plat and related information to appropriate review agencies, including, but not limited to:
1. Development Department;
  2. Engineering Department;
  3. Fire Department;
  4. Public Works Department;
  5. Police Department;
  6. Applicable School Districts;
  7. Northbrook Park District;
  8. Village Attorney;
  9. Safety Commission;
  10. Cook County Health Department, if private sewage disposal systems are proposed;
  11. Illinois Department of Transportation, if the property has proposed access onto any state highway;
  12. County Highway Department, if the property has proposed access onto any County street or highway;
  13. Illinois Department of Conservation, Division of Natural Heritage; and
  14. Illinois Historic Preservation Agency, Division of Preservation Services.
- D. Variations; Initial Board Comment and Referral**
1. In the event the application for tentative plat approval includes a request for a variation of any provision of this Code, the application shall promptly be submitted



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to the Board of Trustees for initial review and comment, prior to referring the matter to the Plan Commission for detailed review. Within 30 days of the Village Manager accepting a complete application, the Board of Trustees, at a regular Village Board or Committee of the Whole meeting, shall review the application materials and any member of the Board may make any comments, suggestions or recommendations deemed necessary or appropriate regarding the application.

2. The purpose of such review shall be to broadly acquaint the Board of Trustees with the applicant's proposal and to provide the applicant with any initial views or concerns that members of the Board of Trustees may have at an early stage in the Subdivision review process. Any views expressed in the course of the Board's initial review of the Subdivision and related variation request shall be deemed to be advisory only, preliminary in nature, and the individual views of the member expressing them. Nothing said or done in the course of such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the Village Board, or any member of it, to approve or deny the formal application following full consideration thereof, as required by this Code.

### **E. Notice Requirements**

1. Generally The Plan Commission review of an application for tentative plat approval, which does not request any variations of this Code, shall be publicly noticed as provided in this Subsection. The applicant shall notify, in writing, by first class mail or hand delivery, all property owners within 250 feet of the boundaries of the proposed Subdivision, excluding measurement of streets and rights-of-way, no less than 15 days nor more than 30 days, in advance of the scheduled Plan Commission meeting date.

The mailing of notice, addressed to the name and address on the most recent Cook County or Lake County real estate tax records, shall be deemed a satisfaction of this notice by mail requirement.

The required mail notice for subdivision applications, which do not request any variations of this Code, shall contain at a minimum, the following information:

- (a) the street address, legal description or detailed location description of the property, if any, that is the subject of the Subdivision application;
- (b) a statement describing the name of the Subdivision and number of lots proposed;
- (c) the name and address of the applicant;
- (d) the name and address of the legal and beneficial owner of the property; and
- (e) the Plan Commission meeting date, time and location.

At the Plan Commission meeting, the applicant shall present to the Commission an affidavit, certification or other evidence satisfactory to the Commission, demonstrating to the satisfaction of the Commission, that the above notice requirement has been satisfied.

2. Notice Requirements for Variations The Plan Commission review of an application for tentative plat approval which requests variations of this Code shall require a

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duly noticed public hearing. The notice for the hearing shall be given by the applicant in the form and manner and to the persons herein specified.

- (a) Notice by mail The applicant shall notify, in writing, by first class mail or hand delivery, all property owners within 250 feet of the proposed Subdivision, excluding measurement of streets and rights-of-way, no less than 15 days nor more than 30 days, in advance of the scheduled Plan Commission public hearing date. The required mail notice shall contain, at a minimum, the following information:
  - (1) the street address, legal description or detailed location description of the property, if any, that is the subject of the Subdivision application;
  - (2) a statement describing the name of the Subdivision and number of lots;
  - (3) a statement describing the nature and reason(s) for the requested variation;
  - (4) the name and address of the applicant;
  - (5) the name and address of the legal and beneficial owner of the property; and
  - (6) the Plan Commission public hearing date, time and location.
- (b) Notice by Sign If a tentative Subdivision application requests variations of this Code, the applicant shall post the subject property with a ground sign of approximately six (6) square feet of gross surface area. The sign shall legibly display the name of the Subdivision, the type of variation requested, the name and address of the applicant, and the time, date and location of the Plan Commission public hearing. The sign shall be located on the subject property so as to be visible from at least one right-of-way abutting the subject property. The sign shall be erected on the subject property no less than 15 days nor more than 30 days in advance of the scheduled Plan Commission public hearing date. The applicant shall remove the sign within three days of the close of the hearing.
- (c) Report to Plan Commission At the hearing the applicant shall present to the Plan Commission an affidavit, certification or other evidence satisfactory to the Commission demonstrating, to the satisfaction of the Commission, that the notice requirements of this Subparagraph have been satisfied.

**F. Detailed Staff Review** The Village Manager shall review all proposed tentative plats for compliance with all applicable zoning and subdivision requirements. The findings of such review shall be reported to the Plan Commission in writing prior to its action on the proposed tentative plat.

**G. Plan Commission Review and Action**

- 1. Tentative Plats, Generally Within 30 days of the Village Manager's acceptance of a complete application for tentative plat approval, and after the public notice requirements of Section 3-201 E of this Code have been satisfied, the Plan Commission shall conduct a public meeting to review such application. The Plan

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Commission shall, within 30 days of the initial public meeting on the tentative plat, act to approve, approve with conditions or disapprove the application. The failure of the Plan Commission to act within the time period specified in this Paragraph, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the tentative plat.

2. Applications With Variation Requests; Public Hearing Required Within 45 days of the initial Board of Trustees' review of the application for tentative plat approval and related variations of this Code, and after the public notice requirements of Section 3-201 E of this Code have been satisfied, the Plan Commission shall conduct a duly noticed public hearing to review such application. The Plan Commission shall, within 30 days of the initial public hearing on the application, act to approve, approve with conditions or disapprove the application and the variations of this Code related thereto. The failure of the Plan Commission to act within the time period specified in this Paragraph, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the tentative plat and the related variations thereto.

### H. Conduct of Hearings for Variations

1. Rights of All Persons Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence; provided, however, that the hearing body may exclude irrelevant, immaterial or unduly repetitious evidence.
2. Rights of Parties and Proximate Owners The applicant and, subject to restrictions imposed by the Northbrook Ethics Code, any Board, Commission, Department or Official of the Village, and any property owner entitled to written notice pursuant to Subparagraph E2(a) of this Section, may, subject to the discretion of the Plan Commission, in addition to the rights granted by Paragraph I1 above, be allowed any or all of the following rights:
  - (a) to present witnesses on their behalf;
  - (b) to cross-examine all witnesses testifying in opposition to their position;
  - (c) to examine and reproduce any documents produced at the hearing;
  - (d) to have subpoenas issued by the Chairman of the Plan Commission for persons to appear at the hearings and for examination of documents by the person requesting the subpoena either before or during the hearing, where such persons or documents are shown to have a substantial evidentiary connection with:
    - (1) the property to which the request applies, or
    - (2) facts that would support or negate the legal standards for granting the request; and
  - (e) to be granted, upon request, a continuance for the purpose of presenting evidence to rebut evidence introduced by any other person.

In granting or withholding such rights, the discretion of the Plan Commission shall be governed by the goal of securing all information and opinion relevant and material to its deliberations. Such rights shall not, however, be granted where

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undue and unwarranted delay would result, or where to do so would tend to produce no new evidence to aid the Plan Commission in reaching its decision.

3. Adjournment of Hearing The Plan Commission may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time, and to a fixed date, time and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the body finds to be sufficient. The secretary of the Plan Commission shall notify, in writing, all members of the Plan Commission, all parties to the hearing, and any other person designated on the vote of adjournment, of the date, time and place of the adjourned hearing.
  4. Testimony to be Sworn All testimony at any public hearing held pursuant to the provisions of this Code shall be given under oath.
  5. Right to Submit Written Statements Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing or within such time as may be allowed by the Plan Commission following such hearing, submit written statements in support of or in opposition to the application being heard. Such statements shall be subscribed and sworn before an officer authorized to administer oaths and shall be a part of the public record of the hearing.
  6. Plan Commission Rules to Govern All other matters pertaining to the conduct of hearings shall be governed by the provisions of this Code pertaining to, and the rules promulgated by, the Plan Commission.
- I. Board of Trustees Review and Action The Village Manager shall report to the Board of Trustees the recommendations of the Plan Commission concerning applications for tentative plat approval, and any related variations of this Code. Within 30 days of the date of Plan Commission recommendation on the application, the Board of Trustees shall, by resolution duly adopted, approve or deny the proposed tentative plat application. In the event the tentative plat application is denied by the Board of Trustees, the Village Manager shall notify the applicant in writing of the reasons for such denial. The failure of the Board of Trustees to act within the time period specified in this Subsection or such further time to which the applicant may agree, shall be deemed to be a decision denying the application.
- J. Significance of Tentative Plat Approval; Expiration The approval of a tentative plat does not authorize the construction of any improvements on the property or the commencement of any site preparation work. Approval of a tentative plat shall be valid for a period of one (1) year from the effective date of the resolution adopted by the Board of Trustees and may be extended by the Board of Trustees, at its discretion, upon request by the applicant prior to the expiration of the plat.

If the approved tentative plat contemplates a phased subdivision, the applicant shall have a period of one (1) year from the effective date of the resolution adopted by the Board of Trustees to obtain final plat approval for the first phase, and one (1) additional year for each subsequent phase, up to a maximum period of five (5) years from the effective date of the tentative plat approval resolution.

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- K. Amendments to Approved Tentative Plats** Approved tentative subdivision plats may be amended; however, applications for amendments to previously approved tentative Subdivision plats shall require public notice, review and action by the Plan Commission, and final action by the Board of Trustees in accordance with the procedures of this Section. The Village Manager shall determine whether or not such amendment will require the referral of the application to the review agencies specified in Subsection 3-201 C of this Code prior to forwarding the amendment application to the Plan Commission.

### **SECTION 3-202: FINAL ENGINEERING PLAN REVIEW**

No application for final engineering plan review shall be submitted unless and until the application for tentative plat approval has been approved by the Board of Trustees in accordance with Section 3-201 of this Code. Once a tentative plat has been approved, the applicant is authorized to submit final engineering plans, a draft Subdivision agreement and proposed performance guarantee, in accordance with Section 3-102 of this Code. The final engineering plans shall be reviewed and approved in compliance with the requirements of this Code and the Village Standards and Specifications Manual, latest edition. Final engineering plans may be submitted for the entire Subdivision or Development, or for approved sections thereof.

- A. Filing of Application for Final Engineering Approval** At least five (5) copies of the application materials and proposed final engineering plans shall be filed with the Village Engineer in accordance with Section 3-102 of this Code.
- B. Conformance with Approved Tentative Plat** It is recognized and understood that the preparation of final engineering plans may result in minor modifications to a tentative Subdivision design. The Village Engineer shall, however, reject any proposed final engineering plans if it is determined, at any time during the review of the plans that the proposed Subdivision design differs from the approved tentative plat in terms of:
1. An increase or decrease in the number of lots proposed;
  2. A variation of the provisions of this Code, not approved during the tentative plat approval procedure, is necessary for approval of the final engineering plans;
  3. Significant modifications are proposed to the approved Subdivision configuration, street design, storm water management system, sidewalk location, or other major public or private improvement; or
  4. Failure to comply with conditions associated with approval of the tentative plat.

Final engineering plans which are determined not to be in substantial compliance with approved tentative Subdivision plats shall be rejected until such time as: (1) the final engineering plans and related materials are revised to conform with the approved tentative Subdivision plat; or (2) the applicant applies for and receives approval of an amended tentative Subdivision plat, in accordance with Subsection 3-201 J of this Code.

- C. Review for Plan Acceptance** The Village Engineer shall conduct an initial review of the application and proposed final engineering plans for general completeness and consistency with the approved tentative subdivision plat. Within ten (10) working days of the date of filing an application for final engineering plan approval, the Village Engineer shall notify the applicant as to whether the application has been accepted or if deficiencies or inaccuracies have been identified in the initial review of the application materials which would warrant the rejection of the application.

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Applications which are deemed incomplete or inaccurate shall not be accepted until the deficiencies identified have been properly addressed. In the event the application is not accepted by the Village Engineer within ten (10) working days after the date of filing the application, the application shall be deemed incomplete and rejected.

- D. Referral of Plans to Review Agencies** Promptly following acceptance of a complete application for final engineering plan approval, the Village Engineer shall request additional copies of the plans from the applicant and, upon receipt, shall distribute it for review by various agencies, as appropriate.
1. Village Review The Village Engineer shall distribute final engineering plans and related application materials to appropriate Village personnel for review and comment.
  2. Other Applicable Agencies Prior to obtaining final engineering plan approval, the applicant shall obtain the approval of all other applicable government agencies, as required by applicable Village, County, State and Federal regulations. The applicant shall inform the Village Engineer as to the status of the review and approval of other permits. Other necessary government permits and approvals may include, but are not limited to:
    - (a) Transportation
      - (1) Illinois Department of Transportation
      - (2) Cook County Highways Department
    - (b) Environmental
      - (1) Federal Emergency Management Agency
      - (2) Illinois Department of Transportation, Division of Water Resources
      - (3) U.S. Army Corps of Engineers
      - (4) Illinois Historic Preservation Office
      - (5) Illinois Department of Conservation
    - (c) Utilities
      - (1) Metropolitan Water Reclamation District of Greater Chicago
      - (2) Mission Brook Sanitation District
      - (3) Commonwealth Edison

The applicant shall inform the Village Engineer as to the status of the review and approval of such other permits and approvals as may be necessary for the Village to take action on the final engineering plans.

- E. Off-Site Easements and Rights-of-Way** Prior to approval of final engineering plans, the applicant must demonstrate that any and all off-site easements, rights-of-way, or letters of permission necessary for the construction of proposed site improvements have been obtained and are ready for proper recordation.
- F. Village Engineer Action on Final Engineering Plans** The Village Engineer shall, within 45 days of acceptance of a complete application for final engineering plan approval, assemble the comments received from various review agencies and personnel and:
1. Approve the plans and related materials as submitted;

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2. Approve the plans and related materials with minor changes agreed to in by writing by the applicant; or
  3. Notify the applicant that the plans are not approved and advise the applicant in writing of the reasons for such disapproval.
- G. Effect of Disapproved Final Engineering Plans** In the event the final engineering plans and related materials are not approved by the Village Engineer, the applicant may, following revision of the plans in substantial compliance with Village Engineer written review comments, resubmit the plans and related materials for review by the Village Engineer. The Village Engineer shall review and act upon the revised plans and materials within 45 days of acceptance of the resubmitted application. The failure of the Village Engineer to act within 45 days, or such further time to which the applicant may agree, shall be deemed to be a decision disapproving the final engineering plans.
- H. Appeals of Village Engineer Decisions** Any person aggrieved or adversely affected by a decision of the Village Engineer concerning final engineering plans may appeal such decision. Appeals of Village Engineer decisions concerning final engineering plans shall be reviewed in accordance with the following procedure:
1. Application The application shall be in a form approved by the Village Manager, and shall include the reason(s) the applicant has requested such an appeal. The application shall be filed with the Village Manager not later than 30 days following the decision by the Village Engineer.
  2. Village Manager Transmittal The Village Manager, upon receipt of an application for the appeal of a decision by the Village Engineer, shall assemble all plans and materials constituting the record of the Village Engineer action. Within 30 days of the filing of such application, or such further time to which the applicant may agree, the Village Manager shall forward such information to the Board of Trustees.
  3. Board of Trustees Review The Board of Trustees, at a regular Village Board or Committee of the Whole meeting, shall review the record of the actions taken by the Village Engineer and, within 45 days of filing the appeal, or such further time to which the applicant may agree, render a decision on the appeal, by resolution duly adopted. Such decision may reverse, affirm or modify, in whole or in part, the decision of the Village Engineer. The failure of the Board of Trustees to act within the time period specified in this Paragraph shall be deemed a decision to deny the appeal.

### **SECTION 3-203: FINAL SUBDIVISION PLAT REVIEW**

No application for final subdivision plat review shall be submitted unless and until the final engineering plan has been approved by the Village Engineer in accordance with Section 3-202 of this Code. Once the Village Engineer has approved the final engineering plans and related materials, including the subdivision agreement and performance guarantee, the applicant is authorized to submit an application for final subdivision plat approval.

- A. Filing of Application for Final Plat Approval** At least five (5) copies of the application materials and proposed final subdivision plat approval shall be filed with the Village Manager in accordance with Section 3-103 of this Code.

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- B. Review for Completeness** The Village Manager shall conduct an initial review of the application and proposed final plat for general completeness and consistency with the approved tentative plat and final engineering plans. Within ten (10) working days of the date of filing an application for final plat approval, the Village Manager shall notify the applicant as to whether the application has been accepted or if deficiencies or inaccuracies have been identified in the initial review of the application materials which would warrant the rejection of the application. Applications which are deemed incomplete or inaccurate shall not be accepted until the deficiencies identified have been properly addressed. In the event the application is not accepted within ten (10) working days after the date of filing the application, the application shall be deemed incomplete and rejected.
- C. Detailed Review of Final Plat** The Village Manager shall review all proposed final subdivision plats for compliance with all applicable zoning and subdivision requirements, including verification that the final engineering plans, draft subdivision agreement and draft performance guarantee, if applicable, have been approved by the Village Engineer. The findings of such review shall be reported to the Plan Commission in writing prior to its action on the proposed final plat.
- D. Plan Commission Review of Final Plat** Within 30 days of the Village Manager's acceptance of the complete application for final plat approval, the Plan Commission shall hold a public meeting to review such application and make a recommendation to approve, approve with conditions or disapprove the proposed final subdivision plat. The Plan Commission review period may be extended by mutual consent of the Plan Commission and applicant. The failure of the Plan Commission to act within the time period specified in this Subsection shall be deemed a recommendation for the approval of the final subdivision plat.
- E. Board of Trustees Action on Final Plat** The Village Manager shall report to the Board of Trustees the recommendations of the Plan Commission concerning applications for final plat approval. Within 30 days of the date of Plan Commission recommendation on the proposed final plat, the Board of Trustees, at a public meeting, shall by resolution approve or deny the final plat, and all related agreements and approvals related thereto. In the event the final plat is denied by the Board of Trustees, the Village Manager shall notify the applicant in writing of the reasons for such denial. The failure of the Board of Trustees to act within the time period specified in this Subsection shall be deemed a decision to approve the final subdivision plat.

### **SECTION 3-204: RECORDATION OF FINAL PLAT AND SUBDIVISION AGREEMENT**

Upon approval of the final plat by the Board of Trustees, the applicant shall furnish the Village Manager with the original reproducible version of the plat, bearing all appropriate signatures and certifications. The Village Manager shall cause such plat to be recorded in the office of the Recorder of the County, or Register of Titles, as the case may be. The applicant shall be responsible for payment of any and all costs and fees associated with such recordation. The final plat, after recording, shall remain on file with the Village of Northbrook. Copies of the final plat shall be delivered to the applicant following recordation.



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PART III: MINOR SUBDIVISION AND  
OTHER PLAT PROCEDURES

SECTION 3-301: MINOR SUBDIVISION PROCEDURES

Minor Subdivisions, as hereinafter defined, shall be reviewed in accordance with the procedures established in this Section. For the purposes of this Code, a minor subdivision shall be defined as a subdivision of land into four (4) or fewer lots, provided that such subdivision does not contemplate or require any street or utility extensions, or contemplate or require the construction of any other public improvements, and does not contemplate or require any variations of this Code.

- A. **Filing of Application for Minor Subdivision Approval** At least five (5) copies of the application materials and proposed final subdivision plat shall be filed with the Village Manager in accordance with Section 3-104 of this Code.
  
- B. **Review for Completeness** The Village Manager shall conduct an initial review of the application and proposed plat for general completeness. Within ten (10) working days of the date of filing an application for minor subdivision approval, the Village Manager shall notify the applicant as to whether the application has been accepted or deficiencies or inaccuracies have been identified in the initial review of the application materials which would warrant the rejection of the application. Applications which are deemed incomplete or inaccurate shall not be accepted until the deficiencies identified have been properly addressed. In the event the application is not rejected within ten (10) working days after the date of filing the application, the application shall be deemed incomplete and rejected.
  
- C. **Detailed Review of Minor Subdivision** The Village Manager shall review all proposed Minor Subdivision final plats for compliance with all applicable zoning and subdivision requirements. The findings of such review shall be reported to the Plan Commission in writing prior to its action on the proposed final plat.
  
- D. **Notice Requirements** The Plan Commission review of an application for review of a Minor Subdivision shall require public notice, as provided in this Subsection. The applicant shall notify, in writing, by first class mail or hand delivery, all adjacent owners, including owners immediately across streets and rights-of-way, no less than 15 days, nor more than 30 days in advance of the scheduled Plan Commission meeting. The required notice for a minor Subdivision shall contain, at a minimum, the following information:
  - 1. the street address, legal description or detailed location description of the property, if any, that is the subject of the subdivision application;
  - 2. a brief statement describing the name of the subdivision and number of lots proposed;
  - 3. the name and address of the applicant;
  - 4. the name and address of the legal and beneficial owner of the subject property; and
  - 5. the date, time and location of the Plan Commission meeting.

At the Plan Commission meeting, the applicant shall present to the Commission an affidavit, certification or other evidence satisfactory to the Commission, demonstrating to the satisfaction of the Commission, that the above notice requirement has been satisfied.

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When mailing the notice required by this Section, the use of the name and address on the most recent Cook County or Lake County real estate tax records shall be deemed a satisfaction of this requirement.

- E. Plan Commission Review of Minor Subdivision** Within 45 days of the Village Manager's acceptance of the complete minor Subdivision application, the Plan Commission shall hold a public meeting to review such application and make a recommendation to approve, approve with conditions or disapprove the proposed final subdivision plat for the minor Subdivision. The Plan Commission review period may be extended by mutual consent of the Plan Commission and applicant. The failure of the Plan Commission to act within the time period specified in this Subsection shall be deemed a recommendation for the approval of the minor Subdivision final plat.
- F. Board of Trustees Action on Minor Subdivision Plat** The Village Manager shall report to the Board of Trustees the recommendations of the Plan Commission concerning applications for minor subdivision approval. Within 30 days of the date of Plan Commission recommendation on the application, the Board of Trustees, at a public meeting, shall by resolution approve or deny the final plat, and all related agreements and approvals related thereto, including all applicable agreements with the School and Park Districts. In the event the final plat is denied by the Board of Trustees, the Village Manager shall notify the applicant in writing of the reasons for such denial. The failure of the Board of Trustees to act within the time period specified in this Subsection shall be deemed a decision to approve the Minor Subdivision final plat.
- G. Recordation of Approved Plat** Following approval by the Board of Trustees of such minor subdivision application, the related final plat shall be registered or recorded in accordance with Section 3-204 of this Code.

### **SECTION 3-302: VACATION OF RECORDED PLATS**

In cases where an application is made to vacate any recorded plat of subdivision, or part thereof, prior to the sale of any lot in the subdivision, the Board of Trustees may, by ordinance duly adopted, order the vacation of all or part of said subdivision. The Board of Trustees may, in its sole and absolute discretion, refer such applications to the Plan Commission for a recommendation prior to action. When lots have been sold, the plat may only be vacated if all of the owners of lots in said plat join in said application. The applicant shall be responsible for any and all costs and fees associated with such plat vacation.

### **SECTION 3-303: PLATS OF CONSOLIDATION**

In cases where an application is made to consolidate existing lots of record, the Board of Trustees may, by resolution duly adopted, order the consolidation of said lots. The Board of Trustees may, in its sole and absolute discretion, refer such applications to the Plan Commission for a recommendation prior to action. The applicant shall be responsible for any and all costs and fees associated with such plats of consolidation.

### **SECTION 3-304: TAX DIVISIONS**

In cases where an application is made to divide a property for the purpose of creating tax divisions, the Board of Trustees may, by resolution duly adopted, authorize such divisions. The Board of Trustees may, in its sole and absolute discretion, refer such applications to the Plan

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Commission for a recommendation prior to action. The applicant shall be responsible for any and all costs and fees associated with such tax divisions.

### **SECTION 3-305: PLATS OF DEDICATION**

In cases where an application is made to dedicate easements or rights-of-way to the Village of Northbrook, and such application does not involve a Subdivision, the Board of Trustees may, by resolution duly adopted, authorize such dedication. The Board of Trustees may, in its sole and absolute discretion, refer such applications to the Plan Commission for a recommendation prior to action. Unless specifically waived by the Board of Trustees in approving such resolution, the applicant shall be responsible for any and all costs and fees associated with such plats of dedication.

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### PART IV: DEVELOPMENT REVIEW PROCEDURES

#### SECTION 3-401: DEVELOPMENT REVIEW

- A. **Filing of Application for Development Approval** At least five (5) copies of the Development application materials shall be filed with the Village Manager in accordance with Section 3-106 of this Code.
- B. **Review for Plan Acceptance** The Village Manager shall conduct an initial review of the application and proposed Development plans for general completeness and consistency with the Village regulations. Within ten (10) working days of the date of filing an application, the Village Manager shall notify the applicant as to whether the application has been accepted or if deficiencies or inaccuracies have been identified in the initial review of the application materials which would warrant the rejection of the application.

Applications which are deemed incomplete or inaccurate shall not be accepted until the deficiencies identified have been properly addressed. In the event the application is not accepted by the Village Manager within ten (10) working days after the date of filing the application, the application shall be deemed incomplete and rejected.

- C. **Action on Development Application** Following acceptance of a complete application, the Development plan shall be reviewed in accordance with the following:
1. **Developments Within the Village of Northbrook** Development applications involving properties within the corporate limits of the Village of Northbrook shall be reviewed in accordance with the Site Plan review procedures established in Section 11-604 of the Northbrook Zoning Code, as amended.
  2. **Developments Within Extraterritorial Jurisdiction of Northbrook** Development applications involving properties which are not within the corporate limits of the Village of Northbrook, but are within the extraterritorial jurisdiction of the Village, as established in Section 1-104 of this Code, shall be reviewed in accordance with the following procedure:
    - (a) **Village Manager Review** Within 90 days of acceptance of a complete application, or such further time to which the applicant may agree, the Village Manager shall render a decision concerning the approval or disapproval of the Development plan. The failure of the Village Manager to act within the time period specified in this Paragraph shall be deemed a decision to disapprove the application.
    - (b) **Appeal to the Board of Trustees** The decision of the Village Manager concerning the Development application may be appealed by submitting an application in writing to the Board of Trustees within 30 days of the decision of the Village Manager. The Board of Trustees, at a regular Village Board or Committee of the Whole meeting, shall review the record of the actions taken by the Village Manager and, within 45 days of filing the appeal of the Village Manager's decision, or such further time to which the applicant may agree, render a decision on the appeal, by resolution duly adopted. Such decision may reverse, affirm or modify, in whole or in part, the decision of the Village Manager. The failure of the Board of Trustees to act within the

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time period specified in this Paragraph shall be deemed a decision to deny the appeal.

- D. **Village Engineer Action on Final Engineering Plans** If the proposed Development involves final engineering plans, the Village Manager shall promptly forward all such Development applications to the Village Engineer for review. The Village Engineer shall review such final engineering plans in accordance with the procedures established in Section 3-202 of this Code. No final engineering plans shall be approved unless and until the Development application has been approved.
  
- E. **Village Manager Action on Development Agreement** Following the Village Engineer approval of the final engineering plans, if required, the Village Manager shall promptly review the Development Agreement and proposed performance guarantee in accordance with the standards in Part V of Article III of this Code.

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**PART V: GUARANTEE, INSPECTION AND ACCEPTANCE  
OF PUBLIC IMPROVEMENTS**

**SECTION 3-501: ESTABLISHMENT OF PERFORMANCE GUARANTEE**

Before commencing any construction work for any Subdivision or Development the owner, developer or subdivider, as the case may be, shall select, obtain and submit a performance guarantee for the proper installation of public and private improvements to the Village Engineer for approval and acceptance in accordance with this Section.

**A. Improvements to be Guaranteed** The owner, developer or subdivider, as the case may be, shall submit a guarantee for the following improvements, as deemed necessary by the Village Engineer:

1. Permanent subdivision monuments and lot corner markers.
2. Transportation system improvements, including:
  - (a) Public and private streets, and all related frontage and intersection improvements;
  - (b) Street lights;
  - (c) Parkway tree plantings;
  - (d) Street signs, signals and apparatus;
  - (e) Public and private sidewalks, trails and bike paths;
  - (f) Other traffic-related improvements contemplated as part of the Subdivision or Development.
3. Environmental protection and site preparation measures, including:
  - (a) Grading and related site preparation work, including tree protection, and the value of trees required to be protected or preserved under this Code;
  - (b) Erosion and sediment controls during the various phases of site development (including site and lot grading, construction entrances, diversion dikes, silt fences, sediment traps, seeding and site stabilization); and
  - (c) Other special environmental protection measures which are a component of the final engineering plans.
4. Public utility systems, including:
  - (a) Public and private storm sewer system (pipes, inlets, manholes, swales, detention ponds, and all related structures and apparatus);
  - (b) Public water system (pipes, valves, fire hydrants and related system improvements); and
  - (c) Sanitary sewer system (pipes, manholes, lift stations and related system improvements).
5. Common facilities which are contemplated as part of the Subdivision or Development specified in the final engineering plans.
6. Other public and private improvements specified in the final engineering plans.

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- B. Amount of Performance Guarantee** The applicant shall submit to the Village Engineer estimates for the cost of construction (or actual executed construction contracts) for public and private improvements contemplated in the final engineering plan. The Village Engineer shall review such estimates or construction contracts and, if acceptable, approve the amount of the performance guarantee. The amount of the performance guarantee shall be based upon:
1. 125 percent of the total estimate of construction costs and inspection fees for all guaranteed improvements; or
  2. 110 percent of the total construction costs as indicated in an approved and executed construction contract, plus inspection fees for all guaranteed improvements.
- C. Terms of Performance Guarantee** Performance guarantees shall be in a form approved by the Village Manager and shall specify the terms and conditions noted below.
1. The guarantee shall have an expiration date not less than three months beyond the date specified in the approved Subdivision or Development Agreement.
  2. Not less than thirty (30) days prior to the expiration of such guarantee, the Village Manager shall be given written notice by means of certified or registered mail, indicating that such guarantee is to expire. No guarantee shall expire absent such notice.
  3. Failure of the owner, subdivider or developer to install such guaranteed improvements prior to the scheduled completion date, as specified in the approved site development schedule, shall be considered a default by the owner, subdivider or developer and the issuing institution.
  4. The guarantee shall only be released or reduced by the issuing institution upon written certification by the Village Engineer stating:
    - (a) that said guarantee may be released or reduced in accordance with this Section, and
    - (b) the amount of such discharge or reduction.
  5. If at any time the Village determines that the institution issuing the guarantee is without adequate capital, assets, earnings and liquidity as required in Subsection 3-502 B3, is unable to meet any federal or state requirement for reserves, is insolvent, is in danger of becoming any of the foregoing, or is otherwise in danger of being unable to honor such guarantee at any time during its term, or if the Village otherwise reasonably deems itself to be insecure, then the Village shall have the right to demand that the owner, subdivider or developer provide a replacement guarantee from an institution satisfactory to the Village. Such replacement guarantee shall be deposited with the Village not later than 10 days following such demand.
  6. If the owner, subdivider or developer fails or refuses to complete the construction of the public and private improvements covered by the guarantee or fails or

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refuses to correct any defect or deficiency in such improvements upon request by the Village, or in any other manner fails or refuses to meet fully any of its obligations under the guarantee or the applicable Subdivision or Development agreement, then the Village may, in its sole and absolute discretion, retain all or any part of the guarantee. The Village thereafter shall have the right to exercise any other action it deems reasonable and appropriate to mitigate the effects of such failure or refusal, and to reimburse itself from the proceeds of the guarantee for all of its costs and expenses, including legal fees and administrative expenses. If the funds remaining in the guarantee are insufficient to repay fully the Village for all such costs and expenses, and to maintain a cash reserve equal to the required guarantee during the entire time of such costs and expenses, and to maintain a cash reserve equal to the required guarantee during the entire time such guarantee should have been maintained, then the owner, subdivider or developer shall, upon demand of the Village therefor, immediately deposit with the Village such additional funds as the Village determines necessary.

### SECTION 3-502: ACCEPTABLE FORMS OF PERFORMANCE GUARANTEE

Performance guarantees for the installation of public and private improvements shall be in a form approved by the Village Manager. The following types of performance guarantee are acceptable, provided they are consistent with the regulations below.

- A. **Cash Escrow** A cash deposit may be used as a guarantee, provided the total amount of the guarantee required is placed with the Village Manager and administered in accordance with the provisions of the Subdivision or Development Agreement.
  
- B. **Irrevocable Letter of Credit and Cash** An irrevocable letter of credit may be used as a guarantee, provided such letter of credit is issued by a financial institution approved by the Village Manager, the administration of such letter of credit conforms to the terms of the Subdivision or Development Agreement, and the letter of credit is accompanied by a cash deposit in an amount not less than ten percent (10%) of the total guarantee amount. The cash deposit shall, at all times until released, as provided herein, be maintained at not less than ten percent (10%) of the initial total guarantee amount. The financial institution issuing the irrevocable letter of credit shall be:
  - 1. Insured by the Federal Depository Insurance Corporation or Federal Savings and Loan Insurance Corporation;
  - 2. Chartered in the State of Illinois or have a registered agent in Illinois; and
  - 3. Have adequate capital, assets, earnings and liquidity to ensure the financial soundness of the issuing institution, as determined by the Village Manager.

### SECTION 3-503: INSPECTION OF IMPROVEMENTS; FEE REQUIRED

All public and private improvements to be installed pursuant to an approved final engineering plan shall be supervised and inspected during the course of construction by the Village Engineer or other qualified and authorized employees of the Village in order to ensure compliance with the approved final engineering plans and the Village Standards and Specifications Manual. Prior to commencement of any site development or construction work, the owner, subdivider or developer shall pay a fee, as established in the Annual Fee Ordinance, for site and utility inspection.



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### SECTION 3-504: PARTIAL REDUCTION OF PERFORMANCE GUARANTEE

The owner, subdivider, or developer may make a written request to the Village Engineer to partially reduce the amount of the approved performance guarantee. The Village Engineer shall be authorized to approve such partial reductions in the amount of the performance guarantee, provided:

- A. There shall be no more than three (3) partial reductions approved in the amount of the performance guarantee during the life of the Subdivision or Development;
- B. Partial reductions shall be authorized only following the acceptable completion of the following improvements:
  - 1. All underground storm drainage, sanitary sewer and water supply systems have been properly installed and all erosion and sediment controls are operational;
  - 2. All curb, gutter, sidewalk and base course paving for public and private streets have been properly constructed; and
  - 3. All lots have been graded and all storm detention facilities are operational.
- C. The inspection reports for the Subdivision or Development evidence acceptable completion of the above;
- D. The amount of such partial reduction shall not exceed seventy-five percent (75%) of the estimated cost to construct such improvements;
- E. In no event shall the amount of the performance guarantee be reduced to a level which, in the sole and absolute opinion of the Village Engineer, would not allow the Village of Northbrook to complete the installation of public and private improvements associated with the Subdivision or Development; and
- F. In no event shall any portion of the cash deposit be reduced prior to final release of the performance guarantee pursuant to Section 3-506 of this Code.

### SECTION 3-505: EXTENSIONS AND REPLACEMENT OF PERFORMANCE GUARANTEE

The owner, subdivider, or developer may make a formal request to the Village Engineer to extend the expiration date of an approved performance guarantee or to replace the type of performance guarantee held by the Village of Northbrook. The Village Engineer may require the submission of reasonable fees for such applications.

#### A. Extensions of Expiration Date of Performance Guarantee

In the event of a formal request to extend the expiration date of a performance guarantee and the related agreement, the applicant shall:

- 1. Indicate the reasons and conditions which have inhibited him from completing the required improvements;
- 2. Present a summary of the progress made in installing the required improvements and a proposed schedule and cost estimate for the completion of all remaining improvements; and

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3. Present a revised performance guarantee, in compliance with the standards of Section 3-502 of this Code, and a related agreement.

Any such extension shall require the approval, by resolution, of the Board of Trustees. Such extensions may be granted for a period not to exceed one (1) year.

- B. Replacement of Performance Guarantees** Requests for replacement guarantees shall be reviewed in accordance with the standards and procedures for the original guarantee, in compliance with the requirements of Section 3-502 of this Code.

### **SECTION 3-506: ACCEPTANCE OF PUBLIC IMPROVEMENTS; RELEASE OF PERFORMANCE GUARANTEE**

- A. Acceptance of Public Improvements** Public improvements shall not be considered accepted by the Village of Northbrook unless and until each of the following reviews and actions have been successfully performed:
1. Filing with the Village Engineer a formal written request to accept the improvements by the owner, subdivider, or developer;
  2. Certification by the Village Engineer that all, or specific individual, public improvements required to be constructed or installed have been fully, or individually, completed in accordance with all applicable plans and specifications, and that the inspected construction or installation thereof has been approved;
  3. Submission by the applicant of all appropriate as-built drawings of improvements, as required by the Village Standards and Specifications Manual, and as approved by the Village Engineer;
  4. All appropriate Village code enforcement complaints have been resolved to the satisfaction of the Village Manager;
  5. All necessary maintenance guarantees have been received and approved by the Village Engineer; and
  6. The adoption by the Board of Trustees of a resolution, officially accepting the improvements and releasing the applicable performance guarantee on behalf of the Village of Northbrook.
- B. Release of Performance Guarantee** Following the Village acceptance of all public improvements and the Village Engineer's certification that all public and private improvements included in the guarantee have been 100 percent completed to the satisfaction of the Village Engineer, and all other requirements of Subsection A of this Section of the Code have been completed to the satisfaction of the Village Manager, the Village Manager shall release the guarantee.

### **SECTION 3-507: MAINTENANCE AGREEMENT AND GUARANTEE**

Prior to the acceptance of required public improvements by the Village of Northbrook, the subdivider or developer shall execute a maintenance agreement for the repair or replacement of defective materials and workmanship for a period of time extending one (1) year from the effective date of Village acceptance of such improvements. A maintenance guarantee conforming with the requirements of Section 3-502 of this Code shall be submitted with the maintenance agreement. The amount of the maintenance guarantee shall be ten percent (10%) of the total amount of the initial performance guarantee for the Subdivision or Development, as established pursuant to Section 3-501 of this Code. The Village Engineer shall be authorized to

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execute such agreements on behalf of the Village following Board of Trustees acceptance of such improvements.

If, after one (1) year, no defects in workmanship or materials have developed, the maintenance guarantee shall be released by the Village Engineer. In the event any defects are identified by the Village Engineer during the term of the maintenance guarantee, the balance of such guarantee shall be released only after: (a) the Village has been fully reimbursed for amounts expended in correcting defective improvements, or (b) the subdivider or developer has successfully repaired all such defects to the satisfaction of the Village Engineer.

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ARTICLE IV:  
DESIGN AND IMPROVEMENT STANDARDS

SECTION 4-101: GENERAL SUBDIVISION AND DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

A. **Implementation of Official Comprehensive Plan** All Subdivision and Development applications shall be reviewed for consistency with the Official Comprehensive Plan of the Village of Northbrook. The Official Comprehensive Plan shall be considered a statement of the policy of the Village of Northbrook regarding:

1. The existing and developing character of the various areas of the Village and its vicinity;
2. The proper objectives, standards and direction for future maintenance, growth, development and redevelopment of the Village and its vicinity;
3. The means to be employed to protect existing character or development and to encourage future development that will be in the best interests of the Village; and
4. The actions and programs to be undertaken by the Village with respect to its future maintenance and development.

It is recognized that existing zoning conditions within and around the Village may not reflect the future land use goals and objectives of the Village of Northbrook. Subdivision and Development applications should reasonably incorporate the goals, objectives and policies of the Official Comprehensive Plan, given existing zoning and related land use restrictions.

B. **Conformance with Standards and Specifications Manual** All Subdivision and Development applications and related engineering plans shall conform to the Village of Northbrook Standards and Specifications Manual, latest edition.

C. **Lot Standards**

1. **General Size, Shape and Orientation** All lots shall be designed and subdivided in conformance with all of the zoning requirements applicable to the subject property. Side lot lines shall generally be located at right angles or radial to the street right-of-way.
2. **Single-Family Detached Residential Subdivisions** This Code recognizes that subdivisions creating lots for single-family detached dwellings have unique design considerations and, therefore, require additional standards.
  - (a) **Lot Depth Standard** All single-family lots shall comply with all applicable zoning district regulations and shall be platted in such a manner as to create lots having a depth of at least 125 feet. Variations of this lot depth standard may be approved in accordance with Section 2-102 of this Code.
  - (b) **Minimum Frontage Requirements** All single-family lots shall have frontage on a public right-of-way, or duly approved private right-of-way. Such frontage shall be a minimum of fifty percent (50%) of the lot width standard for the zoning district in which the lot is located, or thirty feet, whichever distance is greater.

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- (c) Through Lots Through lots, as defined in this Code, shall not be permitted for single-family lots, unless such lots are adjacent to regional or community arterial streets, and appropriate restrictions are established prohibiting vehicular access onto the arterial street.
3. Additional Requirements for Lots Served by Private Water or Sanitary Sewer Systems All lots located outside of the corporate limits of the Village of Northbrook which are not served by a public water or sanitary sewer system and which are created by means of a Subdivision in accordance with this Code shall be a minimum of one (1) acre in size and shall otherwise conform with applicable county zoning requirements. No such lots shall be subdivided without the written approval of the Cook or Lake County Health Department, as the case may be.
4. Multiple-Family and Non-Residential Lots Subdivision or Development applications involving two-family, townhouse or multiple-family dwellings and non-residential uses shall be designed in a manner to promote the reasonable development of the property in conformance with zoning requirements, making adequate provision for the location of appropriate building sites, off-street parking and loading requirements and other on-site circulation system requirements, and all applicable requirements of this Code.
5. Outlots This Code recognizes that it may be in the public interest to create by means of subdivision certain lots of record which are not to be built upon. Such lots, defined in this Code as outlots, shall be used as common areas for storm detention, common recreation, private rights-of-way or other similar purposes. Such lots, if declared as non-buildable by means of restrictive covenants or other recorded legal document approved by the Village Manager need not satisfy the minimum lot requirements of this Code or the minimum lot area and dimension requirements of the zoning regulations applicable to the subject property.
- D. Block Standards Blocks shall be arranged in a manner so as to conform to the street planning standards established in Section 4-102 of this Code. Blocks should not, normally, exceed 1,320 feet in length; however it is recognized that Subdivision and Development designs which incorporate cul-de-sac and loop street systems or otherwise are adjacent to watercourses or other natural features may be of greater length. In the event blocks exceed 1,000 feet in length, the Village may require the establishment of emergency access easements and related improvements, as well as additional sidewalk and bikepaths at appropriate locations, in order to promote and facilitate pedestrian movement.
- E. Easement Standards
1. Generally Easements shall be provided where necessary for the provision of sanitary sewer, water, storm drainage, gas lines, electric lines, cable television lines and other necessary public or private purposes in order to adequately service the proposed Subdivision or Development. The Village may also require that proposed Subdivisions and Developments provide water, sanitary sewer, storm drainage, vehicular access, and other easements for public purposes to serve and promote the orderly development of off-site properties.

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2. Width and Location The widths and location of all sanitary sewer, water, and storm drainage easements shall be in compliance with the Village Standards and Specifications Manual. Telephone, electric and cable television easements shall be established in locations approved by the Village Engineer. All such easements shall be indicated on the final plat.
- F. Monument Standards** Permanent monuments shall be placed in all Subdivisions in accordance with the requirements of the Village Standards and Specifications manual, latest edition.
- G. Public Land Dedication and Contribution Standards.**
1. General Requirement.
    - (a) Condition of Subdivision or Final Plat of Subdivision Approval. As a condition of approval of a Subdivision, or of a Final Plat therefor, located, entirely or in part, within a residential district, or is, or is intended to be, used, entirely or in part, for residential purposes, the Applicant therefor shall be required to provide the following in accordance with this Subsection G, to serve the immediate and future needs of the residents of the proposed Subdivision:
      - (i) dedicate land for park and recreational purposes and for school sites or to agree to the payment of a cash contribution in lieu of actual land dedication, or to provide a combination of land and cash contributions, at the option of the Village; and
      - (ii) pay a cash contribution for the cost of the Library Capital Improvements. (*Note: This Entire Section Revised by Ordinance No. 98-67 and Revised again by Ordinance No. 07-05*)
    - (b) Condition of Occupancy Permit. No occupancy permit shall be issued by the Village until: (a) the dedication described in Subparagraph 1 (a)(i) above has been received by the Village; (b) the Northbrook Park District and the applicable school district delivers to the Village Manager a written acknowledgment that it has received the cash contribution described in Subparagraph 1 (a)(i) above, (*Note: Revised Ord. No. 02-22*) either in lieu of or in combination with a land dedication; (c) for the period commencing February 1, 2002 and ending May 30, 2002, for the Northbrook Park District and all applicable school districts that have not complied with Subparagraph 4-101 G15(a) of this Code, the Applicant has paid to the Village Manager and the Village Manager has received the full amount owed to each applicable school district and the Northbrook Park District has been received by the Village; or (d) the Northbrook Public Library delivers to the Village Manager a written acknowledgement that it has received the cash contribution described in Subparagraph 1(a)(ii) above. (*Note: Revised Ord. No. 07-05*)
    - (c) Applicability to All Subdivisions. As provided in Section 5-104 of this Code, the term Subdivision as used throughout this Subsection G, shall have the meaning as set forth in said Section 5-104, which meaning includes, without limitation, planned developments and developments, as such terms are defined in this Code.

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- (d) Applicability to Subdivisions with Existing Residential Dwelling Units. The calculation of any required dedication of land or cash contribution shall be adjusted with respect to any new subdivision of land on which there exists, at the time of submission to the Village of an application for subdivision approval, one or more residential dwelling units. Such adjustment shall allow for the ultimate population density for such new subdivision to be reduced, proportionately, based on such existing dwelling units, irrespective of whether such existing dwelling units will remain in existence after approval of the new subdivision, or will be replaced by new dwelling units. *(Note: Revised Ord. No. 07-05)*

2. Density Formula.

- (a) Population Table. The Table of Estimated Ultimate Population Per Dwelling Unit, set forth below as Table 4-1, shall be used as provided in this Subsection G to calculate the required dedication of land for park and recreational or school site purposes or for cash contributions in lieu thereof, as well as the required cash contributions for public library purposes, unless a written objection thereto is filed by the Applicant with the Village Manager pursuant to Subparagraph (c) of this Paragraph 2. *(Note: Revised Ord. No. 07-05)*

**(FIGURE 4-1 BEGINS ON THE FOLLOWING PAGE)**

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FIGURE 4-1  
Table Of Estimated Ultimate Population Per Dwelling Unit  
Children Per Dwelling Unit

<u>Type of Unit</u>	<u>Pre-School 0-4 Years</u>	<u>Elementary Grades K-5 5-10 Years</u>	<u>Junior High Grades 6-8 11-13 Years</u>	<u>TOTAL Grades K-8 5-13 Years</u>	<u>High School Grades 9-12 14-17 Years</u>	<u>Adults (18-up)</u>	<u>Total Per Unit</u>
<b><u>Single-Family Detached Dwellings</u></b>							
2 Bedroom	0.113	0.136	0.048	0.184	0.020	1.700	2.017
3 Bedroom	0.292	0.369	0.173	0.542	0.184	1.881	2.899
4 Bedroom	0.418	0.530	0.298	0.828	0.360	2.158	3.764
5 Bedroom or more	0.283	0.345	0.248	0.593	0.300	2.594	3.770
<b><u>Single-Family Attached Dwellings (i.e. townhouse dwellings and two-family dwellings)</u></b>							
1 Bedroom	0.000	0.000	0.000	0.000	0.000	1.193	1.193
2 Bedroom	0.064	0.088	0.048	0.136	0.038	1.752	1.990
3 Bedroom	0.212	0.234	0.058	0.292	0.059	1.829	2.392
4 Bedroom or more	0.323	0.322	0.154	0.476	0.173	2.173	3.145
<b><u>Multiple Family Dwellings and Community Residences</u></b>							
Efficiency	0.000	0.000	0.000	0.000	0.000	1.294	1.294
1 Bedroom	0.000	0.002	0.001	0.003	0.001	1.754	1.758
2 Bedroom	0.047	0.086	0.042	0.128	0.046	1.693	1.914
3 Bedroom or more	0.052	0.234	0.123	0.357	0.118	2.526	3.053

**NOTE:** The determination of the number of bedrooms contained in a building shall be made by the Village Manager. Rooms designated by an Applicant as den, library, study, sewing room, exercise room, or the like may be designated by the Village Manager as bedrooms if they are suitable for such accommodations.



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- (b) Presumed Density Formula. In applying Table 4-1 to a proposed Subdivision for which the types of units and number of bedrooms cannot reasonably be determined from the data and materials on file with the Village, the following types of units and bedroom data shall be used, unless a written objection thereto is filed by the Applicant with the Village Manager pursuant to Subparagraph (c) of this Paragraph 2:

Single Family Detached: Four bedroom unit per lot.

Single Family Attached: Equal mix of two and three bedroom units at maximum unit density permitted by applicable zoning.

Multiple Family Dwellings in the R-6 District: Equal mix of two and three bedroom units at maximum unit density permitted by applicable zoning.

Multiple Family Dwellings in the R-7 District or the R-8 District: Equal mix of one and two bedroom units at maximum unit density permitted by applicable zoning.

- (c) Objection to Density Formulae. If the Applicant files a written objection with the Village Manager to the use of Table 4-1 or the presumed density formula set forth in Subparagraph (b) of this Paragraph 2, the Applicant shall submit, at the Applicants sole cost and expense, a thorough and comprehensive demographic study showing the estimated population to be generated by the proposed Subdivision. The Board of Trustees shall make the final determination as to the density formula and estimated population that shall apply to the proposed Subdivision, which final decision shall be based on the demographic study submitted by the Applicant and all other facts and circumstances relevant to the issue as determined and required by the Board of Trustees. Nothing in this Subparagraph (c) shall be construed as limiting or preventing the Board of Trustees from utilizing Table 4-1 or the presumed density formula set forth in Subparagraph (b) of this Paragraph 2 for any proposed Subdivision.

### 3. Criteria For Park Land Dedication.

- (a) Calculation Of Land Required To Be Dedicated. The amount of land required to be dedicated for park and recreational purposes for a proposed Subdivision shall be a direct function of the ultimate population density of that Subdivision. The requirement shall be based on a standard of five acres of land per 1,000 ultimate population, computed in accordance with Paragraph and Table 4-1 of this Subsection.
- (b) Location Of Land To Be Dedicated. The location of the land to be dedicated for park and recreational purposes for the proposed Subdivision pursuant to this Subsection G shall be determined by the Northbrook Park

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District Board of Commissioners. The determination shall be based on such factors as the Northbrook Park District shall deem appropriate, including specifically, but without limitation, the availability of land, the suitability of any particular land for park and recreational purposes as opposed to use for other development, the location of the land relative to population concentrations, and the proximity of the land to other park or recreational lands.

- (c) Minimum Size Of Dedicated Land. The minimum size of any land to be dedicated for park and recreational purposes shall be 87,120 square feet, and no dimension shall be less than 100 feet; provided, however, that the Board of Trustees may approve dedications of a smaller size or dimension when required by the specific plans of the proposed Subdivision and when the usefulness of the smaller area for park and recreational purposes is clearly demonstrated.
- (d) On-Site Storage Prohibited. No materials, including, without limitation, top soil or other soil materials, shall be stored on any land that has been dedicated, or that has been designated for dedication, to the Village for park or recreational purposes pursuant to this Subsection G.
- (e) Detention And Retention Areas Not Qualified. No stormwater detention or retention area shall qualify as land suitable for dedication for park and recreational purposes, unless the suitability of such land for park and recreational purposes as a secondary use is clearly demonstrated to the satisfaction of the Northbrook Park District Board of Commissioners.

#### 4. Criteria For School Site Land dedication.

- (a) Calculation Of Land Required To Be Dedicated. The amount of land required to be dedicated for school sites for a proposed Subdivision shall be a direct function of the ultimate number of students to be generated by the Subdivision. The school site land dedication requirement shall be determined in accordance with the following equation:
  - (1) Number of children from the proposed Subdivision to be served in each school classification (computed in accordance with Table 4-1)  
*divided by:*
  - (2) Maximum number of students to be served in each such school classification (as stated in Subparagraph (b) of this Paragraph 4)  
*multiplied by:*
  - (3) Minimum number of acres for each school site for each such school classification (as stated in Subparagraph (b) of this Paragraph 4)

The product of such calculation shall be the minimum acreage of land necessary for school sites to serve the children in the proposed Subdivision.

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- (b) School Classifications; Land Required. School classifications and the required minimum size of new school sites within the Village shall be determined in accordance with the following criteria:

<b><i>School Classification by Grades</i></b>	<b><i>Maximum Number of Students For Each Such Classification</i></b>	<b><i>Minimum Number of Acres Per Site of Such Classification</i></b>
<b><i>Elementary schools (K-8)</i></b>		
<i>Grades kindergarten through 8th</i>	<i>900 Students</i>	<i>14 Acres</i>
<b><i>High schools, (9-12)</i></b>		
<i>Grades 9th through 12</i>	<i>2000 Students</i>	<i>55 Acres</i>

- (c) Location of land to be dedicated. The location of each school site shall be determined by the Board of Trustees. The Villages official Comprehensive Plan and the standards adopted by the affected school district shall be used as guidelines in locating school sites.
- (d) On-Site Storage Prohibited. No materials, including, without limitation, top soil or other soil materials, shall be stored on any land that has been dedicated, or that has been designated for dedication, to the Village for school site purposes pursuant to this Subsection.
- (e) Detention And Retention Areas Not Qualified. No stormwater detention or retention area shall qualify as land suitable for dedication for a school site, unless the suitability of such land for such school site as a secondary use is clearly demonstrated to the satisfaction of the Board of Trustees.

5. Criteria For Payment In Lieu Of Land Dedication.

- (a) General Qualification. In the event that a proposed Subdivision is small and the resulting required land dedication is too small, in the determination of the Board of Trustees, to be practical, or when the Board of Trustees finds that the available land is inappropriate for park and recreational purposes or for a school site, then the Village shall have the authority to require the Applicant to pay a cash contribution in lieu of the otherwise required land dedications, in accordance with the standards of this Paragraph 5.
- (b) Definition of Fair Market Value. The cash contributions in lieu of land shall be based on the fair market value of the acres of land in the proposed Subdivision, as determined by the Board of Trustees based on the value of improved land in and surrounding the Village . The fair market value figure shall be set forth in the Villages annual fee ordinance and shall be used in making any calculation required by this Subsection, unless the Applicant or other affected party files an objection pursuant to Subparagraph (c) of this Paragraph 5. The Village Manager shall periodically, but no less frequently than annually, survey surrounding communities, conduct discussions with the applicable Township Assessors office, affected school districts, and other interested parties, and shall report findings of such surveys and

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communications to the Board of Trustees with respect to the continued adequacy and reasonableness of the Villages determination of fair market value as set forth in the annual fee ordinance.

- (c) Objection to Fair Market Value Determination. If the Applicant or any other affected person files a written objection with the Village Manager to the fair market value as established pursuant to Subparagraph (b) of this Paragraph 5, and as set forth in the annual fee ordinance, the Applicant or other affected person shall submit, at their sole cost and expense, a written appraisal professionally prepared by a Member of the Appraisal Institute of America (M.A.I). The appraisal shall show the fair market value of improved land in the area of the proposed Subdivision. Upon receipt of such objection, the Village Manager shall cause the same to be delivered to the Northbrook Park District and the applicable school district. The Northbrook Park District and the applicable school district shall have the right, but not the obligation, within 30 days after receipt of the objection from the Village Manager, to make a recommendation regarding the disposition of such objection. The Board of Trustees shall make the final determination as to the fair market value of such improved land, which final determination shall be based on the appraisal or other information submitted by the Applicant or other affected person, the recommendations, if any, received from the Northbrook Park District and the applicable school district, and all other facts and circumstances relevant to the issue as determined and required by the Board of Trustees. Nothing in this Subparagraph (c) shall be construed as limiting or preventing the Board of Trustees from utilizing the fair market value as established in Subparagraph (b) of this Paragraph for any proposed Subdivision.
- (d) Disposition of cash contributions.
- (1) Cash contributions in lieu of park land dedications shall be paid directly to the Northbrook Park District solely for use in the acquisition or development of park and recreational land to serve the immediate or future needs of the residents of the Proposed Subdivision or for the improvement of other existing local park and recreational sites.
  - (2) Cash contributions in lieu of school site land dedications shall be paid directly to the applicable school district or districts, as the case may be, solely for use in the acquisition of land for a school site to serve the immediate or future needs of students from the proposed Subdivision or for the improvement to any existing school site already serving such needs.
  - (3) All cash contributions made pursuant to this Subsection shall be held in trust by the public body to whom the cash contributions are paid and shall be kept separate from all other funds and shall be accounted for in the appropriate manner.
  - (4) Notwithstanding the foregoing provisions of this Paragraph (d), for the period commencing February 1, 2002 and ending May 30,

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2002, for each of the Northbrook Park District and all applicable school districts that have not complied with Subparagraph 4-101 G14(a) of this Code, all cash contributions to be paid under this Paragraph shall be paid directly to the Village Manager, and the Village Manager shall establish an interest-bearing escrow account for such cash contributions. The cash contributions remitted to the Village Manager pursuant to this Paragraph (d) shall be distributed to the Northbrook Park District and the applicable school districts only upon satisfaction of the condition set forth in Subparagraph 4-101 G14(a) of this Code. In the event that such condition is not met on or before May 31, 2002, the Village Manager shall return any such contributions that have been paid to him to the person who paid them. In no event shall the Northbrook Park District or any applicable school district directly accept, in any manner whatsoever, any such contributions required pursuant to this Subsection 4-101 G unless and until that district satisfies the condition set forth in Subparagraph 4-101 G14(a). (*Note: Revised Ord. No. 02-22*)

(e) Refund of Cash Contributions. If any portion of a cash contribution in lieu of a park land dedication, or a cash contribution in lieu of a school site land dedication, as the case may be, is not expended for the purposes set forth herein within seven years after the date of receipt of such contribution by the Northbrook Park District or applicable school district, then that cash contribution shall be refunded to the Applicant who made such contribution, or its successor or assign.

6. Criteria for Combination Land Dedication and Cash Payment for Parks and Schools. A combination of land dedication and cash contribution in lieu of land dedication for park and recreational purposes and school sites may be required when appropriate as determined by the Board of Trustees, including, without limitation, in the following two circumstances: (*Note: Revised Ord. No. 07-05*)

(a) Inadequate Land. The proposed Subdivision has some but not enough adequate land to meet the dedication requirements of this Subsection. That portion of the land within the proposed Subdivision that is adequate for park land or a school site shall be dedicated as provided in this Subsection, and a cash contribution shall be required for any additional land that would have been required to be dedicated pursuant to this Subsection.

(b) Previous Acquisition. A major part of the local park or recreational site or school site already has been acquired and only a small parcel of land is needed from the proposed Subdivision to complete the site. Such parcel shall be acquired by dedication, and a cash contribution shall be required for any additional land that would have been required to be dedicated pursuant to this Subsection.

7. Criteria for Cash Contribution for Library Capital Improvements.

(a) Calculation. The amount of the cash contribution for Library Capital Improvements required to be paid to the Northbrook Public Library

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shall be determined by obtaining the product of: (1) the estimated population generated by the proposed Subdivision to be served by the Northbrook Public Library based upon the population per dwelling unit, as determined pursuant to Figure 4-1 and Paragraph 9-101G2, multiplied by (2) the per capita cost for Library Capital Improvements specifically and uniquely attributable to the proposed Subdivision, based upon either or both of the methods set forth in subparagraph (b), and shall be contained in the annual fee ordinance.

(b) Per Capita Costs. The per capita cost for Library Capital Improvements specifically and uniquely attributable to a proposed Subdivision shall be determined using one or both of the following methods, as appropriate:

(1) the number of books and audio-visual equipment recommended by the Illinois State Library on a per capita basis, multiplied by the Northbrook Public Library's average cost to purchase such items and add them to the Northbrook Public Library's permanent collection; or

(2) a capital needs assessment performed by the Northbrook Public Library that includes the following criteria:

- (i) The cost of existing Library Capital Improvements;
- (ii) The means by which existing Library Capital Improvements have been financed;
- (iii) The projected annual cost to the Northbrook Public Library of Library Capital Improvements in the succeeding seven years;
- (iv) The portion of the projected annual cost to the Northbrook Public Library of Library Capital Improvements in the succeeding seven years that is specifically and uniquely attributable to projected new residential development; and
- (v) The extent to which projected new residential development will otherwise contribute to the cost of projected Library Capital Improvements through taxation, assessment, developer contributions, and other means.

Following its review and analysis of the information provided pursuant to Subparagraphs (1) and (2) above, the Board of Trustees shall determine, in its sole discretion, the amount, if any, of the per capita cost of Library Capital Improvements specifically and uniquely attributable to a proposed Subdivision.

(c) Disposition of Cash Contributions. Cash contributions made pursuant to this Paragraph 7 for the cost of Library Capital Improvements shall

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be paid directly to the Northbrook Public Library solely for use in the acquisition of Library Capital Improvements and shall be held in trust by the Northbrook Public Library and shall be kept separate from all other funds and shall be accounted for in the appropriate manner.

- (d) Refund of Cash Contribution. If any portion of the cash contribution made pursuant to this Paragraph 7 for Library Capital Improvements is not expended for Library Capital Improvements within seven years after the date of receipt of such cash contribution by the Northbrook Public Library, then such portion of the cash contribution shall be refunded to the Applicant who made such contribution, or its successors or assigns. *(Note: Revised Ord. No. 07-05)*
8. Reservation of Additional Land. When the Villages Official Comprehensive Plan or other applicable standard of the Village requires a larger amount of park and recreational land or a larger school site in a particular Subdivision than the Applicant is otherwise required to dedicate pursuant to the terms of this Subsection, then the land needed in excess of the otherwise required dedication shall be reserved by the Applicant for subsequent purchase by the applicable other public body, provided that such acquisition is started within one year after the date of approval of the Final Plat for the proposed Subdivision.
9. Combining with Adjoining Subdivisions. For proposed Subdivisions of 40 acres or less, the otherwise applicable park and recreational land dedication or school site land dedication may be combined, where practical as determined by the Board of Trustees, with dedications for the same purposes from adjoining subdivisions or developments to produce usable park or recreational areas or school sites.
10. Topography and Grading. The slope, topography, and geology of a site to be dedicated pursuant to the requirements of this Subsection, as well as its surroundings, shall be suitable for the intended purpose of the site. Grading on dedicated land shall not differ greatly from surrounding land. No removal of existing topsoil shall be permitted.
11. Improved Sites. All sites shall be dedicated in a condition ready for full service of electrical, telecommunications, gas, water, sewer and streets (including curb and gutter and enclosed drainage), as applicable to the location of the site, or acceptable provisions shall be made therefor.
12. Dedication Required as Part of Annexation Agreement. Unless waived by the Board of Trustees in its sole and absolute discretion, the dedication of land, or cash contributions required by this Subsection also shall be required as a condition of the annexation of any land to the Village for residential purposes. However, the same shall not be required as condition to an amendment of an annexation agreement unless the Board of Trustees finds from a consideration of the purposes of this Subsection that such dedications or payments should be required because of increased burdens to be placed on schools, the park system, and the public library system over and above those covered by the dedications and cash contributions made or provided for in connection with the original annexation agreement. If the Board of Trustees does so find, then additional dedications or cash contributions shall be required, but only to the extent necessary to cover the

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shortage resulting from such increased burdens. Dedications of land or cash contributions in lieu thereof as specified in any annexation agreement that substantially comply with the requirements of this Subsection shall be deemed to have fulfilled the otherwise applicable dedication and cash contribution requirements of this Subsection. *(Note: Revised Ord. No. 07-05)*

13. Dedication as Condition of Approval of Final Plat. Approval of any Final Plat of Subdivision shall be conditioned on the dedication of land or cash contributions in lieu thereof, and cash contributions for Library Capital Improvements, as required by this Subsection. When a Subdivision is to be developed over a period of years, dedication of required land or cash contributions in lieu thereof and cash contributions for Library Capital Improvements may be made after completion of a portion of the Subdivision provided that an escrow fund satisfactory to the Village has been established to guarantee the conveyance of land or payment of funds after completion of such portion of the Subdivision. *(Note: Revised Ord. No. 07-05)*
14. Title to Dedicated Park Land and School Sites.
  - (a) General Requirement. All sites to be dedicated pursuant to this Subsection shall be conveyed to the Village either by warranty or trustees deed, or such form of conveyance as the Village shall require. The Applicant shall be responsible for payment of all real estate taxes to the date of conveyance, including any agricultural roll back taxes that might be extended or levied against such sites. In the discretion of the Village, a commitment for title insurance issued by a company authorized to do business in Illinois may be required as evidence of clear title.
  - (b) Park Land. Conveyance of park land dedications shall occur only after or simultaneously with the passage of an ordinance or resolution by the Northbrook Park District (or by the Village if the Subdivision is not located within the Northbrook Park District), in which it indicates that the land will be accepted by the Park District or by the Village, as the case may be, for park purposes. If the land is in the Park District, then immediately after the adoption of the Park District resolution or ordinance, the Village shall convey the land to the Park District.
  - (c) School Sites. Conveyance of school sites shall occur only after or simultaneously with the passage of an ordinance or resolution by the school district in which the Subdivision is located in which the district indicates that the site will be accepted by the district for school purposes. Immediately thereafter, the Village shall convey the site to the district.
15. Remedies.
  - (a) Intergovernmental Agreement. The Northbrook Park District, the affected school districts, and the Northbrook Public Library, shall be required, as a condition of receiving the dedications or donations hereunder, to enter into a binding, written intergovernmental agreement with the Village, acceptable in form and content to the Village Attorney, providing for the indemnification and holding harmless of the Village from any loss, claims and causes of actions of every kind that may be incurred by the Village as a result, either



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directly or indirectly, of the enactment of this Subsection, or the administration or enforcement thereof, including any loss, claims, or causes of action incurred as a result of a lawsuit brought or threatened by the Northbrook Park District, the affected school district, or the Northbrook Public Library. The intergovernmental agreement shall provide that if the Village is sued by any Applicant, subdivider, or developer as a result, directly or indirectly, of the enactment of this Subsection, the Village may, at its option, undertake the defense, and the Villages costs and expenses related thereto, including attorneys fees, shall be immediately reimbursed by the Northbrook Park District, affected school district, and the Northbrook Public Library, as the case may be. *(Note: Revised Ord. No. 07-05)*

- (b) Improper Use of Funds. Where the Northbrook Park District, a school district, or the Northbrook Public Library improperly uses funds or fails to use funds and does not return same as specified in this Subsection, the Village may sue the Park District, the affected school district, or the Northbrook Public Library, as the case may be, and shall be entitled to recover as a part of the judgment therein, or any settlement thereof, all costs and expenses, including attorneys' fees, incurred by the Village. *(Note: Revised Ord. No. 07-05)*
- (c) Implied Conditions. Unless otherwise specifically provided, the provisions of this Subsection shall be an implied condition of every intergovernmental agreement entered into pursuant to this Subsection. *(Note: This Entire Section Revised by Ordinance No. 98-67)*

### SECTION 4-102: TRANSPORTATION AND CIRCULATION SYSTEM DESIGN AND IMPROVEMENT STANDARDS

The arrangement of streets shall conform to the Official Comprehensive Plan. No permanent building or structure or permanent improvement of any type shall be erected within the extension of street rights-of-way indicated on the Street Plan of the Official Comprehensive Plan. Such extensions are for the purpose of regulating the traffic flow within the Northbrook area in accordance with the best interests of public health, safety and general welfare. For streets not shown on the Official Comprehensive Plan, the arrangement of streets shall comply with the standards of this Section and the Village Standards and Specifications Manual and shall be approved by the Board of Trustees.

- A. Hierarchy of Streets Established To implement the Official Comprehensive Plan and to establish reasonable guidelines for the dedication of right-of-way and construction of road improvements, the existing and planned future streets within the corporate limits of the Village of Northbrook and within the extraterritorial jurisdiction of the Village shall be categorized into the following functional classifications.
  - 1. Expressway: Any limited access highway, including both tollways and freeways, designated by the State or Village of Northbrook for purposes of serving regional, state or interstate traffic. Expressways shall have a minimum right-of-way width of 200 feet and a variable minimum pavement width.

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2. Regional Arterial: A major street used for both through and local traffic. Regional arterials provide access to the expressways, to other regional arterials, and to the local street network. Access to regional arterials should be limited to intersections with other public streets. Regional arterials shall have a minimum right-of-way width of 100 feet and a variable minimum pavement width, depending on whether a divided road system is utilized.
3. Community Arterial: A street used primarily for local travel between various sections of the community. Properties should have limited access onto community arterials in order to maintain the capacity of the street system. Community arterials shall have a minimum right-of-way width of 80 feet and a variable minimum pavement width, depending upon the design considerations.
4. Community Collector: A street designed to connect different activity areas within the community and to collect and distribute traffic between neighborhoods. Residences may have direct access onto community collectors. Community collectors shall have a minimum right-of-way width of 80 feet and a minimum pavement width of 43 feet.
5. Neighborhood Collector: A street designed to move traffic through major residential developments and neighborhoods. It connects local streets to either collector or arterial streets. Neighborhood collectors shall have a minimum right-of-way width of 66 feet and a minimum pavement width of 43 feet.
6. Local Street: A street intended to serve the property abutting the street. Local streets should be designed:
  - (a) to minimize through traffic movements;
  - (b) for a relatively uniform and low volume of traffic;
  - (c) to discourage excessive speeds; and
  - (d) be related to topography and natural features.

Local streets shall have a minimum right-of-way width of 60 feet and a minimum pavement width of 27 feet.

Other types of specialized roads including, but not limited to: frontage roads, industrial and commercial streets and emergency access roads are recognized; however, their design should be based upon detailed traffic analyses rather than general standards.

The precise minimum right-of-way and pavement width for all streets shall be approved by the Board of Trustees in accordance with the Village Standards and Specifications Manual considering the topography of the property, possible need for medians and turn lanes and other transportation design criteria.

### **B. General Standards for Transportation and Circulation Systems**

1. Appropriate Access All Subdivisions and Developments shall be designed in a manner so as to provide appropriate access to all parcels within and adjoining the subject property. Where a street connection is deemed necessary for the appropriate development of adjoining land, the arrangement of streets shall include the extension of the street to the edge of the Subdivision. In the event the

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Village determines that a proposed Subdivision or Development does not provide appropriate access for emergency vehicles, the applicant may be required to establish either additional street connections for access to the subject property or emergency vehicle access easements with suitable paving materials in order to ensure adequate emergency services.

2. Logical Extension of Streets Street systems shall be designed to promote the logical extension of existing streets and rights-of-way in order to facilitate the development of a functional and easily understandable road network.
3. Frontage Roads The Village may require the construction and dedication of frontage or service roads in order to limit direct access onto major streets.

**C. Private Streets; Variation Required** It is the intent of this Code to require the construction and dedication of appropriate public streets and rights-of-way as part of the review and approval of Subdivision and Development applications. The Plan Commission may recommend and the Board of Trustees may approve a variation pursuant to Section 3-201 of this Code, authorizing the establishment of private streets. If approved, all such private streets shall comply with the following standards:

1. No private street shall be permitted which serves through traffic or is deemed to be contrary to the Official Comprehensive Plan.
2. No private street shall be created which does not satisfy the minimum pavement requirements for public streets, as established in the Village Standards and Specifications Manual, current edition. All approved private streets shall incorporate the cost estimate for such streets in the performance guarantee and shall be inspected by the Village of Northbrook.
3. Private streets shall be maintained and repaired by or on behalf of a duly established property owners' association in accordance with Subsection 4-105 E of this Code.
4. Private street rights-of-way shall be established as outlots, as defined herein, and shall not be included in any minimum lot area or setback calculations for individual lots.
5. In recognition of the fact that private streets may be approved with rights-of-way which are less than those required for an equivalent public street, all lots abutting a duly approved private street shall have building restriction lines established and recorded in such a manner as to create a setback from the edge of pavement equal to that which would have existed were a public street established. The Village Engineer shall verify the location of all such building restriction lines for compliance with this standard.
6. A covenant shall be recorded against the subject property acknowledging that the Village shall at no time be under any obligation to provide maintenance for or accept dedication of said private streets.

**D. Pavement and Geometric Standards** All streets, including approved private streets, shall be paved in accordance with the requirements of the Village Standards and

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Specifications Manual and shall be designed to allow the safe passage of moving traffic. The geometric design of streets shall, at a minimum, consider the following factors: stopping sight distance; minimum and maximum allowable grade of streets; minimum tangent between reverse curves; and the need for super-elevation. Local streets should not be designed or constructed with super-elevated curves.

**E. Curb and Gutter Requirements** All streets, including approved private streets, shall be designed and constructed with a curb and gutter system in accordance with the Village Standards and Specifications Manual.

**F. Intersection Design and Improvement** The design and construction of proposed and improved street intersections shall consider the function of the intersection, the classification of streets, the need for turn lanes and related storage, and the approach speeds.

1. Alignment and Spacing of Intersections Proposed intersections should, where practical, align with existing intersections on the opposite side of the street. In the design of local residential streets, "T-type" intersections are considered appropriate; however, such intersections of two local streets shall be designed with a minimum centerline offset of at least 125 feet. The offset of other intersections shall be determined by the Village Engineer, based on the Village Standards and Specifications Manual. The intersection of more than two (2) streets is undesirable for traffic control and safety reasons and shall be avoided whenever possible.

2. Angle of Intersection It is desirable for all intersections to meet at approximately a 90-degree angle. Skewed intersections should be avoided and in no case should the angle of intersection be less than 75 degrees.

3. Clear Sight Distance Intersections shall be designed, constructed and maintained in such a manner as to provide adequate sight distance, as established in the Village Standards and Specifications Manual.

4. Other Intersection Improvements If deemed reasonable and necessary, the Village may request that applicants construct other intersection improvements including, but not limited to the installation of left- and right-turn lanes and the signalization of the intersection.

**G. Minimum Centerline Radius of Curves** Curves in streets shall be designed based on the functional classification of the street and the number of vehicles per day projected to utilize the road, and shall be constructed in accordance with the Village Standards and Specifications Manual. Local subdivision streets shall have a minimum centerline radius of at least 155 feet, unless unique topographic or other constraints warrant a variation of the provisions of this Code.

**H. Cul-de-sac Streets** When it is determined that a street should not serve a through function, permanent cul-de-sac streets shall be established which satisfy the minimum requirements of the Village Standards and Specifications Manual.

1. Maximum Length of Cul-de-sac Streets Each proposed cul-de-sac shall be considered on its individual merit; however, no permanent cul-de-sac street shall be approved which exceeds 1,200 feet in length.

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2. Minimum Radius of Cul-de-sac The turnaround for cul-de-sac streets shall be designed with a minimum 107-foot diameter pavement and a 140-foot diameter right-of-way.
  3. Temporary Cul-de-sacs for Through-Streets If a street is designed with the intention of being a through street or extended to an adjoining property, the Village may require the construction of a temporary turnaround area at the end of the street. The turnaround area shall be located within a temporary easement either on-site or off-site and shall comply with the Village Standards and Specifications Manual. Funds shall be deposited with the Village for removal of an on-site cul-de-sac when the street is extended.
- I. **Improvement of Existing Streets and Rights-of-Way** Developers and subdividers shall be responsible for dedicating appropriate right-of-way, and designing and constructing reasonable improvements within the Subdivision or Development and across the entire frontage of the subject property. Such dedication and improvements shall be in compliance with the Village Standards and Specifications Manual.
- J. **Street Names** All streets shall be named and the names shall be approved by the Board of Trustees. Names shall be sufficiently different in sound and in spelling from other street names in and around the Village of Northbrook so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name.
- K. **Street Lights** Street lights shall be installed by the subdivider or developer for public and private streets in compliance with the Village Standards and Specifications Manual.
- L. **Parkway Tree Plantings** Parkway trees shall be installed by the subdivider or developer along all public and private streets and rights-of-ways in compliance with Article III of Chapter 25 of the Northbrook Municipal Code (1988), as it may be amended from time to time. (*Note: Revised Ord. No. 99-43*)
- M. **Street Signs, Signals and Other Appurtenances** The subdivider or developer shall be responsible for installing all street signs, traffic control devices and related apparatus in compliance with the Village Standards and Specifications Manual.
- N. **Sidewalks, Trails and Bike Paths**
1. Public sidewalks shall be required along both sides of all streets, except in single-family residential subdivisions where the minimum lot size exceeds 50,000 square feet in size. All such sidewalks shall be designed and constructed in compliance with the Village Standards and Specifications Manual. The Village may require the installation of other sidewalk connections, such as at the end of cul-de-sac streets, if it is determined that such sidewalks will create a logical pedestrian circulation system.
  2. Bike paths and trails shall be installed by and at the expense of the subdivider or developer in locations specified in the Village Standards and Specifications Manual.

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- O. Consideration of Mass Transit Service** All Subdivision and Development applications involving residential uses shall give due consideration to the requirements for school bus service to the property. Proposed Subdivision and Development applications shall also consider opportunities for accommodating existing or future mass transit service, including possible mass transit stops.
- P. Off-Street Parking and Loading Requirements** All Subdivision and Development applications shall demonstrate compliance with zoning regulations for off-street parking and loading requirements applicable to the subject property and the proposed land use(s). Off-street parking and loading areas shall be designed and constructed in compliance with the Village Standards and Specifications Manual.
- Q. Driveways** All proposed driveways and driveway aprons shall be designed and constructed in compliance with the Village Standards and Specifications Manual. The Village may limit or restrict driveway access on major thoroughfares in accordance with the standards established in Subsection 4-102 A of this Code.

### SECTION 4-103: ENVIRONMENTAL PROTECTION DESIGN AND IMPROVEMENTS STANDARDS

#### A. Floodplain Areas

- 1. Minimizing Damage** Proposed Subdivisions and Developments shall clearly indicate whether or not any portion of the property is within a 100-year floodplain. All Subdivision and Development applications shall be reviewed to assure that the proposed use of the property is consistent with applicable floodplain restrictions, including the Village Flood Hazard Overlay District regulations and the Village Standards and Specifications Manual. All final plats or plans shall include a signed statement by an Illinois Registered Professional Engineer or licensed surveyor that the Subdivision or Development properly accounts for changes in the drainage of surface waters in accordance with the State Plat Act (Ill. Rev. Stat., Ch 109, Sec. 2).
- 2. Flood and Hydrological Information Required** Subdivision and Development applications shall include information concerning flood conditions and detailed engineering hydrology, in compliance with the Village Standards and Specifications Manual.
- 3. Subdivision and Development Layout** Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner so as to preserve and utilize natural floodplains, wetlands, streams and channels. To the extent possible, the floodplain shall be included as passive recreation or storm retention/detention basins within parks, common open space or other public grounds. Any proposed bridges, culvert crossings and roadway approaches within the floodplain shall be designed and constructed in compliance with the Village Standards and Specifications Manual.

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4. Subdivision and Development Restrictions The Board of Trustees may, when it deems necessary for the health, comfort, safety or general welfare of the present or future population of the area and necessary to the conservation of water, drainage sources and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. The Board of Trustees may, further, prohibit the clearing, grading or filling of any kind in a floodplain area as part of the Subdivision or Development of any property.

### **B. Streams and Natural Drainage Courses**

1. Board Approval of Stream Modifications Subdivisions and Developments shall be designed to honor natural drainage courses and preserve stream channels. Any proposed modifications to natural stream channels shall require the approval of the Board of Trustees, the U. S. Army Corps of Engineers and the Illinois Department of Transportation, as appropriate, and shall comply with the requirements of the Village Standards and Specifications Manual.
2. Easements Required When a property proposed to be Subdivided or Developed is traversed by a stream or natural drainage course, sufficient right-of-way or easement shall be dedicated to allow for proper drainage flow and maintenance. The width of the easement or right-of-way shall be a minimum of 15 feet in width and shall comply with the Village Standards and Specifications Manual.

- C. Wetland Areas Nothing in this Code shall be interpreted to relieve the subdivider or developer from complying with all applicable State and Federal regulations regarding the protection of wetland areas. To the extent practical, natural wetland areas should be integrated into the storm water management design for the Subdivision or Development. Development in and around wetland areas shall comply with the requirements of the Village Standards and Specifications Manual.

### **D. Tree and Vegetation Protection**

1. Trees in General The location of existing trees on the property shall be identified in accordance with the requirements of this Code and all other applicable Village regulations. All trees shall be protected and preserved as required by the Northbrook Municipal Code (1988), as it may be amended from time to time, and this Code. *(Note: Revised Ord. No. 99-43)*
2. Landmark Trees During site development, if a landmark tree, as the same is defined in the annual fee ordinance, is located in a required yard, a tree permit for its removal may be issued, and the tree may be removed, only upon approval of the Board of Trustees, by resolution duly adopted. If a landmark tree is not located in a required yard, a tree permit for its removal may be issued, and the tree may be removed, only after the receipt by the Village of a replacement guarantee in accordance with subsection 25-13 (c) 2 of the Municipal Code (1988), as amended. *(Note: Revised Ord. No. 01-23)*
3. Heritage Trees During site development, if a heritage tree, as the same is defined in the annual fee ordinance, is located in a required yard, removal of such tree shall be prohibited. If a heritage tree is not located in a required yard, a tree permit for its removal may be issued, and the tree may be removed, only upon approval

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of the Board of Trustees, by resolution duly adopted. (*Note: Revised Ord. 01-23*)

4. **Natural Vegetation** Where natural vegetation is a part of the approved site development, existing natural vegetation should be preserved and protected to the extent possible during site development. (*Note: Revised Ord. No. 99-43*)
- E. **Erosion and Sedimentation Control** Subdivision and Development designs shall make adequate provision for the control of soil erosion and control of sediment during all site development and construction phases. All final engineering plans shall include a soil erosion and sediment control plan in compliance with the Village Standards and Specifications Manual.
- F. **Other Natural or Cultural Features** Subdivision and Development applications shall consider in the design process any unique natural or cultural features associated with the property, in compliance with the Official Comprehensive Plan, the State Historic Preservation Act and the Illinois Endangered Species Protection Act.

### SECTION 4-104: PUBLIC UTILITY DESIGN AND IMPROVEMENT STANDARDS

- A. **Connection to Village Utility Systems** Storm sewers, sanitary sewers and water supply mains, as required by this Code and the Village Standards and Specifications Manual, shall not be tied into or connected to storm, sanitary, and water supply systems of the Village unless: (a) the Subdivision or Development is annexed to or is a part of the Village, or (b) such connection is authorized as part of a valid and binding intergovernmental agreement.
- B. **Oversizing of Public Utilities** When, due to the necessity of serving the public utility needs of adjacent properties (as may currently exist or may be developed in the future) as determined by the Village Engineer, storm sewer, sanitary sewer, or water facilities are designed and constructed larger than is immediately required to serve the land included in the Subdivision or Development, the subdivider or developer shall be reimbursed for such additional costs on the following terms and conditions:
  1. The Village Engineer shall determine the cost of such storm sewer, sanitary sewer and/or water facilities as are required to serve only the immediate needs of the subject property. The Village Engineer will also determine the additional cost of such facilities required to serve both the subject property and the adjacent properties when developed.
  2. The difference in cost in the above determinations shall be paid to the original subdivider or developer by those developing or subdividing adjacent properties. At the time the adjacent properties are submitted for Subdivision or Development, the Village Engineer shall apportion the benefit received by the adjacent property developer by reason of the increased facilities. The adjacent property developer shall pay the sum of money equal to his proportionate share of the cost of the increased facilities.



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3. The Village may, as determined by the Board of Trustees, act as the collecting agent in regard to increased facility sharing. In such cases, an administrative handling charge of five (5) percent shall be applied to the adjacent developer's share and retained by the Village. Upon receipt of such proportionate share payment by the adjacent property developer, the Village shall reimburse the subdivider or developer who originally installed the increased facilities.
- C. Storm Sewer Design and Improvement Standards** No Subdivision or Development application shall be approved unless it makes adequate provision for the management of storm water in compliance with the Village Standards and Specifications Manual, current edition. Maintenance responsibilities for storm water management facilities shall be the responsibility of the property owners. Detention and retention ponds for residential subdivisions shall be located on outlots or other common open space areas; variations of this requirement may be granted only in connection with a concurrent application for a subdivision with three or fewer lots. *(Note: Revised Ord. 06-44)*
- D. Public Water Design and Improvement Standards** All Subdivision and Development applications shall be designed and constructed to provide a suitable potable water supply and distribution system. Water systems shall be looped whenever possible, thereby avoiding dead-end lines. The water system shall also be designed to provide appropriate fire hydrant locations and adequate flows for fire protection purposes. All water distribution systems shall be designed and constructed in compliance with the Village Standards and Specifications Manual.
- E. Sanitary Sewer Design and Improvement Standards** Sanitary sewer systems shall be installed to serve all lots within a Subdivision and the anticipated land uses within Developments. Any proposed private septic systems shall require Cook or Lake County Health Department approval, as the case may be. All public sanitary sewer systems shall be designed and constructed in compliance with the Village Standards and Specifications Manual.
- F. Underground Utility Requirement**
1. Installation Requirements Except as set forth in paragraph 2 below, all utility facilities, as defined in this Code, shall be installed underground in accordance with Village Standards. No underground utility facilities other than storm or sanitary sewers and crossings by other utility facilities shall be constructed within a storm or sanitary sewer easement, unless expressly approved by the Village Engineer.
  2. Underground Installation Exemptions
    - (a) Electric distribution transformers, switchgear, meter pedestals, and telephone pedestals, which normally are installed above ground, may continue to be so installed, in accordance with accepted utility practices for underground distribution.
    - (b) Temporary overhead facilities for construction shall be permitted.
    - (c) Service connections, meters and similar equipment normally attached to the outside wall of the premises they serve, may be so installed.
    - (d) The underground installation of electric, telecommunications, internet, broadband, cable service, and video service, utility facilities may be

## VILLAGE OF NORTHBROOK SUBDIVISION & DEVELOPMENT CODE

waived with the approval of the Board of Trustees upon a written request from the applicant for subdivision relief and a finding by the Board of Trustees that the strict enforcement of this Subsection F would constitute an undue hardship on the applicant and that minimal benefit to the Village and the public would accrue from the waiver of underground installation. The Board of Trustees' decision shall include, without limitation, consideration and analysis of the following factors:

- (1) The extent of existing overhead utility facilities in the immediate area of the subdivision;
  - (2) The location and heights of such utility facilities and their relationship to present or planned future streets and other rights-of-way;
  - (3) The crossing of such utility lines over streets and other rights-of-way with significant levels of traffic;
  - (4) The proximity of such utility facilities to schools, religious or community institutions, commercial areas, or other places where people congregate;
  - (5) The expected aesthetic appearance of that portion of the Village should the utilities facilities be installed overhead instead of underground;
  - (6) The impact of overhead utility facilities on future development in the area of the subdivision;
  - (7) The practicality and feasibility of underground installation with due regard for the comparative costs between underground and overhead installation; however, a mere showing that an underground installation is more costly than overhead installation shall not be the sole criterion for granting a waiver.
- (e) Utility facilities, as defined in this Code, located on land in an ICS Industrial and Commercial Services District, I-1 Restricted Industrial District or I-2 Light Industrial District under the Zoning Code are not required to be installed underground except when the utility is located on land that is across the right-of-way from or adjacent to land in a residential district under the Zoning Code. (*Note: Revised Ord. 05-29 & Ord. 13-15*)

- G. Solid Waste Storage and Disposal System** All proposed Subdivisions and Developments shall include a description of the planned method of solid waste storage and disposal. The final engineering plans shall specify the method to be employed for storage of solid waste. The storage system utilized shall be suitable for the proposed use of the property. Uses other than single-family detached dwellings may be required to provide centralized refuse disposal and recycling containers, with appropriate screening.

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### SECTION 4-105: COMMON FACILITIES; DESIGN AND IMPROVEMENT STANDARDS

Subdivision and Development applications which propose common facilities, including, but not limited to entrance signs, landscaped areas, fences, recreation facilities and other common amenities or features, shall establish a property owners' association responsible for the perpetual maintenance of such features. Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use, structure, improvement or development other than indicated on the approved Subdivision or Development plan. The restrictions shall be permanent, not for a given number of years, and shall run with the land.

- A. **Subdivision and Development Entrance Signs** Subdivisions and Developments may include entrance and other identification signs, as specifically authorized in the Zoning Code. Entrance signs shall not be located in any public right-of-way, but, rather, shall be located on an outlot or within a property owners' association easement. No entrance sign shall be permitted which would obstruct sight distance on any public or private street.
- B. **Common Landscaping Areas** Subdivision and Development applications which propose landscaped areas which are intended to serve as a permanent buffer, as may be required in the Zoning Code, or as a common amenity shall locate such landscape areas within common open space areas or within a property owners' association easement. These provisions shall not be deemed to apply to landscaping provided for individual single-family lots.
- C. **Common Fencing and Screening** Subdivision and Development applications which propose uniform fencing and screening methods, particularly along public or private streets, shall locate such fences within a common open space area or within a property owners' association easement. The property owners' association shall be responsible for ensuring that a uniform fence or wall design is maintained.
- D. **Common Recreation Facilities** Subdivision and Development applications which propose the construction of common recreational facilities, including, but not limited to tennis courts, tot lots, swimming pools, and clubhouses shall locate all such facilities in a common open space area. A property owners' association shall be established to be responsible for the perpetual maintenance of any common recreational facilities. The Village may require that a performance guarantee be established to ensure the construction of any such facilities in a timely manner.
- E. **Standards for Establishment of Association** When the requirements of this Section are to be satisfied by the establishment of a property owners' association, such association shall meet each of the following standards.
  - 1. The by-laws and rules of the association and all declarations, covenants and restrictions to be recorded must be approved by the Village Manager, as specified in the Subdivision or Development Agreement. Each such document shall provide that it shall not be amended in any manner that would result in a violation of the requirements of this Subsection.
  - 2. The association must be established and all covenants and restrictions recorded prior to the sale of any property within the area of the Subdivision or Development

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designated to have the exclusive use of the proposed open space or improvements.

3. The association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it.
4. Membership in the association must be mandatory for each property owner, and any successive owner, having a right to the use or enjoyment of such open space or improvements.
5. Every property having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with statutes of the State of Illinois.
6. The association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such adjustment shall not be fixed at more than 51 percent of the members voting on the issue.
7. The Village must be given the right to enforce the covenants.
8. The Village must be given the right, after ten days' written notice to the association: (a) to perform any maintenance or repair work that the association has neglected to perform; (b) to assess the membership for such work; and (c) to have a lien placed against the property of any member failing to pay such assessment. For this purpose alone, the Village shall have all the rights and powers of the association and its governing body under the agreements and declarations creating the association.

## VILLAGE OF NORTHBROOK SUBDIVISION & DEVELOPMENT CODE

### ARTICLE V: INTERPRETATION AND DEFINITIONS

#### SECTION 5-101: INTERPRETATION OF REGULATIONS

- A. **Provisions are Minimum Requirements** In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals and general welfare, as set forth in the provisions hereof establishing the purpose and intent of this Code, in general, and its various sections, in particular.
- B. **Provisions are Cumulative** The provisions of this Code shall be interpreted to be cumulative of, and to impose limitations in addition to, all other codes, laws and ordinances in existence or which may be passed governing any subject matter of this Code. The several provisions of this Code shall also be interpreted to be cumulative of each other. To the greatest extent possible, the provisions of this Code shall be construed to be consistent with, and not in conflict with, the provisions of such other codes, laws, and ordinances, and each other, to the end that all such provisions may be given their fullest application.
- C. **Consistency With Other Codes and Regulations** The provisions of this Code shall be held to be the minimum requirements for Subdivision and Development of the Village of Northbrook. Where the provisions of this Code are either more restrictive or less restrictive than comparable provisions of this Code, the Village Zoning Code, the Village Manual of Standards and Specifications for Public and Private Improvements (1990), the Municipal Code or any other applicable law, ordinance, resolution, rule or regulation of any kind, the more restrictive requirement or higher standard shall govern.
- D. **Provisions are Not a Consent, License or Permit** The provisions of this Code shall not be interpreted to be, or to grant, a consent, license or permit to subdivide or develop any property, or to use a property for any purpose.

#### SECTION 5-102: PENDING APPLICATIONS

- A. **New Code Shall Apply** This Code and any amendment thereof shall apply to any application pending on the effective date of this Code or such amendment in the same manner as though such application was filed after such effective date.
- B. **Duty of Village Officials** Within 20 days following the effective date of this Code or any amendment thereof, any Village official, department, board or commission then having pending before it any application to which this Code or any amendment of it applies pursuant to Subsection A of this Section shall transmit a copy of such application to the Village Manager.
- C. **Duty of Village Manager** Within 30 days following the effective date of this Code or any amendment thereof, the Village Manager shall inform each applicant named on each application referred to him pursuant to Subsection B of this Section that said application is subject to the provisions of this Code, as amended, and will be processed in accordance therewith; that the applicant may refile, within 30 days following the mailing of such notice, without additional fee, its application on the basis of this Code, as amended; and that if

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the applicant does not so refile, its application may be denied for noncompliance with the provisions of this Code, as amended.

- D. Duty of Applicant** Notwithstanding the provisions of Subsections B and C of this Section, it shall be the responsibility of each applicant having an application pending on the effective date of this Code, or any amendment thereof, to modify such application in accordance with the terms and provisions of this Code, as amended, and the failure to do so may, whether or not the procedures of said Subsections have been followed, result in denial of such application for failure to comply with this Code, as amended. Any modification or refiling of an application pending on such effective date in order to comply with the provisions of this Code, as amended, shall be permitted at any time prior to the final disposition of such application and shall be permitted without payment of any additional fee.
- E. Processing of Pending Applications** Upon the refiling of any pending application as herein provided, or upon notification from the applicant that it will not refile or modify its application, or upon the expiration of 60 days following effective date of this Code or any amendment thereof, whichever occurs first, such pending application shall be processed in accordance with the terms of this Code, as amended; provided, however, that the application requirements, hearing requirements and procedural requirements set forth in this Code shall not apply to any such pending application and each such application shall be processed in accordance with the application, hearing and procedural requirements that were in effect on the date such application was filed. Notwithstanding any other provision of this Section, the Village Manager shall have the authority to request additional data, information or documentation for pending applications when, in his or her judgment, such additional data, information or documentation is necessary or appropriate to a full and proper consideration and disposition of such pending application.

### SECTION 5-103: WORD USAGE

- A. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. Whenever a word or term defined herein appears in the text of this Code, its meaning shall be construed as set forth in the definition thereof and any word appearing in parenthesis directly thereafter shall be construed in the same manner.
- F. The term "County" means the County of Cook, Illinois, unless referring to a property or matter over which Lake County, Illinois has jurisdiction, in which event, it means the County of Lake, Illinois.
- G. Any term not defined in this Code shall have the meaning given in any applicable Village Code or ordinance or, if none, in Webster's New International Dictionary, Second Edition 1975.

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- H. In case of any difference in meaning or implication between the text of this Code and any caption, illustration or table, the text shall control.
- I. The time within which any act required by this Code is to be performed shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Illinois General Assembly, in which event it shall also be excluded.
- J. The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations and any other similar entities.
- K. This Code is divided into articles, sections, subsections, paragraphs and subparagraphs that shall be numbered according to the following format:

1-101 A1(a)(1)(i)

and that shall be referred to in accordance with the following example:

<u>II</u>	Article
<u>2-401</u>	Section
2-401 <u>B</u>	Subsection
2-401 <u>B3</u>	Paragraph
2-401 B3 <u>(a)</u>	Subparagraph
2-401 B3(a) <u>(2)</u>	Subparagraph
2-401 B3(a)(2) <u>(iii)</u>	Subparagraph

**SECTION 5-104: DEFINITIONS**

When used in this Code, the following terms shall have the following meanings herein ascribed to them:

**ABUT** To touch, to lie immediately next to, to share a common wall or lot line or to be separated by only a street, alley or drainage course.

**ADJACENT** To lie near, close to, or in the vicinity.

**A.D.T. (Average Daily Traffic)** The average number of vehicles per day that pass over a given point.

**AGREEMENT, SUBDIVISION OR DEVELOPMENT** That certain document to be executed by the applicant, owner, subdivider or developer and required pursuant to and in accordance with Subsection 3-102 D of this Code.

**ALLEY** A public right-of-way primarily designed to serve as a secondary means of access to an abutting property whose principal frontage is on some other street.

**APPLICANT** A subdivider or developer submitting an application for subdivision or development.

**APPLICATION, COMPLETE** An application form completed as specified by the Subdivision Code and the rules and regulations of the Village of Northbrook, and all accompanying documents required for the approval of the application.

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**AREA, GROSS** The total land and water area included in a parcel that is the subject of an application filed pursuant to this Code, excluding only property located in public rights-of-way or private easements of access or egress at the time of application.

**AREA, NET** The gross area of a parcel less land and water areas required or proposed to be publicly dedicated or land to be devoted to private streets and easements of access or egress. Both land and water areas that are publicly dedicated or devoted shall be excluded from the calculations of net area.

**BIKE PATH** A pathway designed specifically to satisfy the physical requirements of bicycling. This term may include designated bicycle lanes on roadways, combined pedestrian and bicycle paths, and bikeways solely for the use of bicyclists.

**BLOCK** A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines, waterways or boundary lines of the Village.

**BOARD OF TRUSTEES** The President and the Board of Trustees of the Village of Northbrook.

**CUL-DE-SAC, PERMANENT** A street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.

**CUL-DE-SAC, TEMPORARY** A street intended to be extended in the future and having a temporary means of reversing traffic movement.

**DENSITY, RESIDENTIAL** The number of dwelling units within a subdivision or development, divided by the area included in the application.

**DENSITY, GROSS RESIDENTIAL** The residential density of a subdivision or development divided by the gross area included in the application.

**DENSITY, NET RESIDENTIAL** The residential density of a subdivision or development, divided by the net area included in the application. (See also Area, Net.)

**DEVELOPMENT** shall mean:

1. Construction of new building(s) or structure(s) having a total floor area in excess of 500 square feet on any parcel of land; or
2. Expansion by more than 25% of an existing structure to which this Section would apply if constructed new after the effective date hereof; or
3. Construction on any parcel of land that will create more than three (3) parking spaces; provided, however, that no such activity which also involves a subdivision under subparts (1) through (4) of the definition of Subdivision shall be deemed a development for purposes or the administration of this Code.

Provided, however, the term "development" shall not include the construction of one single family dwelling unit on one lot.



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**EASEMENT** Authorization by a property owner for the use by another for a specified purpose, of any designated area of his property. The term also refers to such a designated area.

**FINAL PLAT OF SUBDIVISION** A map or plan of record of a subdivision, and any accompanying material prepared in accordance with this Code.

**FRONTAGE** The length of the front property line of the lot, lots or tract of land abutting one side of a public or private street, road, highway or right-of-way.

**GUARANTEE, MAINTENANCE** A security accepted to ensure that necessary improvements will function as required for a specified period of time.

**GUARANTEE, PERFORMANCE** A security accepted to ensure that the improvements required by this Code are satisfactorily completed.

**IMPROVEMENT, PUBLIC** Any street, alley, public way, way for public service facilities, storm and flood water run-off, sewer, channel and basin, sanitary sewer, septic system, water main, public grounds, sidewalk, planting strip, off-street parking area or any other facility necessary to provide a parcel with access to a public right-of-way or with utility service of any kind or with water, sanitary sewage treatment or disposal or storm water control or drainage.

**LIBRARY CAPITAL IMPROVEMENTS** The purchase of real estate or interests in real estate; construction of new buildings; construction of new structural improvements to buildings and permanent additions to buildings; installation of new systems (including, but not limited to, electrical systems, information technology systems, plumbing systems, fire protections systems, and HVAC systems) within new buildings or within permanent additions to buildings; additions to or replacements of systems within new buildings; grading and landscaping; construction of or additions to parking lots; the purchase of any book, audio-visual equipment, or other piece of equipment with a useful life in excess of three years; and reasonable staffing costs specifically attributable to adding new books and equipment to the library's permanent collection.

**LOT** A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

**LOT, BUILDABLE AREA OF A** That portion of a lot bounded by the required yards.

**LOT, CORNER** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

**LOT DEPTH** The minimum straight line distance between the front and rear lot lines.

**LOT LINE, CORNER SIDE** Any street line of a corner lot other than its front lot line.

**LOT LINE, FRONT** In the case of an interior lot abutting upon only one street, the line separating such lot from the right-of-way of such street; in the case of a through lot, each line separating such lot from the right-of-way of a street shall be considered a front lot line; in the case of a corner lot, the shorter lot line separating such lot from the right-of-way of a street shall be considered to be the front lot line.

**LOT LINE, REAR** The rear lot line is the lot line or lot lines generally opposite or most nearly parallel to the front lot line. In the case of triangular shaped lots or a lot having a rear lot line less

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than ten feet in length, the rear lot line shall be deemed to be an imaginary line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

**LOT LINE, SIDE** Any lot line other than a front, corner-side or rear lot line.

**LOT LINES** The property lines bounding a lot; provided, however, that where a lot line includes land subject to a public right-of-way easement for street purposes, the line separating such right-of-way from the rest of the lot shall be deemed to be the lot line.

**LOT, THROUGH** A lot having frontage on two non-intersecting streets.

**MONUMENT, SUBDIVISION** A permanent marker for surveying and geodetic control.

**NORTHBROOK PUBLIC LIBRARY** The Board of Trustees of the Northbrook Public Library, or the successor to its responsibilities.

**OFFICIAL COMPREHENSIVE PLAN** The documents, plans, maps, policy statements, goals, and programs adopted by the Village Board of Trustees by ordinance duly enacted, together with such amendments thereto as may be adopted from time to time in accordance with Section 11-201 of the Northbrook Zoning Code.

**OPEN SPACE, COMMON** Land within or related to a subdivision or development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the subdivision or development. It may include complementary structures and improvements.

**OPEN SPACE, PRIVATE** Open space held in private ownership, the use of which is normally limited to the occupants of one dwelling or the users of one non-residential building.

**OPEN SPACE, PUBLIC** Open space dedicated to or owned by any government or governmental agency or authority.

**OUTLOT** A piece or parcel of land that remains within a subdivision, not usable as a legal building site, but which may be used for other purposes such as storm detention or common open space.

**OWNER** Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to the land sought to be subdivided or developed under this Code.

**PARKWAY** An unpaved strip of land situated within the public right-of-way of a street.

**PLAN COMMISSION** The Plan Commission of the Village of Northbrook.

**PUBLIC HEARING** A meeting conducted pursuant to the Illinois Open Meetings Act, at which members of the general public must be permitted to give testimony, evidence or opinions relevant to the subject matter.

**PUBLIC MEETING** A meeting conducted pursuant to the provisions of the Illinois Open Meetings Act where members of the general public, excluding members of the Board or Commission and the applicant, have no right (but may be given the opportunity) to offer testimony, evidence or opinions.

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**RIGHT-OF-WAY** A strip of land occupied or intended to be occupied by a road, sidewalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, or for other special uses. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final record plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, sidewalks, water mains, sanitary sewers, storm sewers or any other uses involving future maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

**SERVICE DRIVE (ACCESS STREET)** A public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way, and providing safe and orderly points of access.

**SIDEWALK** That portion of a public right-of-way, paved or otherwise surfaced, intended for pedestrian use only.

**STANDARDS AND SPECIFICATIONS MANUAL** The "Village of Northbrook Manual of Standards and Specifications for Public and Private Improvements", current edition.

**STREET (ROADWAY)** The paved portion of a public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway or however otherwise designated.

**STREET, PRIVATE** A vehicular way situated within an outlot or private easement, not dedicated to or maintained by the Village of Northbrook or any other government agency.

**STREET, PUBLIC** A vehicular way located within a dedicated public right-of-way

**STREET WIDTH** The shortest distance between the backs of parallel curbs or outer parallel limits of the paved portion of a street.

**SUBDIVIDER (DEVELOPER)** Any person or corporation or duly authorized agent of the landowner who undertakes the subdivision or development of land, as defined herein.

**SUBDIVISION** shall mean:

1. Any change, rearrangement or resubdivision in the boundary or divisional lines of any parcel or parcels of real estate or of any public thoroughfare; or
2. The platting of a parcel or tract of land into a single numbered lot without alteration of its boundaries; or
3. A planned development or planned unit development as now or hereafter defined in this Code, the Zoning Ordinance of Northbrook or the Zoning Ordinance of the County of Cook or the County of Lake, as the case may be; or
4. A development as now or hereafter defined in this Code.

**SUBDIVISION, MAJOR** Any subdivision not classified as a minor subdivision.

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**SUBDIVISION, MINOR** A subdivision of land into four (4) or fewer lots, provided that such subdivision does not involve any street or utility extensions, or require any other public improvements, and does not require any variations of this Code.

**TENTATIVE SUBDIVISION PLAT** A preliminary map or plan of a proposed subdivision and any accompanying material, as described in this Code.

**UTILITY FACILITY OR UTILITY FACILITIES** All mains, lines, stations, cable television or video pedestals, telephone pedestals, meter pedestals, transformers, switchgear, and other equipment and appurtenances for the delivery of electricity, telecommunications, internet, broadband, cable service, video service, water, sanitary sewer or other service in the nature of a utility.

**VILLAGE** The Village of Northbrook, Illinois.

**VILLAGE ENGINEER** The director of the Engineering Department of the Village of Northbrook, Illinois.

**VILLAGE MANAGER** The chief administrative official of the Village of Northbrook, Illinois. When used in this Code, the term Village Manager shall refer to such official or to his duly authorized delegate.

**ZONING CODE** If within the corporate limits of the Village of Northbrook, the Zoning Code of the Village of Northbrook, as amended. If outside the corporate limits of the Village, the current county zoning regulations applicable to the property.

### **SECTION 5-105: SEVERABILITY**

The various provisions of this Code shall be severable in accordance with the following rules:

- A. **Provisions Declared Invalid** If any court of competent jurisdiction shall adjudge any provision of this Code to be invalid, such judgment shall not affect any other provisions of this Code.
- B. **Applications Declared Invalid** If any court of competent jurisdiction shall adjudge invalid any application of any provision of this Code to a particular parcel of land, such judgment shall not affect the application of said provisions to any other parcel of land.