

VILLAGE OF DEERFIELD
DEVELOPMENT CODE

VILLAGE OF DEERFIELD DEVELOPMENT CODE

ARTICLE I

GENERAL PROVISIONS

SECTION 1-101: SHORT TITLE

This document shall be known, and may be referred to, as the "Development Code of the Village of Deerfield, Illinois", the "Village of Deerfield 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 Planned Unit Development applications within the corporate limits and external 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 Deerfield Comprehensive Plan.
- B. Protect the character and maintain the stability of the Village of Deerfield and surrounding unincorporated areas;
- C. Ensure the proper coordination and installation of streets and other public and private improvements and utilities;
- D. Provide adequate storm drainage and flood control measures;
- E. Promote the logical arrangement of lots for future development;
- F. Guarantee the construction, inspection, dedication and acceptance of reasonable public and private improvements.

SECTION 1-104: JURISDICTION

The requirements of this Code shall be applicable to Planned Unit Developments within the corporate limits of the Village of Deerfield, 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 the Village of Deerfield. Valid and fully executed jurisdictional boundary line agreements between the Village of Deerfield 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.

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ARTICLE II

ADMINISTRATION AND ENFORCEMENT

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

A. Director of Community Development

The Director of Community Development 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 Director of Community Development shall have all powers necessary for such administration and enforcement, and shall, in particular, have the jurisdiction, authority and duties hereafter set forth. The Director of Community Development, 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 Director of Community Development;
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 Improvement Plan 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 Improvement Plans and Development Agreements 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 Improvement Plans and Development Agreements; and

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11. Delegate to the Village staff any or all of the duties and responsibilities set forth herein.

B. Village Engineer

The Village Engineer shall be responsible for ensuring the proper design and construction of public and private improvements resulting from Improvement Plans and Development Agreements. 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 plan;
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. Consider all Improvement Plans and Development Agreements for all Planned Unit Developments pursuant to Article 12 of the Deerfield Zoning Ordinance and all developments as specified by this Code;
2. Review and recommend to the Board of Trustees approval, approval with conditions or denial of requests for variations of the provisions of this Code;
3. 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
4. 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. Approve, approve with conditions, or deny all Improvement Plans and Development Agreements for all Planned Unit Developments pursuant to Article 12 of the Deerfield Zoning Ordinance and all developments as specified by this Code;
2. Approve, approve with conditions, or deny requests for variations from this Code, following recommendation by the Plan Commission;
3. Accept satisfactorily completed public improvements required by this Code;

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4. Initiate and approve or deny amendments to the Development Code which may, but need not, involve referral of such amendments to the Plan Commission for recommendation; and
5. Take such other actions as may be required by this Code.

SECTION 2-102: VARIATIONS FROM CODE REQUIREMENTS

Upon application to the Director of Community Development and payment of applicable fees, variations of the provisions of this Code may be authorized by the Board of Trustees following a recommendation by the Plan Commission.

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 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 granting of such variation(s) will ensure the health, safety, and general welfare of the occupants, owners, tenants or others within the Development.

B. Limitations on Variations

No variation granted pursuant to this Section shall relieve the owner 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 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 from the provisions of this Code shall be reviewed by the Plan Commission concurrently with the related Development application.

SECTION 2-103: AMENDMENTS TO 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 Deerfield.

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SECTION 2-104: COMPLIANCE AND ENFORCEMENT

- A. 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 Deerfield Municipal Code relating to the design, construction and installation of any such improvements shall, however, be applicable to such Developments. 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.
- B. No Building Permit shall be issued for construction of any building as part of a Development which has not been approved, as required by the Village of Deerfield Zoning Ordinance (1979) as amended.
- C. For property outside of the corporate limits of the Village of Deerfield, compliance with this Code shall not be required where the owner/developer can demonstrate compliance with similar requirements with the County and/or other local authorities having primary jurisdiction.

SECTION 2-105: PENALTIES

In addition to any penalties involving the Development of land established in applicable state and federal regulations, the Village of Deerfield 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 in the amount set forth in the Municipal Code.

SECTION 2-106: FEES

Reasonable fees, sufficient to cover costs incurred by the Village in reviewing Improvement Plans and Development Agreements 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 as established in the Municipal Code, as amended from time to time. Such fees shall be submitted to the Village at the time of application. The escrow deposit for such purposes shall apply to Developments of property within the jurisdictional control of the Village of Deerfield.
- B. Recoverable Expenses
From the date of filing an application for Development, as authorized in this Code, the Village Director of Community Development 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. Document recording;
 - 3. Any costs incurred by the Village in order to review the applicant's petition.

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ARTICLE III

DEVELOPMENT REVIEW PROCEDURES

SECTION 3-101: IMPROVEMENT PLAN REVIEW

A. Preliminary Improvement Plan

1. The owner or developer shall submit as part of his Planned Unit Development Preliminary Development Plan pursuant to Article 12 of the Zoning Ordinance a proposed plan which will detail those improvements which an owner or developer proposes to be public or private. (See 4-102) This preliminary improvement plan shall also detail how these requests vary from the requirements of the Village's Codes and Ordinances. The number of copies of the plans to be submitted shall be determined by the Director of Community Development.
2. The Village Engineer and Director of Community Development shall review such preliminary improvement plan and provide the Plan Commission and Board of Trustees with their recommendations regarding the proposed plan.

B. Final Improvement Plan

In accordance with Article 12 of the Deerfield Zoning Ordinance, the owner or developer shall provide the Village Engineer and Director of Community Development with a sufficient number of copies of the Final Improvement Plan as determined by them as part of the Planned Unit Development Final Development Plans. The Village Engineer and Director of Community Development shall review the final improvement plan. They shall provide the Plan Commission and Board of Trustees their recommendations regarding the final improvement plan. Also, the Village Engineer shall provide the Plan Commission and Mayor and Board of Trustees with a letter which indicates that he has received all of the appropriate final engineering plans and that they have been approved by his office. Said letter shall also verify that the appropriate completion guarantees and assurances have been established in accordance with the Village's codes and ordinances. The Village Engineer shall also verify that the documents granting any required easements are satisfactory for the purposes for which they are required and meet with his approval.

SECTION 3-102: DEVELOPMENT AGREEMENT

Pursuant to Article 12 of the Deerfield Zoning Ordinance a Development Agreement shall be required as part of the Planned Unit Development Final Development Plan.

A. Director of Community Development and Village Engineer

The Director of Community Development and Village Engineer shall review any Development Agreement submitted to the Village and shall provide the Plan Commission and Board of Trustees their recommendations regarding the proposed Agreement.

B. Approved Development Agreement

1. The Plan Commission shall review and make recommendations to the Board of Trustees regarding any proposed Development Agreement.

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2. The Mayor and Board of Trustees may approve, approve with amendments, or deny any proposed Development Agreement.
3. Any Development Agreement approved by the Village shall be recorded in the appropriate County Recorder's office. Any and all fees incurred in such recording shall be paid by the party proposing said Agreement.
4. The Development Agreement shall include, but is not limited to, the following:
 - a. Site development schedule.
 - b. Detailed information pertaining to the improvements contemplated by the Planned Unit Development/Final Development Plan and Improvement Plan.
 - c. Specifics pertaining to any performance guarantees required by this Code including contemplated reductions, releases, extensions, and replacements.
 - d. Detailed listing of any conditions, requirements or variations approved for any public or private improvements contemplated by the Planned Unit Development/Final Development Plan and Improvement Plan.
 - e. Any provisions deemed appropriate by the Village or the applicant which will define, clarify, or otherwise aid in the understanding of the rights, duties, and obligations of the Village and the applicant.

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ARTICLE IV

GUARANTEE, INSPECTIONS AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

SECTION 4-101 ESTABLISHMENT OF PERFORMANCE GUARANTEE

Prior to the adoption of the Planned Unit Development Final Development Plan (pursuant to Article 12 of the Deerfield Zoning Ordinance), the owner or developer shall select, obtain and submit a performance guarantee for the proper installation and completion of the public and private improvements contemplated by the Improvement Plan to the Village Engineer for approval and acceptance in accordance with this Article.

SECTION 4-102 IMPROVEMENTS TO BE GUARANTEED

The owner or developer shall submit a guarantee for the following improvements, as deemed necessary by the Mayor and Board of Trustees:

1. Permanent monuments and lot corner markers, if needed.
2. Transportation system improvements, including but not limited to:
 - A. Public and private streets, and all related frontage and intersection improvements;
 - B. Street lights;
 - C. Street 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 Planned Unit Development Final Development Plan.
3. Environmental protection and site preparation measures, including but not limited to:
 - A. Grading and related site preparation work, including tree protection;
 - 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);
 - C. Other special environmental protection measures which are a component of the final engineering plans.
4. Utility Systems, whether public or private, including but not limited to:

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- A. Storm sewer system (pipes, inlets, manholes, swales, detention ponds, and all related structures and apparatus);
 - B. Water system (pipes, valves, fire hydrants and related system improvements);
 - 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 development plan.

SECTION 4-103 AMOUNT OF PERFORMANCE GUARANTEE (Ord. 0-95-22)

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 and final improvement 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:

- A. 125 percent of the total estimate of construction costs and inspection fees for all guaranteed improvements; or
- B. 125 percent of the total construction costs as indicated in an approved and executed construction contract plus inspection fees for all guaranteed improvements.
- C. In addition to the amount in A or B above, a sufficient amount shall be included to cover the estimated cost of a construction manager in the event that the applicant does not complete the improvements contemplated. Further, in the event the construction period exceeds two (2) years the Village Engineer shall have the right to review the cost estimated and after each two (2) year period and require increases in the amount of the performance guarantee based on increases in said estimated cost.

SECTION 4-104: TERMS OF PERFORMANCE GUARANTEE

Performance guarantees shall be in a form approved by the Village and shall specify the terms and conditions noted below.

- A. The guarantee shall have an expiration date not less than twelve months beyond the acceptance date or as specified in the approved Planned Unit Development or Development Agreement.
- B. Not less than thirty (30) days prior to the expiration of such guarantee, the Village 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.
- C. Failure of the owner 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 or developer and the issuing institution.
- D. The guarantee shall only be released or reduced by the issuing institution upon written certification by the Village stating:
 - 1. that said guarantee may be released or reduced in accordance with this Article, and

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2. the amount of such discharge or reduction.
- E. If at any time the Village determines that the institution issuing the guarantee is without adequate capital, assets, earnings and liquidity as required and 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 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.
- F. If the owner or developer fails or refuses to complete the construction of the public and private improvements covered by the guarantee or fails or 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 and of its obligations under the guarantee or the Planned Unit Development final development plans, 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 full 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 or developer shall, upon demand of the Village, therefor, immediately deposit with the Village such additional funds the Village determines necessary.

SECTION 4-105: ACCEPTABLE FORMS OF PERFORMANCE GUARANTEE (Ord. 0-95-22)

Performance guarantees for the installation of public and private improvement shall be in a form approved by the Village. 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 and administered in accordance with the provisions of the final improvement plan.
- B. Irrevocable Letter of Credit and Cash
An irrevocable commercial letter of credit may be used as a guarantee, provided such letter of credit is issued by a financial institution approved by the Village and is in a form acceptable to the Village. The administration of such letter of credit conforms to the terms of the final improvement plan. The financial institution issuing the irrevocable letter of credit shall be:
 - a. Insured by the Federal Depository Insurance Corporation or Federal Savings and Loan Insurance Corporation;
 - b. Chartered in the State of Illinois or have a registered agent in Illinois; and

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- c. Have adequate capital, assets, earnings and liquidity to ensure the financial soundness of the issuing institution, as determined by the Village Manager.
3. **Bond**
A bond to insure the construction of the improvements in a satisfactory manner and within the period specified by the Mayor and Board of Trustees. The bond shall be payable to the Village, and be in form, with surety and conditions approved by the Village Attorney.

SECTION 4-106: INSPECTION OF IMPROVEMENTS; FEE REQUIRED

All public and private improvements to be installed pursuant to an approved final improvement plan shall be supervised and inspected during the course of construction by a registered professional engineer hired by the owner or developer and by the Village in order to ensure compliance with the approved final improvement plan and the Village Standards and Specifications Manual. Prior to commencement of any site development or construction work, the owner, or developer shall pay a fee as established for inspections.

SECTION 4-107: PARTIAL REDUCTION OF PERFORMANCE GUARANTEE

The owner or developer may make a written request to the Village 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; or as deemed appropriate by the Village, or as set out in the Development Agreement.
- B. Partial reductions shall be authorized only following the acceptable completion of the following improvements or as deemed appropriate by the Village:
 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.
 4. Any and all other improvements contemplated in the adopted Improvement Plan and/or Development Agreement.
- C. The Village inspection reports for the Development evidence acceptable completion of the above and the registered professional engineer certifies that the above is in compliance with the approved plans.
- D. In no event shall the amount of the performance guarantee be reduced to a level which, in the opinion of the Village Engineer, would not allow the Village of Deerfield to complete the installation of public and private improvements covered by the Guarantee.

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- E. Residential Planned Unit Developments as authorized by the Deerfield Zoning Ordinance.
1. Notice shall be served by personal service and/or certified mail return receipt requested on all unit owners and on the Homeowners' Association not less than 30 days prior to the submission to the Village of a final reduction request.
 2. Said notification shall include a copy of a letter provided by the Village describing the developer's final reduction request.
 3. Evidence of said notification of the Homeowners' Association and a list of unit owners to whom a notification was sent shall be submitted with the required registered professional engineer's certifications.
 4. Reproducible copies of the "As Constructed" or "As Built" drawings shall be provided to the Village Engineer with the final reduction request. Two sets of paper copies of said drawings shall also be delivered to the Homeowners' Association with the required final reduction request notification.
 5. If the Homeowners' Association or any of the unit owners notifies the Village within fifteen (15) days after receipt of notice of a claim that the private improvements do not conform to the approved Improvement Plan and/or the Development Agreement, the final reduction will not be approved until the Village has made a determination of conformity.
 6. The final reduction cannot be made until it has been determined to the Village's satisfaction that all Improvement Plan and Development Agreement provisions have been met.

SECTION 4-108: EXTENSIONS AND REPLACEMENT OF PERFORMANCE GUARANTEE

The owner or developer may make a formal request to the Village to extend the expiration date of an approved performance guarantee or to replace the type of performance guarantee held by the Village of Deerfield. The Village 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 developer 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
 3. Present a revised performance guarantee in compliance with this Code.

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.

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

SECTION 4-109: ACCEPTANCE OF PUBLIC IMPROVEMENTS; RELEASE OF PERFORMANCE GUARANTEE

- A. Acceptance of Public Improvements
Public improvements shall not be considered accepted by the Village of Deerfield unless and until each of the following reviews and actions has been successfully performed:
1. Filing with the Village Engineer a formal written request to accept the improvements by the owner 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;
 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 Deerfield.
- 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 the Code have been completed to the satisfaction of the Village, the Village shall release the guarantee.

SECTION 4-110: MAINTENANCE AGREEMENT AND GUARANTEE

Prior to the acceptance of required public improvements by the Village of Deerfield, the 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 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 development, as established pursuant to this Code. The Village Engineer shall be authorized to execute such agreements on behalf of the Village following Board of Trustees acceptance of such improvements.

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If, after one (1) year, no defects in workmanship or materials have developed, the maintenance guarantee shall be released by the Village. 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) owner or developer has successfully repaired all such defects to the satisfaction of the Village Engineer.

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ARTICLE V

DESIGN AND IMPROVEMENT STANDARDS

SECTION 5-101 GENERAL DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

- A. Conformance with Standards and Specifications Manual
All development plans and related engineering plans shall conform to the Village of Deerfield's Standards and Specifications Manual, latest edition.
- B. Easement Standards
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 improvements in order to adequately service the proposed development. The Village may also require that the proposed development 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.

SECTION 5-102: TRANSPORTATION AND CIRCULATION SYSTEM DESIGN AND IMPROVEMENT STANDARDS

The precise minimum right of way and pavement width for all streets shall be approved by the Board of Trustees in accordance with Deerfield's Standards and Specifications Manual, except as specifically varied by the Village Board of Trustees.

- A. Appropriate Access
All developments shall be designed in a manner so as to provide adequate 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 arrangements of streets shall include the extension of the street to the boundary of the development. In the event the Village determines that a proposed development does not provide appropriate access for emergency vehicles, the applicant may be required to establish either an additional street connection to access the subject property or emergency vehicle access with suitable paving materials in order to ensure adequate emergency services.
- B. 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.
- 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 development applications. The Plan Commission may recommend and the Board of Trustees may approve a variation from this Code authorizing the establishment of private streets. If approved, all such private streets shall comply with the following standards:

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1. No private street shall be permitted which serves through traffic.
2. Unless specifically authorized, 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. A performance guarantee shall be required for all private streets and shall be inspected by the Village of Deerfield in the same manner as public streets.
3. Private streets shall be maintained and repaired by or on behalf of a duly established property owners association.
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. A covenant shall be recorded against the subject property acknowledging that the Village shall at no time be under any obligation to provide maintenance 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 Village Standards and Specification Manual unless otherwise varied by the Mayor and Board of Trustees, and shall be designed to allow the safe passage of moving traffic. Geometric design of streets shall, at a minimum, consider the following factors: stopping, sight, distance; minimum and maximum allowable grade of streets; maximum tangent between reverse curbs; and the need for super elevation. 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. All other aspects of street design and improvements shall be in accordance with the Village Standards and Specifications Manual.

E. Improvement of Existing Streets and Right-of-way.

Developers and owners shall be responsible for dedicating appropriate easements and rights-of-way, and designing and constructing reasonable improvements within the development and across the entire frontage of the subject property. Such dedications and improvements shall be in compliance with the Village Standards and Specifications Manual.

F. Street Names

All streets shall be named and the names shall be approved by the Board of Trustees.

G. Other Street Improvements

Street lights, streets, tree plantings, street signals and other appurtenances shall be installed by the owner or developer along all public and private streets in compliance with the Village Standards and Specifications Manual, Improvement Plan and Development Agreement.

H. Sidewalks

Sidewalks shall be required along both sides of all streets unless otherwise varied. All such sidewalks shall be constructed in compliance with the Village Standards and Specifications Manual.

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I. Consideration of Mass Transit Services

All development applications involving residential uses shall give due consideration to the requirement for bus service to the property. Development plans should also consider opportunities for accommodating existing and future mass transit service.

SECTION 5-103 UTILITY DESIGN AND IMPROVEMENT STANDARDS VILLAGE UTILITY SYSTEMS

A. Conformance to Village Standards and Specifications Manual

All storm sewers, sanitary sewers, and water supply mains, whether public or private, shall be designed and constructed in conformance with the Village Standards and Specifications Manual.

B. Development Agreement

The development agreement as specified in Article 12 of the Deerfield Zoning Ordinance shall detail the maintenance responsibilities of all aspects of all of the various components of the utility systems within the development.

C. Easements

The final improvement plan shall specify the location of all easements deemed necessary by the Village for the installation and maintenance of the utility systems proposed.

SECTION 5-104 COMMON FACILITIES: DESIGN AND IMPROVEMENT STANDARDS

Planned Unit Development Final Development Plans 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, easements 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 Planned Unit Development Final Development Plan and in the Development Agreement. The restrictions shall be permanent, not for a given number of years, and shall run with the land.

A. Development Entrance Signs

Developments may include entrance and other identification signs, as specifically authorized in the Zoning Code and the Planned Unit Development Final Development Plan. 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. The Village may require that a performance guarantee be established to ensure the construction of any such facilities in a timely manner.

B. Common Landscaping Areas

Planned Unit Development Final Development Plans which propose landscaped areas which are intended to serve as a permanent buffer, as may be required in the Zoning Ordinance, 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. The Village may require that a performance guarantee be established to ensure the construction of any such facilities in a timely manner.

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- C. Common Fencing and Screening
Planned Unit Development Final Development Plans 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. The Village may require that a performance guarantee be established to ensure the construction of any such facilities in a timely manner.
- D. Common Recreation Facilities
Planned Unit Development Final Development Plans 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, as specified in the 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 the Subdivision Code, Zoning Ordinance and any other applicable Code or Ordinance.
 2. The association must be established and all covenants and restrictions recorded prior to the sale of any property within the area of the Planned Unit Development 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 owners, 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 statues 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.

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8. The Village must be given the right, after ten days' written notice to the association:
(a) to perform any maintenance or repair work to any of the components of the Development Improvement Plan which the Village deems necessary to assure conformance to the Planned Unit Development Final Development Plan and any other Code or Ordinance of the Village 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 the rights and powers of the association and its governing body under the agreements and declarations creating the association.
9. The Association must establish and maintain a reserve fund for the maintenance, replacement and/or restoration of these private improvements contemplated by the Improvement Plan and/or the Development Agreement.

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ARTICLE VI

INTERPRETATION AND DEFINITIONS

SECTION 6-101: 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 a Planned Unit Development in the Village of Deerfield. Where the provisions of this Code are either more restrictive or less restrictive than comparable provisions of this Code, the Deerfield Zoning Ordinance, the Village Manual of Standards and Specifications, 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 or develop any property, or to use a property for any purpose.

SECTION 6-102: PENDING APPLICATIONS

- A. New Code Shall Apply
This Code and any amendment thereof shall apply to any application for a development 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 Applicant
It shall be the responsibility of each owner or developer having a Planned Unit Development 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.

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Any modification or refile of a Planned Unit Development 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 plan and shall be permitted without payment of any additional fee.

SECTION 6-103: 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 Lake, Illinois, unless referring to a property or matter of which Cook County, Illinois has jurisdiction, in which event, it means the County of Cook, 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.
- 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 word "person" includes individuals, firms, partnerships, joint ventures, trusts, estates, corporations, associations and any other similar entities.
- J. 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

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SECTION 6-104 DEFINITIONS

AGREEMENT, DEVELOPMENT That certain document to be executed by the owner or developer and required pursuant to and in accordance with Code.

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.

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

DEVELOPMENT A development which has been approved by the Village of Deerfield as a Planned Unit Development/Final Development Plan pursuant to Article 12 of the Deerfield Zoning Ordinance, but not including Planned Residential Developments pursuant to Article 12.

DIRECTOR OF COMMUNITY DEVELOPMENT The director of the Community Development Department of the Village of Deerfield.

FINAL DEVELOPMENT PLAN That plan, including all components, exhibits, and other documents pursuant to Article 12 of the Deerfield Zoning Ordinance.

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 PLAN A depiction of all improvements both public and private, including the location and extent of any easements necessary for the maintenance of said improvements. The plan may be graphic and/or written. Pursuant to Article 12 of the Deerfield Zoning Ordinance both a Preliminary and a Final Improvement Plan are required.

IMPROVEMENT, PUBLIC Any street, alley, public way, way for public service facilities, storm and flood water run-off, sewer, channel and basin, sanitary sewer, 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.

IMPROVEMENT, PRIVATE Any improvement contemplated by this Code as part of a development as outlined in Article IV (4-102) of this Code.

OUTLOT A piece or parcel of land that remains within the development, 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.

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PLAN COMMISSION The Plan Commission of the Village of Deerfield.

PLANNED UNIT DEVELOPMENT A development which has been approved by the Village of Deerfield pursuant to Article 12 of the Deerfield Zoning Ordinance, but not including Planned Residential Developments.

PRELIMINARY DEVELOPMENT PLAN That plan, including all components, exhibits, and other documents pursuant to Article 12 of the Deerfield Zoning Ordinance.

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.

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

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

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

VILLAGE The Village of Deerfield, Illinois.

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

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

VILLAGE STANDARDS AND SPECIFICATIONS MANUAL. The specifications and construction requirements for subdivisions as set forth in the Deerfield Municipal Code, Subdivision Code.

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

SECTION 6-105 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 provisions 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.