

TITLE 10
LAND SUBDIVISIONS

Subject	Chapter
General Provisions	1
Plat Procedures	2
Design Standards	3
Required Improvements	4
Enforcement	5

CHAPTER 1
GENERAL PROVISIONS

SECTION:

- 10-1-1: Purpose
10-1-2: Geographic Jurisdiction
10-1-3: Definitions

10-1-1: **PURPOSE:** To regulate the subdividing of land within the city and adjoining area so that new additions will be integrated with the comprehensive plan for the city and will contribute to an attractive, stable and wholesome community environment. (Ord. 518, 3-25-1969)

10-1-2: **GEOGRAPHIC JURISDICTION:** Pursuant to law, this title shall be effective and enforceable within the corporate limits of Mount Carroll, Illinois and also within the area extending one and one-half (1½) miles beyond its corporate limits. (Ord. 518, 3-25-1969)

10-1-3: **DEFINITIONS:** For the purpose of this title, certain words used herein are defined as follows:

ALLEY: A public right of way usually less than twenty feet (20') in width which normally affords a secondary means of vehicular access to abutting property.

ARTERIAL STREET: A street which provides for the movement of heavy traffic on relatively long trips. It has a secondary function of providing access to abutting land.

COLLECTOR STREET: A street which collects and distributes internal traffic within an urban area, such as a

- residential neighborhood, between arterial and local streets. It provides access to abutting land.
- COMPREHENSIVE PLAN:** That policy document which serves as a guide for the future physical development of the city of Mount Carroll and adjoining area and entitled "Comprehensive Plan, Mount Carroll, Illinois".
- CUL-DE-SAC:** A short street having but one end open to traffic and the other end being permanently terminated to a vehicular turn around.
- HALF STREET:** A street having only one-half ($\frac{1}{2}$) of its intended roadway width developed to accommodate traffic.
- LOCAL STREET:** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- LOT:** A piece, parcel or plot of land intended for building development or as a unit for transfer of ownership.
- PLAT:** The map, drawing or chart on which the subdivider's plan of subdivision is presented to the city council for approval.
- SUBDIVISION:** The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of five (5) acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision, and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. (Ord. 518, 3-25-1969)

CHAPTER 2

PLAT PROCEDURES

SECTION:

- 10-2-1: Plat Presentation Procedures
- 10-2-2: Preapplication Meeting
- 10-2-3: Preliminary Plat Approval
- 10-2-4: Final Plat Approval
- 10-2-5: Plat Presentation Requirements

10-2-1: **PLAT PRESENTATION PROCEDURES:** The following procedures shall be followed in the administration of this title and no real property within the jurisdiction of this title shall be subdivided and offered for sale or a plat recorded until a preapplication meeting has been held and a preliminary plat and a final plat of the proposed subdivision have been received by the planning commission and its technical assistants and until the final plat has been approved by the city council as set forth in the procedures provided herein. (Ord. 518, 3-25-1969)

10-2-2: **PREAPPLICATION MEETING:** Prior to the submission of any plat for consideration to the planning commission under the provisions of this title, the subdivider shall meet with the planning commission, or any individual to whom the commission may delegate this responsibility, to introduce himself as a potential subdivider and learn what shall be expected of him in such capacity. (Ord. 518, 3-25-1969)

10-2-3: **PRELIMINARY PLAT APPROVAL:**

- (A) The subdivider engages a qualified land planner or registered land surveyor to prepare a preliminary plat of the area to be subdivided.
- (B) The subdivider submits six (6) copies of the preliminary plat to the city clerk two (2) weeks prior to the next regular planning commission meeting.

- (C) The city clerk submits one copy of the preliminary plat each to the planning commission, the city consulting engineer, and if desired, to the planning consultant no later than three (3) days after its receipt.
- (D) The city consulting engineer and the planning consultant review the preliminary plat and submit a report of their reaction to the planning commission before its next regularly scheduled meeting.
- (E) The planning commission reviews the preliminary plat considering the reports of the engineer and planning consultant and either rejects, approves subject to revision, or approves the proposal within thirty (30) days of the date on which it was filed with the city clerk. If disapproved, the commission sets forth the grounds for such refusal in its proceedings and transmits them to the subdivider. If approved, the design is thereby accepted as a basis for the preparation of the final plat. (Ord. 518, 3-25-1969)

10-2-4: **FINAL PLAT APPROVAL:**

- (A) The subdivider engages a registered land surveyor to prepare a final plat which may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time.
- (B) The subdivider submits six (6) copies of the final plat to the city clerk at least two (2) weeks before the next regularly scheduled planning commission meeting and within one year of preliminary plat approval. The subdivider also submits an attorney's opinion based on a current abstract guaranty title policy which establishes his ownership of the tract contained in the proposed plat.
- (C) The planning commission studies the final plat and transmits its action to the city council within thirty (30) days from the date on which it was filed with the city clerk.
- (D) The city council holds a public hearing on the final plat within sixty (60) days of filing after having given thirty (30) days published notice thereof in the official municipal newspaper.
- (E) The city council acts upon the final plat within sixty (60) days of filing, whereupon the city clerk notifies the subdivider of the council's action.
- (F) The subdivider files the final plat with the city clerk within thirty (30) days of final plat approval.

- (G) The subdivider records the final plat with the Carroll County register of deeds within thirty (30) days of final plat approval; otherwise, the approval of the final plat shall be considered void.
- (H) The subdivider furnishes a duplicate and five (5) paper prints of the final plat as recorded, to the city clerk. (Ord. 518, 3-25-1969)

10-2-5: **PLAT PRESENTATION REQUIREMENTS:**

- (A) The preliminary plat shall comply with and include the following requirements:
 - 1. Scale: One inch (1") equals one hundred feet (100').
 - 2. Identification And Description:
 - (a) Proposed name of subdivision.
 - (b) Location by section, town, range or by other legal description.
 - (c) Names and addresses of the owner, subdivider, surveyor and designer of the plan, respectively.
 - (d) Graphic scale.
 - (e) North point.
 - (f) Date of preparation.
 - 3. Existing Conditions: Existing conditions in tract and in surrounding area to a distance of three hundred feet (300'):
 - (a) Boundary line of proposed subdivision, clearly indicated.
 - (b) Total approximate acreage.
 - (c) Platted streets, railroad right of way and utility easements.
 - (d) Boundary lines and ownership of adjoining unsubdivided land.
 - (e) Sewers, water mains, culverts or other underground facilities.

(f) Permanent buildings and structures.

(g) Topography, showing watercourses, marsh areas and contours at vertical intervals of no more than two feet (2'). All elevation data shall be mean sea level.

(h) Other information such as soil tests, if requested by the planning commission to aid in its review.

4. Subdivision Design Features:

(a) Layout and width of proposed streets and utility easements showing street names, lot dimensions, parks and other public areas. The street layout shall include all contiguous land owned or controlled by the subdivider.

(b) Proposed use of all parcels and if zoning change is contemplated, proposed rezoning.

(c) Preliminary street grades and drainage plan shall be shown on a copy of the contour map.

(B) The final plat shall comply with and include the following requirements:

1. Plans for water supply, sewage disposal, drainage and flood control.

2. Soil borings, if required by the planning commission.

3. Data required to be provided under regulation by the Illinois land surveyor, i.e., accurate angular and linear dimensions for all lines, angles and curvatures used to describe boundaries, streets, easements and other important features.

4. An identification system for all lots and blocks.

5. The size (in square feet) and dimensions of all lots.

6. Certification by a registered Illinois land surveyor to the effect that the plat represents a survey made by him and that monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.

7. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas.

8. Certification showing that all taxes currently due on the property to be subdivided have been paid in full.

9. Form for approval by the planning commission:

Planning Commission of the city of Mount Carroll, Illinois

This _____ day of _____, 19 ____ .

*Signed _____
Chairman*

*Signed _____
Secretary*

10. Form for approval by the city council:

The annexed plat was duly approved by the City Council of the City of Mount Carroll, Illinois.

This _____ day of _____, 19 ____ .

*Signed _____
Mayor*

*Signed _____
City Clerk*

(Ord. 518, 3-25-1969)

CHAPTER 3
DESIGN STANDARDS

SECTION:

- 10-3-1: Purpose
- 10-3-2: Circulation
- 10-3-3: Easements
- 10-3-4: Blocks
- 10-3-5: Lots

10-3-1: **PURPOSE:** Generally, design standard shall assure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and shall be in conformity with the comprehensive plan for the development of the entire area. (Ord. 518, 3-25-1969)

10-3-2: **CIRCULATION:**

(A) General Street Design:

1. The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm water and to the proposed uses of the area to be served.

2. Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width.

3. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of such unsubdivided land.

- (B) Street Width And Grades: The following standards of street design shall be observed by the subdivider:

<u>Street Category</u>	<u>Minimum Width Right Of Way</u>	<u>Minimum Width Pavement</u>	<u>Maximum Grade¹</u>	<u>Maximum Grade</u>
Collector	66 feet	40 feet	5 percent	0.5 percent
Local	60 feet	36 feet	6 percent	0.5 percent

1. To assure a safe and reasonable sight distance at intersections a lesser or greater maximum grade may be required.

- (C) Street Jogs: Street jogs with center line offsets of less than one hundred twenty five feet (125') shall be avoided.
- (D) Street Intersections: Insofar as practical, streets shall intersect at right angles and no intersection shall be at an angle of less than sixty degrees (60°). It must be evidenced that safe and efficient traffic flow is encouraged.
- (E) Cul-De-Sacs: Maximum length of permanent cul-de-sac streets shall be four hundred feet (400') measured along the center line from the intersection of origin to end or right of way. Each cul-de-sac shall be provided at the closed end with a turnaround having a minimum outside roadway diameter of eighty feet (80') and a minimum street property line diameter of one hundred feet (100').
- (F) Half Streets: Half streets shall be prohibited except where the city council finds it to be practicable to require the dedication of the other half when the adjoining property is subdivided.
- (G) Street Names: Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of the proposed street duplicate existing street names, including phonetical similarities.
- (H) Private Streets: Public improvements shall not be approved for any private street.
- (I) Access To Arterial Streets And Highways: Where a proposed plat is adjacent to a major thoroughfare, spacing between access points to such thoroughfare of less than six hundred sixty feet (660') shall be avoided except where impractical or impossible due to existing property divisions or topography.

- (J) Hardship To Owners Of Adjoining Property: The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- (K) Corners: Curb lines at street intersections shall be rounded at a radius of not less than ten feet (10').
- (L) Alleys: Alleys shall be prohibited in residential areas unless special permission is granted by the city council for their provision. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided, but if unavoidable, shall be provided with adequate turn-around facilities at the dead end as determined by the city consulting engineer. (Ord. 518, 3-25-1969)

10-3-3: **EASEMENTS:**

- (A) Utilities: Where alleys are not provided, easements of at least ten feet (10') wide centered on rear lot lines shall be provided for utilities where necessary. Easements for storm or sanitary sewers shall be at least twenty feet (20') wide. They shall have continuity of alignment from block to block. Temporary construction easements may be required where installation depths are greater than ten feet (10').
- (B) Watercourses: When a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such watercourse. (Ord. 518, 3-25-1969)

10-3-4: **BLOCKS:**

- (A) Length: Block lengths shall not exceed eight hundred feet (800') and shall not be less than four hundred feet (400').
- (B) Pedestrianways: In blocks longer than six hundred feet (600'), a pedestrian crossway with a minimum right of way of ten feet (10') may be required near the center of the block. The use of additional access ways to schools, parks and other destinations may also be required. (Ord. 518, 3-25-1969)

10-3-5: **LOTS:**

- (A) Layout: Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot shall front on a public street. Lots with a frontage on two (2) parallel streets shall be avoided.
- (B) Size And Dimension: Minimum lot areas and lateral dimensions shall be as set forth in the zoning title of the city.
- (C) Corner Lots: Corner lots shall be platted at least ten percent (10%) wider than the minimum lot width required.
- (D) Natural Features: In the subdivision of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed development.
- (E) Lots Along Thoroughfares: There shall be no direct vehicular access from residential lots to arterial streets or highways and residential lots shall be separated from railroad rights of way by a twenty five foot (25') buffer strip, which may be in the form of added depth or width of lots backing on or siding on the railroad right of way.
- (F) Lot Remnants: Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnant. (Ord. 518, 3-25-1969)

CHAPTER 4

REQUIRED IMPROVEMENTS

SECTION:

- 10-4-1: Monuments
- 10-4-2: Streets
- 10-4-3: Utilities
- 10-4-4: Drainage Facilities
- 10-4-5: Tree Planting
- 10-4-6: Specifications
- 10-4-7: Financing
- 10-4-8: Inspection
- 10-4-9: Acceptance

10-4-1: **MONUMENTS:** Steel monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat: All U.S., state, county or other official bench marks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position. (Ord. 518, 3-25-1969)

10-4-2: **STREETS:** All streets shall be graded and surfaced in width not less than that required in subsection 10-3-2(B) of this title, and provided with curb and gutter, in accordance with the following specifications. (Ord. 518, 3-25-1969)

10-4-3: **UTILITIES:**

- (A) Sanitary sewer and water mains and laterals shall be installed in all new subdivisions and shall be connected to the community sewer in an appropriate manner. Water and sanitary sewer laterals shall be laid to the property line ending at the corporation cock.

- (B) Water mains and laterals shall be laid to the specifications of the American waterworks association and the bureau of fire underwriters. Sanitary sewer mains and laterals shall be laid to the specifications of the state of Illinois board of health.
- (C) All utilities, whether private or public, shall be installed so as to enhance the visual appearance of the area. Where utilities are to be installed in street or alley rights of way, such installation shall take place prior to street surfacing. (Ord. 518, 3-25-1969)

10-4-4: **DRAINAGE FACILITIES:** Storm sewer and/or other surface drainage facilities shall be installed as determined to be necessary by the city consulting engineer for the proper drainage of surface water. (Ord. 518, 3-25-1969)

10-4-5: **TREE PLANTING:** Boulevard trees shall be planted in the rights of way of all streets at the rate of one tree per lot. (Ord. 518, 3-25-1969)

10-4-6: **SPECIFICATIONS:** Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the city council. Such improvements shall be made in sequence as determined by the city consulting engineer. (Ord. 518, 3-25-1969)

10-4-7: **FINANCING:** Before a final plat is approved by the city council, the subdivider shall submit an agreement and performance bond or cash escrow agreement to assure the following:

- (A) The subdivider shall pay for the cost of all improvements required in the subdivision.
- (B) Guaranteed completion of the required improvements within a two (2) year period.
- (C) Payment by the subdivider for all costs incurred by the municipality for review and inspection. This would include preparation and review of plans and specifications by the consulting engineer, planner and attorney, as well as other costs of a similar nature.

- (D) The city may elect to install any of the required improvements under the terms of a cash escrow agreement.
- (E) The performance bond or cash escrow agreement shall be equal to one and one-quarter ($1\frac{1}{4}$) times the consulting engineer's estimated cost of the required improvements.
- (F) If the required improvements are not complete within the two (2) year period, all amounts held under the escrow agreement or performance and shall be turned over and delivered to the city and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. (Ord. 518, 3-25-1969)

10-4-8: **INSPECTION:** All public improvements proposed under the provisions of these regulations shall be inspected, as necessary, during the course of construction and prior to acceptance by the city consulting engineer, or other designated city representative. All fees and costs associated with such inspection shall be paid by the subdivider. Additionally, the subdivider shall provide, at his expense, an inspector who shall:

- (A) Observe all details and procedures of construction during the progress of the project,
- (B) Note any deviations from the approved plans and specifications, and
- (C) Provide copies of his daily reports to the city. (Ord. 611, 1-9-1979)

10-4-9: **ACCEPTANCE:**

- (A) When the subdivider has completed the construction of the public improvements, he shall provide to the city a certificate, signed and sealed by an Illinois licensed professional engineer, which shall certify that all said improvements have been completed and tested in accordance with the approved project plans and specifications. Additionally, four (4) sets of record drawings or "as constructed" drawings indicating approved field changes to the plans shall be filed with the city. Upon receipt by the city of the subdivider's certificate and record drawings, the city consulting engineer, or other designated city representative shall conduct a final inspection of the project. All fees and costs associated with such inspection shall be paid by the subdivider.

- (B) No later than seven (7) days after the final inspection, the subdivider shall be notified by the city of the inspection results. Upon the subdivider's correction of deficiencies, if any, the final acceptance of the improvements shall be granted upon authorization of the city council. (Ord. 611, 1-9-1979)

CHAPTER 5
ENFORCEMENT

SECTION:

- 10-5-1: Responsible Official
- 10-5-2: Building Permit
- 10-5-3: Variances

10-5-1: **RESPONSIBLE OFFICIAL:** It shall be the duty of the city council to see that the provisions of this title are properly enforced. (Ord. 518, 3-25-1969)

10-5-2: **BUILDING PERMIT:** No building permit shall be issued by any governing official for the construction of any building, structure or improvement on any land henceforth subdivided until all requirements of this title have been fully complied with. (Ord. 518, 3-25-1969)

10-5-3: **VARIANCES:** Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this title, the city council shall have the power to vary from the requirements of this title in harmony with the general purpose and intent thereof. (Ord. 518, 3-25-1969)