

**Section 6-404
Easements**

SECTION 6-404. EASEMENTS.

- A. **Utility Easements.** Easements across lots or centered on rear or side lot lines shall be provided for utilities and street lighting, electronic cable, drainage or other public use, and shall be at least ten (10) feet wide. Easements shall be laid out so that proper continuity is provided from lot to lot and from block to block. Provisions for extensions of easements to adjacent areas shall be made by the Director of Engineering. Utility easements shall not be located in an area designated as an open space preservation area unless a one (1) foot topographic location plan is approved by the Development Review Committee which shows all topography, trees, native vegetation and watercourses as well as the location of the proposed easements. (Ord. 2570 - 5/2/94)
- B. **Storm Water Easement.** Where a development is traversed by a water course, drainage way, channel or stream, a storm water easement or drainage right-of-way shall be provided which conforms substantially with the lines of such water course, has a width adequate for construction and maintenance, and which shall not interfere with a designated open space preservation area.
- C. **Pedestrian/Bikepath Easement.** Easements containing pedestrian ways or bikepaths must be a minimum of twelve (12) feet in width, in accordance with Section 6-415, unless otherwise approved by the Director of Community Development. (Ord. 2570 - 5/2/94)
- D. **Scenic Corridor Easement.**
1. **Purpose.** The purpose of the scenic corridor easement requirement is to protect natural corridors of land so that they remain undeveloped on each side of certain roads. The purpose is also to reduce traffic noise which may have a deleterious impact on residents within the vicinity. The requirement of scenic corridor easements shall serve to protect and maintain a rural/suburban atmosphere in certain sections of the Village and its one and one-half (1 1/2) mile jurisdiction. The Corridor will also provide a refuge for native trees, shrubs and prairie plant life and an excellent natural buffer between more-developed areas.
 2. **Provisions.**
 - a. A scenic corridor easement shall be depicted on the final plat of subdivision and shall constitute an easement infavor of the Village, the terms of which are as follows: All scenic corridor easements shall be kept in their natural condition. All significant natural vegetation shall be preserved and maintained and shall not be mowed, cultivated, sprayed or in any way disturbed, either by the Village, the developer, the owner upon whose lot the easement exists, or any other person, except vegetation which is unique and harmful to the health and welfare of the community or property owner, as determined by the Village, may be excised, controlled and/or destroyed in accordance with the written direction of the Village.

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b. Existing woodlands and hedgerows within the scenic corridor easement perimeter shall not be destroyed or, if no significant natural vegetation exists and where suitable top soil from road, lake or other excavation exists, berms may be constructed in accordance with the written instructions of the Village. Said instructions shall be prepared in accordance with the overall Comprehensive Plan of the Village and shall pay particular attention to the aesthetic aspects of the vicinity in which the berms are to be located. These berms, when approved by the Village, shall be planted with trees and shrubs and native wildflowers and prairie grasses. Non-native flowering plants and evergreen trees may be utilized if approved in writing by the Village. It is the intent of this subsection (D) that the vegetation, whether it be native and natural or whether it be planted in accordance with this subsection, shall constitute a suitable screen between the development of the lot upon which the scenic corridor easement exists and the adjacent road right of way to insure that evidence of human occupancy is minimal.

3. **Standards.** On all property sought to be subdivided which is designated as Critical and Sensitive Areas on the Village's Comprehensive Plan and which lies adjacent to State, County, Township and Village streets, there shall be a fifty (50) to one hundred (100) foot scenic corridor easement measured from the right of way, on either side of said roads.

4. **Development Plan.** As a condition of approval of a final plat, a subdivider or developer shall submit a development plan of all scenic corridor easements, showing the dimensions thereof, the extent and nature of all significant natural vegetation, both forest and prairie, all berms sought to be constructed, the amount and size and type of all planting sought to be installed. Such plan shall be reviewed by the Director of Community Development with written comments being forwarded for consideration by the Plan Commission. The Plan Commission shall approve, disapprove or suggest whatever modifications are necessary in keeping with this subsection.

E. **Solar Access Easement.**

1. **Purpose.** The purpose of a solar access easement is to protect solar accessibility between parcels of land so that solar sunlight/ energy may be equitably maintained among the owners of all lots in a development or between owners of adjacent or neighboring lots. The purpose is also to promote all feasible means of energy conservation and all feasible uses of alternative energy sources. In regards to plant material, the Village encourages the planting and maintenance of trees and shrubs to create shading, moderate outdoor temperatures, and provide various economic and aesthetic benefits. However, there are certain situations in which the need for widespread use of alternative energy devices, such as solar collector panels, requires specific and limited controls on trees and shrubs.

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2. **Solar Access Easement.** A solar access easement may be recorded on plats of subdivision in accordance with the provisions of Section 5-112, specifically 5-112.G.3. Dedicated easements for solar access are for the purpose of assuring that each parcel or unit in the subdivision shall have the right to receive sunlight across adjacent parcels or units in the subdivision for any SES, as defined by Section 6-314. In establishing such easements, consideration shall be given to feasibility, contour, configuration of the parcel to be divided, equitability and cost. Required easements shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or a structure.
3. **Standards.** As a condition of approval of a subdivision map, there may be imposed, in accordance with the provisions of Section 5-112 that the developer or subdividing applicant dedicate solar access easements. During the development review process, the Development Services Department and/ or the Plan Commission shall specify the following:
 - a. The standards for determining the exact dimensions and locations of such easements.
 - b. Any restrictions on vegetation, buildings and other objects which would obstruct the passage of sunlight through the easement.
 - c. The terms for conditions, if any, under which an easement may be revised or terminated.
 - d. Solar access easements cannot be recorded against a property where the permitted development is taller than forty (40') feet or in the ORI, BIZ, COR and VC zoning districts.

F. **Geothermal Access Easement.**

1. **Purpose.** The purpose of a geothermal access easement is to protect thermal accessibility between parcels of land so that the earth's thermal energy may be equitably maintained among the owners of all lots in a development or between owners of adjacent or neighboring lots. The purpose is also to promote all feasible means of energy conservation and all feasible uses of alternative energy sources. In regards to district heating, the Village encourages the utilization of existing geothermal energies to heat and cool buildings at a district scale such as a new multi-lot subdivision, to reduce the overall draw on fossil fuels for building heating. In some situations, in which geothermal/ hydrothermal district heating systems are involved, development requires specific and limited controls for the preservation of the system.
2. **Geothermal District Heating Access Easement.** A geothermal access easement may be recorded on plats of subdivision in accordance with the provisions of Section 5-112, specifically 5-112.G.3, for district heating purposes. Dedicated easements for geothermal access are for the purpose of assuring that each parcel or unit in the subdivision shall have the right to receive geothermal energy across adjacent

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parcels or units in the subdivision for any GES, as defined by Section 6-314. In establishing such easements, consideration shall be given to feasibility, contour, configuration of the parcel to be divided, equitability, subsidence and cost. Required easements shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or a structure.

3. **Standards.** As a condition of approval of a subdivision map, there may be imposed, in accordance with the provisions of Section 5-112 that the developer or subdividing applicant dedicate geothermal district heating access easements. During the development review process, the Development Services Department and/ or the Plan Commission shall specify the following:
 - a. The standards for determining the exact dimensions and locations of such easements.
 - b. Any restrictions on vegetation, buildings and other objects which would regulate proximity to a GES.
 - c. The terms for conditions, if any, under which an easement may be revised or terminated.