

## SUBDIVISIONS, NEW DEVELOPMENTS, AND ENGINEERING PROJECTS

The Community Development Department administers development projects and subdivisions. Subdivisions must meet the guidelines in the Subdivision Control Ordinance (Chapter 20 of the Downers Grove Municipal Code) and the Zoning Ordinance (Chapter 28 of the Downers Grove Municipal Code).

In recent years, the Community Development Department has reviewed and coordinated more of the development process on private property. From time to time, the Village Forester is asked to review landscape plans. In previous decades, the Village Forester's involvement was more active, and included maintaining copies of various landscape plans. These copies are still archived in the appropriate file room.

If there are existing parkway trees at a project site, the builder must protect the trees and/or pay for the removal of any per Municipal Code 24.106 and 24.107. Permits are required (described in Chapter 9) where parkway trees that are to remain in the landscape are bonded and any that need to be removed are paid for as a fee (listed in the current version of the *Administrative Regulation: User-Fee, License and Fine Schedule* – see <http://www.downers.us/govt/municipal-code>). Should parkway trees be damaged or protective fences not remain in an acceptable condition, additional fines may be calculated as shown in Chapter 9 of this manual.

With regards to new trees in subdivisions, Municipal Code 20-401 lists the required public improvements such as public area vegetation includes but is not limited to parkway trees. To meet the tree requirements, a subdivision builder is required to pay the Village to install each new parkway tree. The Village Forester reviews the subdivision plans, estimates the number of trees required and charges the builder a fee which is deposited into a construction account. The fee is listed as a per tree cost for required parkway trees in section Chapter 20 of the current *Administrative Regulation: User-Fee, License and Fine Schedule* – see <http://www.downers.us/govt/municipal-code>. The Forestry Division then supplies and plants the parkway trees as the subdivision is completed, drawing funds from the construction account. The Forestry Division then assumes the responsibility for planting and maintaining the parkway tree portion of the public improvements.

Various engineering projects includes the protection of existing trees, and the occasional removal and replanting of new parkway trees. These projects may be storm sewer installations, watermain replacements, new sidewalk installations, or a complete reconstruction of all public utilities such as the Downtown District redevelopment project. For a given project, Forestry staff reviews plans and any modifications are updated before construction begins. Since 1999, cooperation between Forestry and Engineering can be seen with ongoing and annual projects because longterm tree

survival has been excellent.

With all projects, Forestry staff communicates with the adjacent residents regarding tree replacement plantings. When construction is complete, staff marks replacement planting locations and sends each resident a letter with a list of tree species options (see list in Chapter 4). Resident participation has been outstanding and many tree species requests have been honored. Chapter 4 provides more details on Tree Planting.

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### **Section 20.400ART. Article IV. Public Improvements**

(Ord. 5443, Amended, 12/16/2014; 4033, Enacted, 05/18/1998)

#### **Section 20.400SEC. Engineering Documents.**

(a) The Owner shall file engineering documents with the Village Engineer in the forms prescribed by the Village Engineer. These submittals and information may include such information and materials as may be required by the Village Engineer to establish that the petition meets the standards and requirements of this Code.

(b) At the time of the initial filing of the preliminary engineering documents, and in addition to the submittals required by the Village Engineer, the Owner shall cause a proposed preliminary public improvement cost estimate to be prepared and filed in conformance with regulations established by the Village Engineer.

(c) The Village Engineer shall review the preliminary engineering documents and the Owner's proposed preliminary public improvement cost estimate and shall review and approve the preliminary public improvements cost estimate. The Village Engineer may modify the approved preliminary public improvements cost estimate at any time before the final engineering documents and the final public improvements cost estimate are approved to conform to the then pending public improvement plans.

(d) Prior to approval of the final engineering documents, the Village Engineer shall review and approve the final public improvements cost estimate.

(Ord. 5443, Amended, 12/16/2014; 4033, Enacted, 05/18/1998)

#### **Section 20.401. Required Public Improvements.**

(a) The Owner of a proposed subdivision within the Village's planning jurisdiction shall provide, at the Owner's expense, the following public improvements, in accordance with Village ordinances and specifications:

(1) Street pavement, including combination curb and gutter or a curb and gutter alternative as approved by the Village Engineer.

(2) Public sidewalks.

(3) Village water system extensions, including but not limited to water mains and service stubs.

(4) Sanitary sewer service connections.

(5) Stormwater management facilities.

(6) Street lighting facilities.

(7) Traffic signals.

(8) Payment for public area vegetation, including but not limited to parkway trees. Payment to the Village shall be as set forth in the Village's User-Fee, License and Fine Schedule. Parkway tree quantities shall be determined by the Village Forester. Generally, one parkway tree is required every forty (40) linear feet rounded to the nearest whole number. The Village Forester shall install the required parkway trees.

(b) The Owner, at the Owner's expense, shall construct and install the required public improvements, including but not limited to all streets with roadway surfacing, of such materials, width and thickness, and in conformity with this subdivision ordinance and such design and specifications as shall be required by the Village Engineer. That portion of such specifications that pertains to types of materials, depth of base, depth of pavement and street lighting facilities shall apply to all streets required under this subdivision ordinance, whether or not such streets are to be dedicated and accepted as public streets.

(c) Before approval of any final plat, the Community Development Director may require a written development agreement to be prepared by the Village and submitted to and approved by the Village Council, to install and construct right-of-way, utility, and other public improvements, to pay all required fees, and to

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make all required donations in accordance with the requirements of Village ordinances. The development agreement may state the approximate date when installation of public improvements will commence and a reasonable date for completion of said public improvements. If the development agreement does not otherwise provide a completion date, the improvements shall be completed within two (2) years of the date of final plat approval and recording.

(d) Before approval of any final plat or development agreement in such platted subdivision, the subdivider shall guarantee the completion of the public improvements to be installed or constructed in accordance with the development agreement and Village ordinances, together with all other commitments by the subdivider by submitting a letter of credit or cash bond, in a form approved by the Village Attorney.

(e) Before approval of any final plat or development agreement, the subdivider shall prepare for Village review the homeowner's association declaration of covenants, conditions, easements and restrictions (HOA declaration). The HOA declaration shall include a provision for a dormant Special Service Area (SSA) for maintenance and operation of any common areas and stormwater facilities, including but not limited to stormwater detention and retention basin areas, inlet and out structures, connection storm sewers, connecting surface drainage channels and subsurface drainage systems. The Village may not issue any certificates of occupancy for any construction on the property until the SSA has been established. The HOA declarations shall be recorded with the DuPage County Recorder's Office and a copy shall be provided to the Village. The HOA declaration shall be recorded before the issuance of any development permits.

(f) A subdivider may freely assign, transfer or convey property within a platted subdivision, but such assignment, transfer or conveyance shall not affect the principal obligation of the subdivider to perform its obligations under this Chapter or an executed development agreement without a written amendment to the development agreement. The conveyance of property within a platted subdivision to grantees of such subdivider shall render such grantees responsible only for performance of a pro rata share of such obligations in the event of a default.

(Ord. 5443, Amended, 12/16/2014; Ord. 4895, Amended, 08/07/2007; 4033, Enacted, 05/18/1998)

### **Section 20.402. Construction Security.**

(a) After the Village Engineer has approved the final engineering documents, the Owner shall submit to the office of the Village Engineer, construction security to guarantee completion of public improvements prior to the expiration of two (2) years from the approval and recording of the final plat of subdivision. Such construction security shall be in an amount determined by the Village Engineer to be sufficient to cover the cost of all public improvements required within such subdivision, but not in excess of one hundred and ten percent (110%) of the amount of the final public improvement cost estimate. Such construction security shall be in one of the following forms:

(1) A cash security deposit, together with an agreement for the disposition thereof, in form and substance approved by the Village Engineer, including the conditions set forth in Section 20.402(b); or

(2) A commercial bank letter of credit in form and substance approved by the Village Engineer and drawn on a bank located within a fifty (50) mile radius of the Village unless otherwise approved by the Village Engineer; or

(b) The instruments creating such construction security shall, in each case, expressly provide as follows:

(1) In the event that, as determined by the Village Engineer, any public improvement is not being properly constructed, completed, transferred and accepted within two (2) years from the approval and recording of the plat of subdivision as required herein, the funds represented by such security or any portion thereof, may be withdrawn by the Village, or a draft or drafts under any such letter of credit may be presented, upon the sole discretion of the Village Engineer. Such action shall be honored and paid by the surety, and disbursed to the Village Treasurer, to be held and used only for the payment of the cost of such public improvements or any portion thereof, and administrative costs in taking such action, including collection costs and attorney fees.

(2) That such security may be drawn upon demand of the Village in an amount equal to the