

2023-1220B

Final Recommended Ordinance

IT IS HEREBY ORDAINED that the Village of Elizabeth approves an ordinance to add language to Chapter 11, Subdivision Ordinance, so that it shall read as follows:

Chapter 1, General Subdivision Provisions, shall read as follows:

11-1-1: **AUTHORITY AND INTERPRETATION:** In accordance with the authority granted by 765 Illinois Compiled Statutes 205/1 et seq., 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., 1990; amd. 2002 Code)
- B. 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.
- C. 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.

ALLEYS:	A public right-of-way primarily for vehicular traffic along the side or in the rear of properties which affords only a secondary means of access to abutting properties.
ATTORNEY AND ENGINEER:	The attorney and engineer employed by the Village unless otherwise stated in the text.
BLOCK	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.
CUL-DE-SAC AND DEAD-END STREETS:	A minor street having one open end and being permanently terminated by a vehicle turnaround.
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 pedestrian way, 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: Public ways for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial, parkway, throughway, road, avenue, lane, place or however otherwise designated.
- SUBDIVIDER: The person or persons responsible for preparing and recording the plats of the subdivision and for carrying out all appropriate requirements relating thereto as outlined in this chapter.

SUBDIVISION:

A. The division of land into two (2) or more parts, any of which is less than five (5) acres, for the purpose, whether immediate or future or transfer of ownership or building development, including all public streets, alleys, ways for public service facilities, parks, playgrounds, school grounds or other public grounds, and all the tracts, parcels, lots or blocks, and numbering of all lots, blocks or parcels by progressive numbers, giving their precise dimensions. The following shall not be considered a SUBDIVISION and shall be exempt from the requirements herein:

1. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access, provided further that the width of the lot at the building setback line will not be less than that of other recorded lots fronting on the same street within the same block;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as right-of-way for railroads¹ or other public utility facilities which does not involve any new streets or easements of access;
5. The conveyance of land owned by railroad² or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants of conveyances relating to the dedication of land for public use or instruments

¹ Can remove railroad reference if there aren't existing or abandoned parcels or tracts of land owned by a railroad within Village limits and within 1.5 miles of the Village corporate boundaries.

² Can remove railroad reference if there aren't existing or abandoned parcels or tracts of land owned by a railroad within Village limits and within 1.5 miles of the Village corporate boundaries

relating to the vacation of land impressed with a public use; and/or

7. Conveyances made to correct descriptions in prior conveyances.

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

- A. The Village Board and/or 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)

WHEREAS, Chapter 2, Subdivision Plats and Procedures, reads as follows:

11-2-1: **SKETCH PLAN:**

- A. Subdividers are invited to prepare, for review with the planning commission, engineer, and others, a proposed subdivision sketch plan which, in order to most useful, should contain the following information:
1. Site location map showing major streets, school locations, commercial centers and other significant developments.
 2. Tract boundaries.
 3. North point and scale.
 4. Streets within an adjacent to tract.
 5. Any watercourse, permanent buildings or structures, or other existing features pertinent to a proper subdivision layout.
 6. Proposed general street layout and design.
 7. Proposed lot dimensions, size and orientation.
- B. The sketch plan will be considered as the basis for discussion between the subdivider and the planning commission. Submission of such sketch plan shall not constitute formal filing of a preliminary plat. The planning commission will, on the basis of such sketch plan, unofficially advise the subdivider of the extent to which the proposed subdivision conforms with this title and other ordinances of the Village and will discuss possible modifications. (Ord., 1990)

11-2-2: **PRELIMINARY PLAT:**

- A. Submission Of Plat: Before subdividing any tract of land, the subdivider shall submit a preliminary plat of the subdivision for the approval of the planning commission in the following manner: Six (6) copies of the preliminary plat shall be filed with the Village Clerk. Any necessary applications for variances from the provisions of this title and related ordinances shall be filed with the plan in the proper Village office to complete the official filing.
- B. Contents Of Plat: The preliminary plat of the proposed subdivision shall contain or have attached thereto the following information:
1. Identification and Description:
 - a. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the Village.
 - b. Legal description of property to include section, township, and range numbers.

- c. Names and addresses of the owner, and any agent having control of the land, subdivider, surveyor, engineer, and designer of the plan
- d. Graphic scale not less than one inch to one hundred feet (1" = 100).
- e. North point.
- f. Date of preparation.

2. Existing Conditions:

- a. Existing zoning classifications for land in and abutting the subdivision.
- b. Location, right of way width, and names of existing or platted streets or other public ways. Parks and other public lands, permanent buildings and structures, easements and section and corporate lines within the preliminary plan and to a distance one hundred feet (100') beyond shall also be indicated.
- c. Location and size of existing sewers, water mains, culverts or other underground facilities within the preliminary plan area and to a distance of one hundred feet (100') beyond. Such data as grades, invert elevations, and locations of catch basins, manholes, hydrants, and street pavement width and type shall also be shown.
- d. Boundary lines of adjoining, unsubdivided or subdivided land, within one hundred feet (100'), identified by name and ownership, and including all contiguous land owned or controlled by the subdivider. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. Descriptions, reference titles and elevations of the benchmark shall be furnished to the engineer.
- e. Soil tests if required.

3. Subdivision Design Feature:

- a. Layout of proposed streets, showing right of way widths and proposed names of streets. The name of any street heretofore used in the Village or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event, the name shall be used.
- b. Location and widths of proposed alleys, pedestrian ways and utility easements.
- c. Typical cross sections of proposed improvements upon streets and alleys, together with an indication of the proposed storm water runoff.
- d. Approximate centerline gradients of proposed streets and alleys, if any.
- e. Location, size and approximate gradient of proposed sewer lines and water

mains.

- f. Layout, numbers and typical dimensions of lots.
- g. Minimum front and side street building setback lines, indicating dimensions.
- h. Areas, other streets, alleys, pedestrianways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

4. Other Required Information:

- a. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development of traffic, fire hazards or congestion or population.
- b. Proposed protective covenants.
- c. Provisions for water supply.
- d. Provisions for sewage disposal, drainage and flood control.
- e. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.

C. Referral of Plat: The Village Clerk shall refer two (2) copies of the preliminary plat to the Planning Commission for its examination and report, one copy to the engineer for his examination and report, and one copy to the school district. Copies of the report by the engineer shall be given to the Planning Commission within fifteen (15) days.

D. Planning Commission Action:

- 1. The Planning Commission shall have the preliminary plat on its agenda at its next meeting.
- 2. The Planning Commission shall act on the preliminary plat within forty (40) days of the date on which it was filed with formal request for approval.
- 3. If the preliminary plat is not approved, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant and the Village Board in writing.
- 4. Should the subdivider desire to amend the preliminary plat as approved, he may resubmit the amended plan which shall follow the same procedure except for the hearing and fee unless the amendment is, in the opinion of the Planning Commission, of such scope as to constitute a new plat, then it shall be refiled

E. Qualifications Governing Approval of Preliminary Plan:

1. The Planning Commission may return a conditional report. The Board may require such changes or revisions as it deems necessary for the health, safety, general welfare and convenience of the Village.
2. The approval of a preliminary plan by the Planning Commission is tentative only, involving merely the general acceptability of the layout as submitted.
3. Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewerage and sewage disposal, gas and electric service, grading, gradients and roadway widths, the surfacing of streets, and other required improvements, by the engineer and other public officials having jurisdiction, prior to the approval of the final plat by the Board.
4. No plan will be approved for a subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots impossible, unless the subdivider agrees to make improvements which will, in the opinion of the engineer, make the area completely safe for occupancy, and provide adequate street and lot drainage.

F. Effect Of Approval: Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by such plat if the final plat conforms substantially to such layout and conditions of approval have been met. (Ord., 1990)

11-2-3: **FINAL PLAT:**

- A. Filing Of Plat; Requirements: The owner or subdivider shall file six (6) copies of the final plat not later than six (6) months after the date of approval of the preliminary plat. The Board may waive failure to comply with this requirement. The final plat will have incorporated all changes or modifications required. In all other respects, it shall substantially conform to the preliminary plat. It may constitute only that portion of the approved preliminary plan which the subdivider proposed to record and develop at the time; provided, that such portion conforms with all the requirements of these regulations.
- B. Referral of Plat: Within 10 days the Village receives the final plat, the Village Clerk shall refer two (2) copies of the final plat to the Planning Commission, one copy to the engineer, and one copy to each to the telephone, power, and other utility companies. (Ord., 1990)
- C. Compliance With State Law: A final plat of subdivided land shall comply with the requirements of 765 Illinois Compiled Statutes 205/1 et seq., which is hereby adopted by reference. (Ord., 1990; amd. 2002 Code)

D. Action on Plat

The final plat shall be presented to the Planning Commission at least ten (10) days prior to the meeting at which it is to be considered and shall then be accepted or rejected by the Planning Commission and the Village Board within forty (40) days of its submission, unless the time is extended by an agreement with the subdivider.

If the final plat is not approved, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant and the Village Board.

E. Record of Final Plat:

Upon approval of the final plat by the Village Board, the subdivider shall record the plat with the County Recorder within ninety (90) days after the date of approval; otherwise the approval shall be considered void. (Ord., 1990)

WHEREAS, Chapter 3, Design Standards, reads as follows:

CHAPTER 3. DESIGN STANDARDS

This chapter contains provisions for designs of streets, easements, and lots for subdivisions.

11-3-1: STREETS:

- A. General Considerations: Streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features, to public convenience and safety, and in appropriate relation to the proposed uses of the land to be served by such streets.
- B. Width: All streets shall be not less than sixty six feet (66') in width; except, that cul-de-sacs or dead-end streets may be sixty feet (60').
- C. Grades: The grade of streets shall not exceed ten percent (10%) unless necessitated by topography and approved by the board.
- D. Alignment And Visibility: There shall be a minimum sight distance with clear visibility along the centerline of all major streets of not less than two hundred feet (200').
- E. Dead-End Streets: Cul-de-sacs, or streets designed to have one end permanently closed, shall not exceed eight hundred feet (800') in length and shall terminate with a turnaround of not less than one hundred feet (100') in diameter. (Ord., 1990)
- F. Design Standards. The following standards are adopted by the Village and shall govern design and construction standards within Public Right-of Ways.
 - 1. Illinois Department of Transportation Bureau of Local Roads & Streets Manual, latest edition.
 - 2. Illinois Standard Specifications for Water and Sewer Construction in Illinois, latest edition.

11-3-2: EASEMENTS:

- A. UTILITY: Easements across lots or centered on rear or side lot lines shall be provided for the installation of utilities where necessary and shall be at least twelve feet (12') wide, and such easements shall be continuous from block to block. When an easement is centered on a rear side or side lot line, the width of the easement in each lot can be added together to meet the width requirements. (Ord., 1990)

- B. DRAINAGE: 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 watercourses.

11-3-3: **LOTS:**

- A. General Requirements: The size, shape and facing of lots with a street setback line of not less than twenty five feet (25') shall be appropriate for the topography of the subdivision and for the type of development and use contemplated.
- B. Residential Lot Dimensions:
 - 1. Residential lots shall have a minimum area of eight thousand (8,000) square feet and a minimum width of eighty feet (80') at the building line. (Minimum width is required to provide room for minimum side yard setbacks. Note: "Building line" and "street setback line" are not necessarily the same.)
 - 2. Residential lots to be served by private sewage disposal facilities shall comply with the rules of the State Department of Health and Social Services.
 - 3. Residential lots fronting on major streets should be platted with extra depth to permit generous distances between the buildings and such streets.
- C. Corner Lots: Corner lots for residential use shall have width sufficient to provide a building setback of at least twenty five feet (25') from each street.
- D. Access To Public Street: Every lot shall front or abut on a public street.
- E. Lot Lines:
 - 1. Side lot lines shall be substantially at right angles or radial to street lines.
 - 2. Lots shall follow municipal boundary lines whenever practicable, rather than cross them.
- F. Large Lots: A tract subdivided into parcels containing one or more acres shall be arranged to allow the resubdivision of any such parcels into normal lots in accordance with the provisions of these subdivision standards. (Ord., 1990)

WHEREAS, Chapter 4, Improvements; Land for Public Use, reads as follows:

- 11-4-1: **MONUMENTS:** The subdivision shall be monumental as required by 765 Illinois Compiled Statutes 202/1 et seq., which is hereby adopted by reference. (Ord., 1990; amd. 2002 Code)
- 11-4-2: **STREETS AND UTILITIES:**
- A. Construction Standards. The following standards are adopted by the Village and shall govern construction standards within Public Right-of-Ways.
 - 1. Illinois Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition.
 - 2. Illinois Standard Specifications for Water and Sewer Construction in Illinois, latest edition.
 - B. Construction Materials. All construction materials shall meet the design standards and be approved by the Village.
 - C. Water and Sewer:
 - 1. Water and sanitary sewer mains and laterals to each lot line where connection to existing systems can be reasonably provided as approved by the Board. The subdivider shall assume the costs of sewer and water mains eight inches (8") in diameter or less. If larger sizes are required because of future probable extensions, the ratio of excess cost shall be borne by the community.
 - 2. Water main and sanitary sewer mains shall not be constructed under roadways besides in intersections and roadway crossings, or unless approved by Village.
 - D. Streets
 - 1. Roadway Typical:
 - a. Streets shall be graded full width, terraces topsoiled and seeded, with a roadway typical section including concrete curb and gutter is required.
 - b. Earthed subgrade shall be prepared and surfaced with a minimum of twelve inches (12") crushed aggregate base 1' minimum beyond edge of road, and be well drained. Roadways with increased traffic loading and/or with poor subgrade may require additional thicknesses as required to provide a sufficient roadway base. Subdrains should be required for poor drainage subgrades or areas that are typically wet.
 - c. Pavement shall be designed for the roadway use and classification. In all cases, the pavement shall be a minimum of four inches (4") of hot-mix asphalt or 6" of Portland Cement Concrete. Pavement design calculations may be required by the Village.

d. Roadways shall be a minimum of thirty-one feet (31') wide (back of curb to back of curb). Major roadways with additional traffic or that allow parking on both sides of the street will require wider roadways, such as 37' or 41' (BOC to BOC).

2. Sidewalks:

a. Sidewalks are to be four feet (4') wide, four inches (4") thick concrete, on top of four inches (4") of crushed aggregate base. Five foot (5') passing areas are required every 200'. Sidewalks are to be installed on the street side of the property line. Sidewalks shall be required on both sides of the street.

b. ADA curb ramps shall be installed at all intersections with sidewalk.

c. All sidewalks and ramps shall be designed and constructed per state requirements.

3. Street Lighting:

a. The subdivider or land developer shall install streetlights along streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lights shall be placed at each street intersection and at such interior block spacing as may be required by the Village Board.

4. Driveways:

a. Driveways shall be hard surfaced to the right-of-way and shall be a minimum of 2 inches of bituminous concrete surface or 6 inches of Portland Cement Concrete. Concrete approaches shall be required where there is curb and gutter and sidewalk. Driveways shall be a minimum of 12' wide, not including any flares at the street.

E. Drainage & Storm Sewer

1. A complete and adequate drainage system for the subdivision shall include a storm sewer system or a system of open ditches, culverts, pipes and catch basins, or a curb and gutter system in combination with any of the above.

2. All storm sewer systems shall convey the 10-year rain event and have an emergency 100-year overland conveyance without flooding any adjacent or downstream building or structure.

3. Stormwater detention may be required if the property has known drainage issues or concerns.

4. A subdivision shall not significantly alter drainage patterns and/or cause adverse drainage/flooding on downstream properties.

F. Submission of Plans; Inspections:

All improvement plans shall first be submitted to the Village Engineer for approval, and all such installations must be inspected and approved by the Village Engineer. (Ord., 1990)

The construction of all improvements which at any time shall be deeded to the village, including all streets, alleys, sanitary or storm sewers or water works, shall

be subject to inspection. The person responsible for installation of the improvement shall employ the design engineer or engineering firm (or other qualified licensed engineer or firm) to provide resident inspection during construction. The Village Engineer will provide periodic review of the construction as directed by the Village. Costs incurred by the Village for periodic construction review by the Village Engineer shall be assessed to the person installing the improvements and be included in a developer's agreement. The engineer employed by the person installing the improvement shall certify to the Village that the improvement was constructed in accordance with the plans as approved by the Village and shall furnish as-built drawings for the improvements for use in locating sewer or storm sewers and water lines in the future.

A maintenance/performance bond shall be obtained by the developer and be in effect for a warranty period of two years following acceptance by the Village.

Upon completion of all improvements and after approval by the Village Engineer, the person installing the improvements shall convey ownership by warranty deed to the Village.

11-4-3: **RESERVATION OF LAND FOR PUBLIC USE:**

- A. Public Lands May Be Required: The Planning Commission may require that suitable sites of adequate area be reserved for future public uses such as parks, playgrounds and open spaces. Reservation of land for public acquisition shall be for a period not to exceed three (3) years.
- B. Preservation Of Natural Features: In locating such sites, consideration shall be given to preserving scenic and historic sites, stands of fine trees, marshes and shorelines. (Ord., 1990)
- C. Subdivisions With Waterways: The Planning Commission may require that easements or drainageways be provided where a subdivision includes a segment or segments of watercourses, drainageways, channels or streams. (Ord., 1990; amd. 2002 Code)