

## CHAPTER 1

**GENERAL SUBDIVISION PROVISIONS**

## SECTION:

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11-1-1: **AUTHORITY AND INTERPRETATION:** In accordance with the authority granted by 765 Illinois Compiled Statutes 20511 et seq., and for the purpose listed in section 236.01 and 236.45 of the statutes, the Village Board ordains:  
(Ord., 1990; amd. 2002 Code)

- A. The provisions of this title shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity, and general welfare of the village.
- B. This title shall not repeal, impair or modify private covenants or public ordinances; except, that it shall apply whenever it imposes stricter restrictions on land use. (Ord., 1990)

11-1-2: **APPLICATION OF PROVISIONS:** This title shall apply not only to subdivisions and additions set forth in this title but shall also apply, insofar as payment of costs for improvement of subdivisions is concerned, to those subdivisions and additions, or parts thereof, already platted and approved, which are undeveloped, wholly or partially, as of the effective date hereof. (Ord., 1990)

11-1-3: **COMPLIANCE WITH PROVISIONS:** The proposed subdivision shall conform to: (Ord., 1990)

- A. The provisions of 765 Illinois Compiled Statutes 205/1 et seq.  
(Ord., 1190; amd. 2002 Code)
- B. All applicable Ordinances of the Village.

- C. The rules of the State Department of Health and Social Services relating to lot size and lot evaluation, if the subdivision is not serviced by a public sewer and provision for such services has not been made.
- D. The rules of the State Department of Transportation relating to safety access and the preservation of the public interest and investment in the streets, if the subdivision or any lot contained therein abuts on a state truck highway or connecting street. (Ord., 1990)

11-1-4: **DEFINITIONS:** For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meanings given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**ATTORNEY AND  
ENGINEER:**

The attorney and engineer employed by the Village unless otherwise stated in the text.

An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision, and streams or water bodies.

**BOARD:**

The Village Board of the Village of Elizabeth.

**BUILDING LINE OR  
BUILDING SETBACK:**

The line on a plat indicating the limit beyond which buildings or structures may not be erected.

**COMMUNITY:**

The Village of Elizabeth.

**EASEMENT:**

A grant by an owner of land for the specific use by the public or persons other than the owner.

**FINAL PLAT:**

The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Record of Deeds. Said plat must conform to all state laws.

LOT:	A parcel or portion of land designated by metes and bounds, a registered land survey, auditors, and other means and separated from other parcels or portions by said description for the purpose of sale, lease, or separate use thereof.
MINIMUM SUBDIVISION DESIGN STANDARDS:	The guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plan.
OWNER:	An individual, firm, association, syndicate, copartnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.
PEDESTRIAN WAY:	The right of way across or within a block, for use by pedestrian traffic whether designated as a pedestrianway, crosswalk, or however otherwise designated.
PERSON:	Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.
PLANNING COMMISSION:	The planning commission of the Village of Elizabeth.
PRELIMINARY PLAT:	The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Village Board for their consideration, in compliance with these regulations along with required supporting data.

- PROTECTIVE COVENANTS:** Contracts entered into between private parties and constitute a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of developments which would tend to impair stability of values.
- STREETS AND ALLEYS:** Public ways for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial, parkway, throughway, road, avenue, lane, place or however otherwise designated.
- SUBDIVIDER:** Any person commencing proceedings under these regulations to effect subdivision of land hereunder for himself or for another.
- SUBDIVISION:**
- A. A division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale of building development where:
1. The act of division creates five (5) or more parcels or building sites of one and one-half (1 ½) acres or less in area; or
  2. Five (5) or more parcels or building sites of one and one-half (1 ½) acres each or less in area and created by successive divisions within a period of five (5) years.
- B. Any division of less than five (5) may be allowed by following the provisions of 765 Illinois Compiled Statutes 20511. The requirements, however, of this title shall be applicable. (Ord., 1990; amd. 2002 Code)

11-1-5: **VARIANCES:**

- A. The Village Board and Planning Commission may grant variances from the provisions of this title, but only after determining that:
1. Because of the unique conditions of the subdivision involved, literal application of this title would impose a hardship. (Ord., 1990)

2. The variance will not violate the purpose of this title or the provisions of 765 Illinois Compiled Statutes 205/1 et seq. (Ord., 1990; amd. 2002 Code)
- B. The requirement of filing and recording a plat for subdivision shall not be waived. (Ord., 1990)