

**TITLE 12 - SUBDIVISIONS**

Subject Chapter

General Subdivision Regulations 1

Subdivision Procedures 2

Design Standards 3

Public Open Spaces 4

Administration And Enforcement 5

**CHAPTER 1 - GENERAL PROVISIONS**

**SECTION:**

**12-1-1: - TITLE:**

The regulations contained in this title shall be referred to officially as the *SUBDIVISION REGULATIONS* of the city. (1975 Code App. C § 201)

**12-1-2: - PURPOSE, AUTHORITY AND JURISDICTION:**

- A. Purpose: In order to promote the realization of the official plan of the city; in order to provide reasonable requirements for public streets and improvements; in order to provide for the public health, safety and welfare of the residents of the city and contiguous territory, in order that developers of land may have a helpful guide, the following regulations establishing standards of design and procedure for subdivision and resubdivisions are hereby adopted as part of the official plan of the city.
- B. Authority: Authority for the administration of these regulations shall be vested in the planning and zoning commission of the city.
- C. Jurisdiction: These regulations shall be applicable to all subdivisions and resubdivisions within the corporate limits of the city and contiguous unincorporated territory not more than one and one-half (1½) miles beyond the corporate limits and not included within the corporate limits or under the prior jurisdiction of any other municipality. <sup>u</sup> (1975 Code App. C § 201)

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65 ILCS 5/11-12-6.

**12-1-3: - DEFINITIONS:**

For the purpose of these regulations, certain words and phrases used herein are defined as follows:

ADMINISTRATIVE SECRETARY:	Such person designated by the <u>planning and zoning commission</u> of the city to serve as the commission's administrative secretary and the liaison officer. Such person's functions thereunder shall consist of ministerial duties as called for by the <u>planning and zoning commission</u> ,
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	including but not limited to receiving, disbursing and gathering information required pursuant to this title.
ALLEY:	A thoroughfare which affords only a secondary means of access to the property abutting thereon.
BEDROOMS:	The number of habitable sleeping rooms, as defined by the International Building Code, which also contain a closet. Rooms currently used or planned for other purposes which meet this definition shall be considered bedrooms.
BUFFER PLANTING STRIP:	A narrow area suitable for planting with trees and shrubs for screening purposes.
BUILDING SETBACK LINE:	The line indicating the minimum horizontal distance between the property line and building, either at the front, rear or side of the lot.
CITY ATTORNEY:	Such person or firm designated by the city council to serve as the city's legal representative.
CITY ENGINEER:	Such person or firm designated by the city council to serve as the city's engineering representative.
CROSSWALK:	A dedicated right of way dedicated specifically for pedestrian travel.
CUL-DE-SAC:	A short street with one end open to traffic and terminated at the other end by a vehicular turnaround.

EASEMENT:	A grant by the owner of the use of land by others for specific purposes.
FINAL PLAT:	The final map or drawing on which the subdivision plan is submitted to the <u>planning and zoning commission</u> for approval.
LOT:	A portion of a subdivision intended as a unit for transfer or development.
MAJOR STREET PLAN:	A part of the official plan showing the location of principal thoroughfares.
HOUSING TYPE:	<b>Detached single-family.</b> This is a 1-unit structure detached from any other structure; that is, with open space on all four sides. Such structures are considered detached if they have an adjoining shed or garage.
	<b>Attached single-family.</b> This is a 1-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.
	<b>2—4 units.</b> These are units in structures containing 2, 3, or 4 housing units.
	<b>5+ units.</b> These are units in structures containing 5 or more housing units.
HOUSING TENURE (OWNERSHIP OR RENTAL):	A housing unit is owner occupied if the owner or co-owner lives in the unit even if it is mortgaged or not fully paid for. All occupied housing units that are not owner-occupied, whether they are rented for cash rent or occupied without payment of cash rent, are classified as renter-occupied.
HOUSING UNIT:	A housing unit may be a house, an apartment, a group of rooms, or a single room that is designed or used for residential occupancy, but not including hotels or motels.

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OFFICIAL PLAN:	The comprehensive plan or any portion thereof prepared by the <u>planning and zoning commission</u> and adopted by the city council in accordance with the law.
PARKWAY STRIP:	A strip of land between the roadway and the property line.
<u>PLANNING AND ZONING COMMISSION:</u>	The plan commission of the city.
PRELIMINARY LAYOUT:	The preliminary map or drawing on which the proposed layout of the subdivision is submitted to the <u>planning and zoning commission</u> .
PROTECTIVE COVENANTS:	Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of property owners and providing mutual protection against undesirable aspects of development.
PUBLIC IMPROVEMENTS:	Any facility for which the city may ultimately assume the responsibility for maintenance and operation.
ROADWAY:	The portion of a street available for vehicular traffic.
SIDEWALK:	The portion of a parkway strip, paved or otherwise surfaced, intended for pedestrian use only.
STREET:	A right of way providing primary access to adjacent properties.

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	Collector: A street which carries traffic from minor streets to secondary or major streets, including the principal entrance streets of residence development and the principal circulating streets within such a development.
	Major: An arterial street that provides or that will provide for fast or heavy traffic of considerable continuity that is, or that will be, used primarily as a traffic artery for intercommunication between communities and other such areas and which include those streets designated and shown as major streets on the major street plan.
	Marginal Access: A street running parallel to and within twenty feet (20') to forty feet (40') of a major street for the purpose of relieving such major street from the local service of abutting properties.
	Minor: A street of limited continuity, used primarily for access to abutting properties and the local needs of the neighborhood.
	Secondary: An interneighborhood street and properly related to special traffic generating facilities such as schools, churches, shopping, and employment centers; to population densities and to the major streets and into which they feed as shown on the major street plan.
SUBDIVIDER:	A person, corporation or group acting as a unit, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as defined herein.
SUBDIVISION:	The division or redivision of any tract or parcel of land into two (2) or more parcels for the purpose, whether immediate or future, of transfer of ownership or for building purposes, regardless of whether said subdivision of land is platted, or is of record; provided, however, that a division of land into two (2) parcels, each of which, considered alone or when merged with a contiguous parcel owned in common by the owner

	of such newly created parcel so merged, meets the area, width and other requirements of this and any other ordinance of the city, and not involving any new public improvements or enlargement thereof or change therein, shall not be deemed a subdivision. Whenever two (2) parcels are merged as herein provided to meet area, width and other applicable ordinances, thereafter such parcels shall be considered as one parcel only. For the purpose of this title, a subdivision shall further be defined as:
	A. The development or implementation of a plan for a structure or structure containing seven (7) or more dwelling units in total on one tract of land; or
	B. The development or implementation of a plan for three (3) or more nonresidential buildings, not including accessory buildings, on one tract of land.

(1975 Code App. C § 202; Ord. No. 2018-02, § 1, 2-5-2018)

**CHAPTER 2 - SUBDIVISION PROCEDURES**

**SECTION:**

**12-2-1: - COMPLIANCE WITH PROCEDURES REQUIRED:**

No major grading, building or construction relating to permanent development of land when said land is within the definition of subdivision shall be started except in accordance with the regulations set out in this title. (1975 Code App. C § 203)

**12-2-2: - PREAPPLICATION PROCEDURES:**

Prior to the submission of the preliminary layout of any proposed subdivision within the jurisdiction of the city, the subdivider shall make known his intentions to the planning and zoning commission. During this preliminary or preapplication stage, the following action shall be taken:

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A. Action By Subdivider: The subdivider shall meet informally with the planning and zoning commission for the purpose of presenting a general outline of his proposal, including but not limited to:

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1. Written notification or "letter of intent" from the subdivider to the planning and zoning commission establishing the subdivider's intentions as to development of the land. Said written notification shall be filed with the administrative secretary to the planning and zoning commission not later than five (5) days preceding the next regularly scheduled planning and zoning commission meeting. Upon receipt thereof, the administrative secretary shall place on

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the planning and zoning commission's agenda, on the earliest available date, a preapplication consultation with the planning and zoning commission.

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- 2. Five (5) sketch plans and ideas regarding land use, street and lot arrangement and tentative lot sizes.
- 3. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.

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B. Action By Planning and Zoning Commission: The planning and zoning commission will discuss the subdivider's proposal and either: 1) inform the subdivider to proceed with the preparation of a preliminary layout consistent with the subdivider's general proposal; or 2) inform the subdivider to proceed in such manner which is consistent with the planning and zoning commission's informal recommendations to him. In the event the planning and zoning commission tenders any recommendations, guidelines or suggestions to the subdivider during the preapplication consultation, such recommendations, guidelines or suggestions shall not be construed as an approval, in whole or in part, of any proposal or application made by the subdivider, or as a conditional acceptance of any preliminary layout. (1975 Code App. C § 203)

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**12-2-3: - PRELIMINARY LAYOUT PROCEDURES:**

A. Submission: A preliminary layout of the land to be subdivided or resubdivided shall be submitted to the planning and zoning commission for its review, recommendation and approval. Application for such review shall be made in writing in quadruplicate and accompanied by thirty five (35) prints of the proposed preliminary layout along with the other documents required under subsection B of this section and shall be filed with the administrative secretary to the planning and zoning commission. Upon receipt of the above application and supporting documents called for herein, the planning and zoning commission shall hold at least one public hearing upon the application. At least fifteen (15) days and not more than thirty (30) days in advance of such public hearing, notice of time and place of such hearing shall be published in a newspaper published in the city and of general circulation in the city. (1975 Code App. C § 203; amd. 2003 Code)

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B. Required Documents:

- 1. Preparation: The preliminary plat shall be prepared by a qualified professional, trained and experienced in the layout of subdivisions; the design of and specifications for public improvements shall be prepared by an Illinois registered professional engineer; and the final plat of survey shall be prepared by a registered land surveyor.
- 2. Soil Report: Soil report from Kane-DuPage soil and water resources board.

C. Contents Of Preliminary Layout: The preliminary layout shall contain the following information:

- 1. Name of subdivision, location, names of subdivisions immediately adjacent and the names of owners of record of adjacent unsubdivided tracts; scale; north arrow; present zoning designation; name and address of owner and subdivider; name of designer of preliminary layout and date.
- 2. Boundary lines of the subdivision with length and bearing of lines, the location width and names of streets or other public ways, easements, railroad and utility rights of way, both within the subdivision and those adjacent to or leading into it; location of watercourses and other important features; existing permanent building, contours with two foot (2') intervals; one foot (1') intervals may be required if deemed necessary.
- 3. Proposed methods of providing for storm water, sanitary sewage and water; numbers and dimensions of blocks and lots; minimum front and side setback lines.
- 4. Storm water retention plans.

D. Consideration Of Preliminary Layout: The planning and zoning commission will study the preliminary layout in connection with the official plan and the topography of the area, and will take into

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consideration the general requirements of the community and the particular requirements of the neighborhood.

- E. Action On Preliminary Layout: The planning and zoning commission shall recommend to the city council its approval, conditioned approval, or its disapproval in writing within sixty (60) days of the time at which application for review of the preliminary layout is made. In the case of conditional approval, which is to be considered only as approval of general layout design, the planning and zoning commission shall indicate what changes, if any, it will require in the preliminary layout and the character and extent of required public improvements.
- F. Effective Date Of Preliminary Approval: Preliminary approval shall be effective for a period of one year except that approval within this time of a final plat applying to a portion of the area covered in the preliminary layout shall extend the effective period of preliminary approval to a maximum of two (2) years from the date of approval of the preliminary layout. (1975 Code App. C § 203)

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#### 12-2-4: - FINAL PLAT PROCEDURES:

- A. Submission Of Final Plat: After the approval of the preliminary layout the subdivider shall apply in writing to the chair of the planning and zoning commission for approval of a final plat. The application shall be in duplicate and accompanied by three (3) black on white prints together with specifications for the plat and other necessary documents including an estimate of public improvement construction costs.
- B. Contents: The final plat shall:
  - 1. Contain such information and be in such form as shall be required by law to entitle the same to be recorded.
  - 2. Provide space for approval of the planning and zoning commission by date and signature of the chair, and space for approval by the city council by date and signature of the mayor.
  - 3. The final plat shall be accompanied by documents including the following:
    - a. Four (4) copies of working drawings and specifications for improvements.
    - b. Four (4) copies of restrictions to be incorporated into deeds or covenants to be recorded with the plat.
- C. Hearing: The chair of the planning and zoning commission will notify the subdivider or his representative of the time and place at which he will be heard before the planning and zoning commission on behalf of his application, at least five (5) days prior to the date set for hearing. Prior to the hearing the subdivider shall have his estimate of construction costs checked by the city engineer, who shall report his findings to the planning and zoning commission. The cost of this checking shall be paid by the subdivider.
- D. Action On Final Plat: The planning and zoning commission shall recommend to the city council, in writing, its approval or disapproval of the final plat, together with reasons therefor, within sixty (60) days after the date on which application for such approval is made. If the planning and zoning commission approves the final plat, the chair shall sign the original tracing which, together with all necessary documents, shall be transmitted to the city clerk by the planning and zoning commission.
- E. Recording Of Final Plat: Upon approval of the final plat by the city council, the original tracing shall be recorded in accordance with statutory requirements. After recording the subdivider shall advise the city clerk of document numbers and return a print of the final plat to the city clerk for filing along with all attendant documents. Final approval shall be deemed to be complete only after the final plat has been officially recorded and all required fees have been paid.
- F. Approval Not Acceptance Of Improvements: Approval of the final plat shall not constitute acceptance by the city of any improvements shown on the plat. After all public improvements have been installed, a certificate of completion will be issued with the approval of the engineer for the city. One year from that time, and upon approval of the engineer for the city, an acceptance certificate will be issued by the city. (1975 Code App. C § 203)

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## CHAPTER 3 - DESIGN STANDARDS

### SECTION:

#### 12-3-1: - GENERAL PRINCIPLES OF ACCEPTABILITY:

- A. Conformance To Official Plan: The subdivision shall conform to the official plan at the time of hearing on the application.
- B. Provision For Future Subdivisions: If a tract is subdivided into larger parcels than one and one-fourth (1¼) acre lots, such parcels shall be arranged to allow the opening of future streets and logical further subdivision.
- C. Reserve Land Prohibited: There shall be no reservation of land that prevents or limits access to land intended for public or private use.
- D. Buffer Planting Strips: Where a residential subdivision adjoins a railroad right of way, or an industrial or business area, a buffer strip ten feet (10') to fifteen feet (15') in width and suitably planted to form a screen may be required by the planning and zoning commission.
- E. Trees And Shrubs: Trees shall be preserved whenever possible. Trees or shrubs within a forty foot (40') radius from intersecting property lines at a street intersection shall not have branches closer than eight feet (8') to the ground. Tree and shrub varieties to be planted on city property must be approved by the superintendent of streets and walks before planting.
- F. Variations And Exceptions: Variations and exceptions from these regulations may be made by the city council in case where the subdivider might be subjected to undue hardships in carrying out the strict letter of this title. No variation or exception shall be made that will be detrimental to the public welfare or that will adversely affect the official plan. (1975 Code App. C § 204)

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#### 12-3-2: - STREET LAYOUT AND DESIGN:

- A. Major: Wherever a subdivision embraces a major street such street shall be platted in the location indicated on major street plan.
- B. Secondary Or Collector: Secondary or collector streets shall be included when it is apparent that sufficient traffic will flow from minor streets within the subdivision.
- C. Layout: The street layout shall be in conformity with the official plans, as well as providing proper circulation for fire department, protection for pedestrian travel and access to schools, parks, playgrounds and shopping areas.
- D. Marginal Access: Where a subdivision has frontage on a major street and where it is not feasible to have the lots back to such street, provision may be required for marginal access streets. These marginal access streets shall be approximately parallel to the major street right of way and separated therefrom by a strip of land at least twenty feet (20') wide. The planning and zoning commission may require that separation strips be planted but such planting shall be so placed that it does not create a traffic hazard.
- E. Alleys: In general, alleys will not be approved for residential districts in a subdivision.
- F. Cul-De-Sacs: Cul-de-sacs shall not exceed five hundred feet (500') in length and shall terminate in:
  - 1. A turnaround not less than one hundred twenty feet (120') in diameter of right of way and pavement diameter of eighty feet (80') at the closed end;
  - 2. A "T" shape turnaround with forty foot (40') extension to either side of the main stem.
- G. Street Grades: Street grades shall conform in general to the terrain and shall not be less than four-tenths of one percent (0.4%) nor more than seven percent (7%). Street grades shall be such as to provide natural surface drainage of storm water regardless of the presence or absence of storm sewers.

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H. Widths:

1. Right Of Way Widths: The minimum right of way widths for streets, alleys and crosswalks shall be:

Major street	100 feet
(Except in cases where a greater or lesser width is shown on the public record)	
Secondary street	80 feet
All other streets including cul-de-sacs	66 feet
Alley	20 feet
Crosswalk	10 feet

2. Street Pavement And Roadway Widths: All streets within the subdivision shall be improved with a durable hard surface roadway. The pavement shall be equal or superior to a pavement consisting of the following requirements, all in accordance with the materials, equipment and methods covered by the state of Illinois division of highways "Standard Specifications for Road and Bridge Construction", adopted January 2, 1971, and all subsequent revisions thereto:
  - a. Subbase earth excavation constructed in accordance with approved engineering plans to provide a stable subbase of no less than I.B.R. value of three (3.0) I.B.R. Tests will be required if, in the opinion of the engineer for the city, they are necessary to evaluate the subbase material.
  - b. Base and surface courses will be of such materials to give structural numbers (Dt) as specified for the type of street improvement designated below: (1975 Code App. C § 204)

Type Of Street	Dt To Be Determined By Traffic Count And I.B.R. Tests	Minimum Value
<u>Major</u>		
Secondary	Dt	3.2
Collector	Dt	2.8
Minor	Dt	2.5
Cul-de-sac	Dt	2.5
Industrial park	Dt	3.4

Structural numbers, coefficient limits for pavement structure, materials, minimum requirements and other details shall conform to the state of Illinois department of public works and buildings, division of highways, "Manual of Instructions for Structural Design of Bituminous Pavement on Projects Involving MFT and FAS Funds"; to which manual reference is hereby made, three (3) copies of which shall remain on file at all times in the office of the city administrator for public inspection. (1975 Code App. C § 204; amd. 2003 Code)

Pavements other than bituminous concrete may be constructed if they meet the aforementioned requirements and reflect specific approval of the city.

The minimum width of paved roadway from outside to outside of curb or gutter may be:

Major	48 feet
Secondary	40 feet
Collector	37 feet
Minor (moderate to heavy traffic density)	34 feet
Minor (light traffic density)	30 feet
Cul-de-sac	30 feet
Industrial parks	37 feet

Before any paving work is commenced all plans, profiles, and specifications be approved by the city engineer, or engineers retained by the city.

All underground work such as sewers, water and gas mains, house service connections, etc., for service to both sides of the street, shall be installed and approved prior to the construction of the street pavement.

Controlled backfilling will be required for all trenches excavated for conduits located under proposed pavement areas. Said controlled backfilling shall consist of granular trench backfill material furnished and placed in accordance with section 603, paragraph 603.08 of the "Standard Specifications for Road and Bridge Construction" of the Illinois division of highways, with Method 3 being required.

I. Curvature Of Streets: The minimum radii of curvature of streets on the center line shall be:

Major street	600 feet
Secondary street	300 feet
All other streets	150 feet

J. Street Intersections:

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than eighty degrees (80°) shall not be acceptable unless adequate circular radii or angular cutouts are provided. Not more than two (2) streets shall intersect at any one point unless specifically approved by the planning and zoning commission.
2. Proposed new intersections along one side of an existing street shall, wherever practicable coincide with any existing intersections on the opposite side of such street. Street jogs with center line offsets of less than one hundred twenty five feet (125') shall not be permitted. Where streets intersect major streets their alignment shall be continuous.
3. The corner lots at a major or secondary intersection shall be truncated by straight lines joining points twenty five feet (25') back from the property line intersection in each quadrant. Road or street dedications at intersections shall take this form, and in cases involving major highways, angular intersections, or in any case where more dedication is deemed necessary to provide safe sight distance or for traffic channelization, the planning and zoning commission may specify a greater cutoff than the normal cited above other intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice, to permit safe vehicular movement.
4. At the approach of an intersection, a leveling area shall be provided having not greater than four percent (4%) grade for a distance of fifty feet (50') measured from the nearest right of way line of the intersecting street.
5. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right of way to the extent deemed necessary to provide adequate sight distance.

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K. Curb Radii: Curb radii shall not be less than twenty feet (20').

L. Curb And Gutter: A concrete combination curb and gutter or concrete gutter shall be constructed along the entire lines of the street. Combination curb and gutter or gutter shall conform to current standards of the city and shall be approved by the city engineer.

M. Vertical Curves: All changes in street grade shall be connected by vertical curves of a minimum horizontal length in feet equivalent to fifteen (15) times the algebraic difference in the percent of grade for major arterials and one-half (½) of this minimum length for all other streets. No vertical curb less than fifty feet (50') in length is required.

N. Half Streets: Street systems in new subdivisions shall be laid out so as to eliminate or avoid half streets. Where a half street is adjacent to a new subdivision, the other half of the street shall be dedicated by the subdivider. Where a new subdivision abuts an existing street of inadequate right of way width, additional right of way width may be required to be dedicated by the subdivider to meet the requirements of this subsection. (1975 Code App. C § 204)

**12-3-3: - SIDEWALKS:**

Sidewalks, where required, shall be located on the parkway strip and the inside edge of the sidewalk shall be one foot (1') from the property line. Sidewalks in residential districts shall be at least four feet (4') wide. (1975 Code App. C § 204)

**12-3-4: - BLOCKS:**

Residential blocks shall not exceed one thousand five hundred feet (1,500') in length. Blocks longer than eight hundred feet (800') may be required to have crosswalks. (1975 Code App. C § 204)

**12-3-5: - LOTS:**

- A. Minimum Width And Area: The minimum lot dimensions for residential development shall be seventy five feet (75') at the building setback line and the lot area shall be not less than ten thousand (10,000) square feet where permitted under the provisions of the zoning ordinance. Residential lots served by septic systems shall be a minimum of one hundred fifty feet (150') wide at the building setback line and shall have a minimum area of one acre, where permitted under the provisions of the zoning ordinance. <sup>2</sup>
- B. Lot To Abut On Street: Each lot shall abut on a dedicated street for a distance of at least twenty five feet (25').
- C. Side Lines Of Lots: Side lines of lots shall be approximately at right angles or radial to the street line.
- D. Grading For Stormwater: Lots and blocks shall be so graded as to eliminate depressions that would accumulate storm water. Grade at building sites shall bear such relationships to roadway and curb grades as to prevent flooding. (1975 Code App. C § 204)

Footnotes:

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1. See title 11 of this code.

**12-3-6: - IMPROVEMENTS:**

- A. Working Drawings And Specifications Required: Before considering the approval of the final plat for any subdivision, the planning and zoning commission will require that complete working drawings and specifications be submitted for those improvements required at the time of conditional approval of the preliminary layout. Deleted: plan commission
- B. Permission Required: Approval of the final plat by the city council shall constitute permission to proceed with construction providing the plat is accepted for recording by the county recorder. Should the subdivider elect to construct an improvement prior to approval of the final plat, the city council may extend permission to proceed upon recommendation of the planning and zoning commission. The subdivider shall also secure any permission required by law of state and county officials. Deleted: plan commission
- C. Types Of Improvements: The planning and zoning commission shall require the following improvements: Deleted: plan commission
  - Street and alley grading and surfacing
  - Lot and block grading plans
  - Sanitary sewerage system
  - Storm sewer system
  - Water mains and hydrants
  - Concrete combination curbs and gutters
  - Electrical distribution system
  - Sidewalk installations upon public street rights of way
  - Sump pumps to be connected to storm water sewers

The planning and zoning commission shall have the power to require one or more of the following improvements, depending upon the location of the subdivision: Deleted: plan commission

- Crosswalks
- Street trees
- Street signs
- Street lights

The design, layout and carrying capacities of stormwater, sanitary sewer and water facilities shall recognize the future requirements of adjacent undeveloped areas.

- D. **Qualifications Of Contractors:** The subdivider, prior to start of construction, shall make available to the city engineer a list of all contractors and subcontractors who are to participate in construction of public improvements. Such contractors and subcontractors shall be subject to disqualification by reason of faulty performance upon past construction work done in the city.
- E. **Inspection Required:** All said public improvements shall be subject to inspection by the city engineer, who shall inspect construction, methods of construction and workmanship and materials to ensure compliance with working drawings and specifications. The contractor shall provide for reasonable tests and proof of quality of materials. Upon due cause the work may be suspended and due cause shall include weather conditions, questionable materials of construction, methods of construction, workmanship or nonadherence to drawings and specifications.
- F. **Notification:** It shall be the responsibility of the subdivider or his contractor to notify the director of public works when work is to be started and to request assignment of an inspector. Notification shall be in writing and shall reach the director of public works seven (7) days in advance of the date that inspection is to begin.
- G. **Responsibility For Maintenance:** The subdivider shall be responsible for all maintenance of an improvement for a period of not less than one year following completion of that improvement as certified by the inspector. The guarantee of completion and maintenance shall recognize the possibility of maintenance costs and terms of the guarantee shall provide for reimbursement to the city for any maintenance expenses incurred by the city in performing maintenance work after failure of the subdivider to perform such work upon due notice.
- H. **Guarantee Of Completion And Maintenance:** The ~~planning and zoning commission~~ shall not consider approval of the final plat unless and until the subdivider has guaranteed completion of all required improvements within a reasonable period and in compliance with working drawings and specifications, and guarantees to maintain such improvements until they are accepted by the city. As a guarantee the subdivider shall post cash or a performance bond prepared in a form approved by the city attorney and underwritten by a surety company listed as approved by the city council. A subdivider may deposit with a bank or savings or loan association a cash any deposit in lieu of a subdivider's performance bond, prior to the approval of the final plat of the subdivision. The cash deposit shall be in an amount of at least one hundred fifteen percent (115%) of the subdivider's estimate of the proposed construction costs within the subdivision. The estimate of the subdivider's construction costs must be approved in writing by the engineer for the city, prior to the approval of the subdivider's final plat. No payment from the established fund may be made to a subdivider or his subcontractors without the prior written consent and approval of the city engineer and the director of public works.
- I. **Acceptance Of Improvements:** Acceptance of an improvement by the city shall be only by resolution of the city council upon recommendation of the city engineer. Recommendation shall be contingent upon:
  - 1. Fulfillment of responsibility for maintenance.
  - 2. An opinion by the city attorney that satisfactory and proper conveyance have been made by the subdivider to the city.
  - 3. Inspection reports indicating compliance with working drawings and specifications.
  - 4. A single improvement shall not be accepted in part; it shall be complete throughout the subdivision as indicated in the final plat and working drawings. The subgrade, base course and surface course of a street or alley shall be considered as a single improvement.
  - 5. Acceptance of an improvement shall constitute release of the applicable portion of the performance bond.

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- J. Fees: The subdivider shall pay the city for preapplication services, for engineering, for legal services and for checking the estimate of construction costs submitted with the final plat. The subdivider shall also reimburse the city for inspection costs. Such charges shall be based upon practices recommended by the "Manual of Professional Practices for Civil Engineers" and agreed upon in advance, and, in the case of legal services, on the city's contract with the city attorney and on the fees established in that contract. (1975 Code App. C § 204)

**12-3-7: - PROTECTION OF EXISTING IMPROVEMENTS:**

The subdivider, his contractors, and suppliers shall be jointly and severally responsible that existing improvements and the property of the city are not damaged or rendered less useful or unsightly by the operations of the subdivider, his contractors or suppliers. (1975 Code App. C § 204)

**12-3-8: - COMPLIANCE WITH OTHER ORDINANCES:**

The subdivider or developer is governed by all other ordinances and established policies of the city. His attention is specifically called to the following:

- A. Section 10-3-2 of this code adopting the electrical code for the city for installation of underground electrical wiring.
- B. Title 9, chapters 2 through 5 of this code regarding water and sewer installations.
- C. Storm drainage policy statement dated May 19, 1969.
- D. Partial advance payment of sewer treatment charges and water supply charges. Prior to approval of the final plat of a subdivision by the city council, the subdivider shall pay to the finance director a sum of money not less than twenty five percent (25%) of the sewer treatment charges and twenty five percent (25%) of the new customer water supply and treatment charges calculated to be assessed against said subdivision's residential, multi-family, restricted business, general business and industrial buildings, pursuant to subsections 9-2A-1B and 9-2A-2B of this code. The balance of charges due and owing under said subsections 9-2A-1B and 9-2A-2B, respectively, shall be payable at the time of issuance of any building permit for any building connected to the city sanitary or water systems.

Final approval will not be granted unless the provisions of the above ordinances, where applicable, are met or arrangements to satisfactorily comply to the director of community development, have been made. (1975 Code App. C § 204)

**12-3-9: - NATURAL FEATURES:**

Outstanding natural features such as watercourses shall be preserved. (1975 Code App. C § 204)

**12-3-10: - EASEMENTS:**

All aboveground utilities shall be placed on rear or side property lines. Where a subdivision is traversed by a watercourse, an appropriate easement shall be provided for the watercourse in either an open cut or underground conduit depending upon the density of development. Where water lines, sanitary sewers, storm sewers, gas mains, telephone lines, power lines or other utilities are located on or adjacent to property lines, adequate easements together with right of ingress and egress shall be provided and platted. Easements shall not be less than ten feet (10') in width. (1975 Code App. C § 204)

**12-3-11: - SUBDIVISION NAMES:**

The name of the subdivision and new street names shall not duplicate the name of any other subdivision or street within or near the city, except as extension of existing streets, and shall be subject to the approval of the planning and zoning commission. (1975 Code App. C § 204)

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**CHAPTER 4 - PUBLIC OPEN SPACES**

**SECTION:**

**12-4-1: - PUBLIC GROUNDS:**

Each subdivision plat shall designate such areas as may be needed for school sites, park sites or other public lands in conformance with the official plan of the city. (1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

**12-4-2: - DEDICATION AND RESERVATION OF PUBLIC LANDS:**

**A. Dedication Of Land For Public Use:**

- 1. When a final plat of a subdivision has been approved by the city council and planning and zoning commission and all other required approvals are obtained and the plat is recorded, that approval shall constitute acceptance, for the purpose designated on the plat, of all lands shown on the plat as dedicated to the public, including street dedications.
- 2. Whenever a preliminary layout includes a proposed dedication of land to public use and the planning and zoning commission finds that such land is not required or not suitable for public use, the planning and zoning commission may either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision to make such land suitable for public use.

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- B. Reservation; Preliminary Layout To Accommodate Planned Public Spaces: Whenever a tract to be subdivided includes a proposed street, highway, or parkway, or proposed site for a park, playground, school, or other public use as indicated on the official map or comprehensive plan of the city such space shall be suitably incorporated by the developer into his subdivision plat after proper determination of its necessity by the planning and zoning commission and the appropriate city office or other public agency involved in the acquisition and use of each such site. (1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

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**12-4-3: - REQUIREMENTS FOR ADEQUATE OPEN SPACES:**

- A. Floodplain Areas: The city council may, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water drainage and sanitary facilities, prohibit subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps.
- B. School, Park And Playground Sites: Unless appropriate provision for dedication or donation of school, park or playground sites has been made by the city council in a previous action, such as in the case of a large scale development involving multiple land uses, any required school sites or parks or playgrounds shall be conveyed to the school board or park board or the appropriate city, county or state agency in the manner required by this Title. (1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

**12-4-4: - ACQUISITION OF LAND FOR PUBLIC USE:**

The planning and zoning commission shall consider all preliminary plats and studies related thereto, to determine the need for acquisition for public use of any of the land included in the preliminary plat. Land

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may be acquired for: public school sites, parks, playgrounds or other public recreation areas, or other public purposes as provided by law.

- A. Referral To Public Body: The planning and zoning commission shall refer the plat to the public body concerned with acquisition, for its consideration and report. The planning and zoning commission may propose alternate areas for such acquisition and shall allow the public body or agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.
- B. Notice To Property Owner: Upon receipt of an affirmative report, the planning and zoning commission shall notify the property owner and shall designate on the preliminary and final plats that area proposed to be acquired by the public body.
- C. Duration Of Land Reservation: The acquisition of land designated on the preliminary layout or final plat shall be initiated within eighteen (18) months of notification in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a sketch plan of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed eighteen (18) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development. (1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

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**12-4-5: - DEDICATION OF PARK LANDS AND SCHOOL SITES, OR PAYMENT OF FEES IN LIEU THEREOF:**

As a condition of approval of a final plat of subdivision, or of a final plat of a planned unit development within the city and within the one and one-half (1½) miles extraterritorial jurisdiction of the city, each subdivider will be required to dedicate land for park and recreational purposes to the Geneva park district (hereinafter referred to as the park district) and land for school sites to Geneva Community Unit School District 304 (hereinafter referred to as the school district), to serve the immediate and future needs specifically and uniquely attributable to the residents of the development, or make a cash contribution in lieu of actual land dedication, or a combination of both at the option of the city and the respective public body, in accordance with the criteria and formulae set out in this chapter and Sections 11-12-5 and 11-12-8 of the Illinois Municipal Code (65 ILCS 5/). The City shall consult with the park and school districts when considering dedication of park lands and school sites, or payment of fees in lieu thereof. (1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

**12-4-5-1: - CRITERIA FOR REQUIRING PARK AND RECREATION LAND DEDICATIONS:**

- A. Requirement: The ultimate population density of a proposed development shall bear directly upon the amount of land required for dedication. The subdivider shall dedicate land or the cash equivalent for park and recreation purposes in the amount of ten (10) acres per one thousand (1,000) ultimate resident population in the subdivision or development, as determined by the provisions of this title. The minimum acceptable land donation shall be three (3) acres of dry, usable land.  
  
For purposes of calculating park dedications, pedestrian accessways between lots thirty feet (30') wide or less and one lot deep or less shall not be considered as part of the total required dedication. For the avoidance of doubt, the intent of the City is for the park and recreation land to be laid out in a manner reasonably suitable for public use and not in awkward or gerrymandered lots which comprise unbuildable land or land reserved for storm water management purposes.
- B. Wetlands And Other Natural Areas: Wetlands and other natural areas will be considered acceptable only when they are considered as significant in size, quality, uniqueness, containing endangered plant or animal species, or are adjacent to existing natural areas currently owned by the park district. These areas will be accepted only upon condition that the city obtains written confirmation of such acceptance from the park district.

- C. Location: The park district master plan, as amended, adopted by the park district shall be used as a guideline in determining the general location of park sites. Generally, neighborhood park sites should be accessible to the public and serve a population within one-half (½) to one mile radius from the site, depending upon the classification of the park. Park sites should be located in conjunction with and adjacent to school sites whenever possible and desirable. Community parks are intended to serve a broader area and should offer a greater variety of facilities and activities. In any event, consideration should be given to the ability to combine donations from several subdividers to provide more comprehensive recreation facilities.
- D. Credits: No school or park land dedication credit shall be given for private open space and recreation facilities within a subdivision or planned unit development.
- E. Park Classification: Park classifications shall be determined in accordance with the following criteria:

<u>Classification</u>	<u>Minimum Size</u>
Neighborhood park	3 acres
Community park	20 acres
Park site combined with school site	6 acres

- F. Consideration For Requiring Park Land Or Cash Dedications: The park district will receive a concept plan and estimates of the number of bedrooms for projected housing units, provided by the subdivider at the same time that it is submitted to the city. Copies of the plan should be reproducible on eleven by seventeen inch (11" x 17") paper. The park district will determine if land, cash in lieu of land or a combination of land and cash is appropriate based upon the following criteria:
  1. Consideration of the location of the development and the proposed park site in relation to existing park sites;
  2. Consideration of the master plans of the park district and the school district for school/park sites and the city's future land use plan;
  3. Consideration of the size of the subject development and the projected population generated from that development; and
  4. Consideration of the value of any park and recreation improvements which the subdivider may construct and convey to the park district.

The park district shall convey its recommendation whether to accept land, cash in lieu thereof or a combination of both to the city, with copies to the subdivider, within thirty (30) days of receipt of the concept plan and estimates of the number of bedrooms for projected housing units. The city and the subdivider shall acknowledge receipt of the district's recommendation within ten (10) days of receipt. (1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

**12-4-5-2: - CRITERIA FOR REQUIRING SCHOOL LAND DEDICATION:**

- A. Requirements And Population Ratio: The ultimate number of students to be generated by a subdivision or planned unit development shall bear directly upon the amount of land required to be dedicated for school sites. Land dedication requirements shall be determined by obtaining the ratio of estimated children to be served in each such school classification over the maximum

recommended number of students to be served in each such school classification as stated herein, and then applying such ratio to the minimum recommended number of acres for a school site of each such school classification as stated herein. The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated number of children in each such school classification.

B. School Classifications And Size Of School Sites: School classifications and size of school sites within the jurisdiction of the city shall be determined in accordance with the following criteria:

<u>School Classification</u>	<u>Maximum Number of Students</u>	<u>Minimum Number Acres of Land</u>
Elementary	525	11
Middle	600	29
Senior	1,500	53

C. Consideration For Requiring School Land or Cash Dedications: The school district will receive a concept plan and estimates of the number of bedrooms for projected housing units, provided by the subdivider at the same time that it is submitted to the city. Copies of the plan should be reproducible on eleven inch by seventeen inch (11" x 17") paper. The school district will determine if land or cash in lieu of land is appropriate based upon the following criteria:

1. Consideration of the location of the development and the proposed school site in relation to existing school sites;
2. Consideration of the master plan of the school district and the park district for school/park sites and the city's future land use plan;
3. Consideration of the size of the subject development and the projected student population generated from that development; and
4. Consideration of the value of the housing proposed for the subject development.

The school district shall convey its recommendation whether to accept land or cash in lieu thereof to the city, with copies to the subdivider, within thirty (30) days of receipt of the concept plan and estimates of the number of bedrooms for projected housing units. The city and the subdivider shall acknowledge receipt of the district's recommendation within ten (10) days of receipt.

D. Location: In establishing the location of a proposed school site within a development, the following criteria shall be met:

1. Consideration should be given to the location and type of adjacent streets and highways. Both accessibility and safety considerations of the site should be studied;
2. Consideration should be given to the location of the subdivision relative to other schools and the feeder system to the middle and senior high schools;
3. Consideration should be given to nearby potential hazards and nuisances, e.g., railroad tracks or large pools of water;
4. Consideration should be given to bus access, ingress/egress, turn lanes, and safety for bus traffic; and

5. The school site should be compatible with proposed surrounding land usages and sites adjacent to park sites will be preferred. (1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

**12-4-5-3: - RESERVATION OF ADDITIONAL LANDS:**

Whenever the city's comprehensive land use plan or the standards established by the park district or the school district indicate that a larger site than that required of the subdivider to be dedicated by this title is desirable, and said site is wholly within the proposed subdivision, the park district and/or school district may request the reservation of additional land adjoining the dedicated site for subsequent purchase for park or school purposes. Such request shall include the designation of specific property to be reserved on the final plat and labeled as "reserved for park purposes" or "reserved for school purposes", as may be appropriate. All requests shall be made at the time of final subdivision approval by a letter of intent stating the park district's or school district's intent to purchase the property at the fair market value. Such requests shall be made prior to consideration of final subdivision approval by the Planning and zoning commission. Failure of the park district or school district to commence acquisition proceedings relative to such reserved lands within twelve (12) months of the approval of the final plat shall cause termination of the "reserved" designation and will release said property for further development within the subdivision regulations of the city.

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(Ord. No. 2018-02, § 2, 2-5-2018)

**12-4-5-4: - OTHER REQUIREMENTS FOR LAND CONTRIBUTIONS:**

- A. Topography And Soils: Park sites and school sites must possess suitable topography and soil sites for the use to which they are dedicated. The subdivider shall provide the park district and/or the school district with current soil analysis tests from a minimum of one soil boring per acre to a minimum depth of fifteen feet (15'). At the request of the school district, the required number of soil borings may be concentrated in an area in anticipation of assessing soil conditions for a proposed building pad. The subdivider shall also provide the school district and/or park district with a Phase I "All Appropriate Inquiry" environmental study performed in accordance with the most recent version of ASTM Standard E1527. Any hazardous materials or underground storage tanks found on the site shall be removed by the subdivider prior to dedication and verified by producing a recorded certification of the need for "no further action" by Illinois Environmental Protection Agency.
- B. Dimensions: Park sites should be generally rectangular in shape with dimensions generally proportioned to the ratio of a depth of three (3) to a width of two (2). This criteria shall not apply to park sites contemplated for extraordinary types of facilities such as, but not limited to, trails and shoreline frontages.
- C. Frontage: Park sites and school sites shall have, at a minimum, adequate frontage along a publicly dedicated street to allow convenient access and, if necessary, parking facilities that will not adversely affect adjoining residential property. Generally, thirty feet (30') of frontage will be provided for every acre of land that is dedicated; provided, however, that the minimum acceptable frontage for any site will be one hundred fifty feet (150').
- D. Drainage: No retention/detention or other hazard that might endanger the health and well-being of school-age children shall be located within three hundred feet (300') of a proposed school or park site, unless it serves the park facility or school facility constructed on such site.
- E. Improvement Required for Land Dedications: Park sites and school sites to be dedicated by a subdivider shall include the following land improvements prior to dedication:
  1. Grading: Each dedicated site shall be graded to drain storm and surface water at a minimum of two percent (2%) for open areas; and slopes on berms, when berms are required, shall not exceed four to one (4:1). Grading shall include, but not be limited to: berms for separation and screening from adjoining properties; placement of six inches (6") of top soil and fine grading. The park district and school district shall provide the subdivider with engineering plans for such

grading and berming and all work performed pursuant to this subsection shall be in accordance with such plans.

2. Utilities And Other Improvements: Each dedicated site shall be provided with the following utilities to the property line and other improvements at no cost to the park district or the school district.
  - a. Sanitary sewer adjacent to the site shall be a minimum of eight inches (8") in diameter or such greater size as may be required by the city. If the sanitary sewer service is located across the right of way from the site, the subdivider shall provide a capped service line to the property of the same size as the line located across the right of way.
  - b. Water lines adjacent to the site shall be a minimum of eight inches (8") in diameter. If the water line is across the right of way from the site, the subdivider shall provide a capped service line to the property of the same size as the line located across the right of way.
  - c. Storm sewers shall be provided at appropriate locations to properly drain the site, in accordance with the engineering plans provided by the park district and/or school district and approved by the city.
  - d. Other utilities, such as electric, gas and telecommunication shall be provided adjacent to or at the property line.
  - e. The subdivider shall seed the entire site with a blend approved by the park district or school district, as the case may be. Seeding shall include placement, watering as necessary and mowing until such time as a full stand of turf is established and accepted by the park district or school district, but not less than one full growing season.
  - f. The subdivider shall install all public walks, curbs, pavement, sewers and utilities along all site frontages as required by this title. The subdivider shall also provide a curb cut for maintenance access to the site.
  - g. The storage of overburden on a site is prohibited, although temporary storage may be granted in some cases by the park district or school district. The terms of such temporary storage shall be determined by the park district or school district, as the case may be.
  - h. Where a subdivider dedicates an entire park or school site, the subdivider shall be responsible for the design, layout and construction of storm water, sanitary sewer and water facilities to the property line of adjacent undeveloped areas.
3. Completion Of Improvements: All site improvements shall be completed at such time as the subdivider has obtained fifty percent (50%) of the residential building permits for the phase in which the site is located but, in no event, later than the time when fifty percent (50%) of the lots in the entire subdivision are platted.
4. Bonding Of Improvements: All improvements required for sites dedicated in accordance with this title shall be deemed public improvements and shall be included within all bonds, irrevocable letters of credit or escrows required by the city for other public improvements to be provided by the subdivider. The school or park district may be included as a co-obligee on the security instrument if a separate security is presented specifically for the school or park improvements required by this chapter. (1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

**12-4-5-5: - CRITERIA FOR REQUIRING CASH CONTRIBUTIONS IN LIEU OF LAND:**

Where the subdivision or development is small and, the resulting site is, in the opinion of the city, too small to be practicable or when the available land, in the opinion of the city, is inappropriate for park and recreation purposes or school purposes, the city shall require the subdivider to pay a cash contribution in lieu of the land dedication required. In the event that the park district or the school district has advised the city, in accordance with Section 12-4-5-1 or 12-4-5-2, that a park or school site is necessary, or a cash

contribution is necessary, two-thirds (%) vote of the aldermen of the city holding office shall be required before an alternative contribution is accepted.

The cash contribution in lieu of park and recreation land or school land shall be paid to the city which shall then pay such contributions over to the park district and the school district. Such contributions shall be held in trust by the park district and the school district solely for: a) the acquisition and/or improvement of land, which will be available to serve the immediate or future needs specifically and uniquely attributable to the residents of that subdivision; b) capital site improvements to other existing park and recreation land or school land which already serves such needs (e.g., landscaping, baseball fields, soccer fields, and the like); c) technological infrastructure; or d) other capital improvements when authorized by an annexation agreement including, but not limited to, the construction of additions to existing facilities.

- A. Fair Market Value: The city council has determined the cash fair market value per acre of land used to determine the calculations of cash contributions in lieu of land dedications, as set forth above, to be two hundred seventy five thousand dollars (\$275,000.00). This value is based upon the assumption that said land is improved with the improvements and site characteristics delineated and required in section 12-4-5-4 of this chapter for school and park sites. This value shall be updated every three (3) years based upon an appraisal agreed upon by the city, school district, and park district.

A subdivider may appeal the established land value by submitting a professional appraisal of the property within or in the vicinity of the subject development which includes the land improvements and site characteristics delineated in section 12-3-5 of this title. A determination of an appeal for the purposes of a cash contribution in lieu of land dedication shall be made by the city council based upon the evidence presented and such other sources as may be submitted to the city council by the park district, the school district or other interested parties, as the case may be.

- B. Calculation And Timing Of Cash Contributions: All cash contribution calculations shall be made by the city based upon information provided by the subdivider. Cash contributions shall be paid at the time of the approval of the final plat of subdivision unless otherwise permitted by the park district and/or school district to be paid at the time of building permit. Cash contributions paid at the time of building permit shall be adjusted as necessary to reflect the actual number of bedrooms if different than the estimated number of bedrooms. (1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

**12-4-5-6: - CRITERIA FOR REQUIRING LAND DEDICATION AND CASH CONTRIBUTIONS:**

There may be situations where a combination of land dedications and cash contributions are necessary. These occasions may arise, among others, when:

- A. It is determined by the city, in consultation with the school district or park district in accordance with Section 12-4-5-1 or 12-4-5-2, that the land to be dedicated for a park site or school site within a development contains fewer acres than the amount called for by this title, in which event a cash contribution shall be required for the difference between the amount of land called for by this title and the amount of land which is actually to be dedicated; or
- B. A major part of a park site or school site has already been acquired and only a small portion of land is needed from the development to complete the site, in which event a cash contribution shall be required for the difference between the amount of land called for by this title and the amount of land which is actually to be dedicated. Alternatively, additional public improvements equal in value to the cash contribution may be constructed and dedicated by the subdivider on the site when the school district or park district consent thereto. (1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

**12-4-5-7: - METHODOLOGY FOR CALCULATING DEDICATIONS AND CONTRIBUTIONS:**

Park acreage requirement shall be calculated by multiplying the number of housing units in each size/type category by the total population multiplier for each category. The resulting products shall be multiplied by

the land multiplier for parks. The final product shall be the park acreage required for the proposed subdivision or development.

School acreage requirements shall be calculated by multiplying the number of housing units in each size/type category by each student multiplier for each school category. The number of students for each school category shall then be multiplied by the land multiplier to each school type. The resulting products for all school categories shall be the total school acreage required for the proposed subdivision or development.

The amount of cash contribution in lieu of land shall be determined by multiplying the required acreage for parks and schools by the established fair market value as set forth in section 12-4-5-5 of this chapter.

Existing housing units that are part of a proposed subdivision or planned unit development that are proposed to remain in place shall not be counted for the purpose of calculating dedications and contributions. Existing housing units that are part of a proposed subdivision or planned unit development that are proposed to be demolished/removed shall be credited in the calculation of dedications and contributions. The methodology, density formula, and fair market value contained in this chapter shall be used to determine the amount of land and/or cash contribution to be credited.

Housing units that are proposed to be age restricted shall be exempt from the dedications and contributions required for the school district if the subdivider can provide evidence that persons under fifty-five (55) years of age would not be permitted to reside in the subdivision or planned unit development. In the event that a subdivision or planned unit development should remove an age restriction, the school district may petition to receive dedications and/or contributions in accordance with the methodology, density formula, and fair market value contained in this chapter, as amended from time to time. Age restricted subdivisions or planned unit developments shall not be exempt from the dedications and contributions required for the park district. (1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

**12-4-5-8: - DENSITY FORMULA:**

LAND MULTIPLIERS

Parks	0.010 acres per person
Elementary schools	0.0210 acres per student
Middle schools	0.0483 acres per student
Senior high schools	0.0353 acres per student

The following "Table of Population and Student Multipliers" is generally indicative of current and short range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contribution in lieu thereof unless a written objection is filed thereto by the subdivider. The multipliers were derived from "Residential Demographic Multipliers, Estimates of the Occupants of New Housing" published by Rutgers University, Center for Urban Policy Research in 2006.

POPULATION AND STUDENT MULTIPLIERS

Housing Type	Elementary K-5	Middle 6-8	Senior 9—12	Total Pop.
Detached single-family:				
2 bedroom	0.1475	0.0625	0.08	2.46
3 bedroom	0.275	0.115	0.14	2.99
4 bedroom	0.4725	0.2275	0.23	3.7
5 bedroom	0.5475	0.2925	0.38	4.32
Attached single-family (no more than 5 units):				
2 bedroom	0.0525	0.0175	0.03	1.86
3 bedroom	0.135	0.055	0.09	2.4
4 bedroom	0.305	0.115	0.180	3.09
5+ Units-Rent:				
1 bedroom	0.0525	0.0175	0.02	1.46
2 bedroom	0.1225	0.0575	0.05	2.13
3 bedroom	0.455	0.155	0.24	3.47
5+ Units - Own:				
1 bedroom	0.035	0.005	.01	1.36
2 bedroom	0.0175	0.0125	0	1.6
3 bedroom	0.0725	0.0175	0.04	2.01
2—4 Units:				
1 bedroom	0.2225	0.0575	0.11	2.37
2 bedroom	0.1225	0.0375	0.06	2.07
3 bedroom	0.295	0.165	0.17	3.06



- A. **Objections To Density Formula:** In the event a subdivider files a written objection to the table of estimated ultimate population per dwelling unit and submits its own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development, a final determination of the density formula to be used in such calculations shall be made by the city council based upon such demographic information presented and such other sources as may be submitted to the city council.
- B. **Presumed Density Formula:** In applying the table of estimated ultimate population per dwelling unit for which the types of units and number of bedrooms cannot reasonably be determined from the data on file with the city at the time the application for final plat approval is complete, the following types of units and bedroom data shall be used unless written objection is filed thereto by the subdivider:

Detached single-family	4 bedroom unit per lot
Attached single-family	Equal mix of 2 and 3 bedroom units at maximum unit density permitted by applicable zoning
5+ Units - Rent	Equal mix of 2 and 3 bedroom units at maximum unit density permitted by applicable zoning
5+ Units - Own	Equal mix of 2 and 3 bedroom units at maximum unit density permitted by applicable zoning
2—4 Units	Equal mix of 2 and 3 bedroom units at maximum unit density permitted by applicable zoning

(1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

**12-4-5-9: - CONFLICTS WITH OTHER ORDINANCES:**

In the event that the land dedications, or cash contributions in lieu thereof, under any ordinance of the County of Kane requires a different dedication or donation than required under this title for a county subdivision within the city's planning jurisdiction, then the regulation requiring a greater dedication or contribution shall prevail. (1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

**12-4-5-10: - PROCEDURES REGARDING LAND DEDICATIONS AND CASH CONTRIBUTIONS:**

Prior to the approval of any final plat of subdivision or final planned unit development, the following procedures shall be followed:

- A. **Application Submittal:** Upon receipt of a complete application for a proposed plat of subdivision or planned development, the city shall forward the proposed plat of subdivision or planned unit development to the park district and the school district for their respective comments and recommendations. Such comments and recommendations shall be forwarded to the city by the park district and the school district within thirty (30) days.

- B. Final Engineering, Platting And Execution Of Annexation Agreement: Final engineering of any plat of subdivision or planned development shall include engineering plans for the park site and the school site. Any final plat of subdivision or planned unit development shall delineate the location of park sites and school sites as approved by the park district and school district, respectively, as well as the location of any public easements relative to said sites as have been previously approved by the park district, the school district and the city.

Any annexation agreement regarding a plat of subdivision or planned development shall set forth the requirement of land dedication, or cash contribution in lieu thereof, as well as the timing for such dedication and/or contribution.

The subdivider shall be required to provide the park district and the school district with an Owner's Policy of title insurance in the amount of the acreage dedicated multiplied by the required cash contribution per acre as established by this title. Conveyance of the park site or school site shall be by merchantable deed, subject only to the following: general real estate taxes not yet due; building, building line and use or occupancy restrictions authorized by the city; zoning laws and ordinances; and, easements for public utilities. All real estate taxes accruing prior to the delivery of the deed shall be the obligation of the subdivider.

In addition to providing the park district and the school district with an Owner's Policy of title insurance, the subdivider shall provide a current spotted survey of the property, certified by a licensed land surveyor, which survey shall include, but not be limited to: boundaries by length and bearing; the existing and proposed topography at one foot (1') contour intervals; any and all existing and proposed easements; and the location, size and depth of all utilities.

In the event that a cash contribution in lieu of a land dedication is required, the annexation agreement shall set forth the amount of the donation, as well as the time said donation is due, in accordance with the provisions of this title.

- C. Distribution Of Cash Contributions By The City: Cash contributions shall be forwarded by the city to the park district and the school district, respectively, within thirty (30) days of receipt by the city.

The city will report the status of all required dedications and/or contributions required under the provisions of this title to the park district and the school district on an annual basis. (1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

#### **12-4-6: - RESIDENTIAL DEVELOPMENT FEE FOR PUBLIC LIBRARY:**

As a condition of approval of annexation of land by an annexation agreement, and as a part of such annexation agreement for the development of residential dwelling units as defined by the zoning ordinance, each subdivider or developer will be required to contribute and pay a sum of money for library purposes in order to assist in serving and meeting the immediate future needs of the residents of the development, in accordance with the following criteria and formula:

- A. Requirement: The ultimate population density of a proposed residential development shall bear directly upon the amount of cash contribution required to be made. In order to assist in defraying a part of the cost of providing library materials, equipment, furniture and other capital improvements to the Geneva public library district for residents of new residential subdivisions or planned developments during the construction process and before real estate tax revenues are generated by such subdivisions or planned developments, a cash contribution in the amount of ninety five dollars (\$95.00) per person shall be made to the city on the basis of the estimated ultimate population per dwelling unit determined pursuant to the table set forth in subsection C. of this section.
- B. Applicability: The contribution to be made under this section shall be made a part of and be included in annexation agreements entered into between the city and the owner and developer of land to be annexed to the city pursuant to Section 11-15.1-1 of the Illinois Municipal Code (65 ILCS 5/).

C. Population Formula: The calculation of ultimate population of a dwelling unit in a subdivision or planned development shall be made pursuant to the following table of dwelling units and population:

	<u>Population</u>
Detached single-family:	
2 bedrooms	2.46
3 bedrooms	2.99
4 bedrooms	3.7
5 bedrooms	4.32
Attached single-family:	
2 bedrooms	1.86
3 bedrooms	2.4
4 bedrooms	3.09
5+ Units - Rent:	
1 bedroom	1.46
2 bedrooms	2.13
3 bedrooms	3.47
5+Units - Own:	
1 bedroom	1.36
2 bedroom	1.6

3 bedroom	2.01
2—4 Units	
1 bedroom	2.37
2 bedroom	2.07
3 bedroom	3.06

- D. Calculation Of Contribution: Upon determination of the ultimate population per dwelling unit, such number of persons or fraction thereof shall be multiplied by the sum as provided in subsection A of this section, which total sum shall be the contribution amount per dwelling unit.
- E. Administration: The building commissioner of the city shall calculate the estimated number of persons to occupy a residence at the time of submittal of an application for a building permit. The contribution for each such dwelling unit shall be paid to the city at the time of the issuance of a building permit, along with such other fees and charges required by ordinance. The city treasurer shall distribute all contributions received under this section to the Geneva public library district for the use and purposes set forth herein, not less often than quarter yearly.

All contributions received hereunder by the Geneva public library district shall be used for the purpose of acquiring library books, reading and audiovisual materials, furniture, equipment and other capital improvements required by the district to provide, in part, library services to the residents of the newly annexed subdivision and planned developments.

- F. Periodic Review And Annual Report: The planning and zoning commission shall periodically review and report to the city council any changes that are deemed appropriate to maintain a fair and equitable contribution to library services for new residential property in the city. In addition, the building commissioner shall submit, annually, a summary report showing the amount of contributions received and distributed under this chapter. The Geneva public library shall annually, during the month of September, report to the city council, by an accounting, all contributions received for the prior year and the uses made from such contributions. (1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

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**12-4-7: - DEVELOPMENT FEE FOR NEW FIRE STATION PURPOSES:**

As a condition of approval of annexation of land by an annexation agreement, and as a part of such annexation agreement for the development of residential dwelling units, commercial, or industrial structures or areas, each subdivider or developer will be required to contribute and pay a sum of money for fire station construction and equipment purposes in order to assist in service and meeting the immediate future needs of the residents of the city, in accordance with the following criteria and formula:

- A. Requirement: The ultimate density of any development in terms of the number of permitted residential dwelling units, gross square footage of commercial and industrial structures, or the gross square footage of open areas used for industrial or storage purposes shall bear directly upon the amount of cash contribution required to be made.

B. Definitions: For the purposes of this section the following definitions shall apply:

COMMERCIAL STRUCTURES:	Any structure, excluding parking lots, that is constructed or used for offices, retail sales, health care, educational or religious uses.
GROSS SQUARE FOOTAGE:	The square footage area of any structure of area shall be the product of the length and width of the structure or area, and including all uses within said structure or storage area.
INDUSTRIAL STRUCTURES:	Any structure, excluding parking lots, that is constructed or used for manufacturing, warehousing or bulk storage of materials.
OPEN STORAGE AREA:	Any open area used for the storage of materials or equipment that is not enclosed by a structure.
RESIDENTIAL DWELLING UNIT:	As defined by the zoning ordinance.

C. Applicability: The contribution to be made under this section shall be made a part of and be included in annexation agreements entered into between the city and the owner and developer of land to be annexed to the city pursuant to Section 11.15.1-1 of the Illinois Municipal Code (65 ILCS 5/).

D. Calculation Of Contribution: Upon determination of the maximum permitted number of dwelling units, gross commercial square footage, gross industrial square footage or gross square footage of open storage space, such number or fraction thereof shall be multiplied by the following respective amounts, which total sum shall be the contribution amount for the proposed development:

Residential dwelling units	\$414.00 per unit
Multi-family structures	\$132.00 per unit
Commercial/industrial structures	\$0.106 per square foot
Unenclosed storage area	\$0.074 per square foot

E. Administration: The building commissioner shall calculate the maximum number of dwelling units or square footage that is permitted in the proposed development upon approval of the preliminary plat or plans by the city planning and zoning commission.

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All contributions received hereunder by the city shall be used for the purpose of acquiring real property or constructing, and/or equipping a fire station facility.

F. Periodic Review And Annual Report: The planning and zoning commission shall periodically review and report to the city council any changes that are deemed appropriate to maintain a fair and equitable contribution for fire station purposes. The director of community development shall annually submit a summary report showing the amount of contributions received under this chapter. (1975 Code App. C § 204; Ord. No. 2018-02, § 2, 2-5-2018)

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## CHAPTER 5 - ADMINISTRATION AND ENFORCEMENT

### SECTION:

#### 12-5-1: - ADMINISTRATIVE AGENCIES:

The following offices of the city government are concerned with the administration of this title:

A. City Council: The city council is vested with the following responsibilities in regard to subdivision control:

1. Approval or disapproval of all preliminary and final plats referred to it by the planning and zoning commission.
2. Approval or disapproval of all variations and exceptions recommended by the planning and zoning commission.
3. Amendment of the regulations of this title when found necessary and desirable, as hereinafter provided.
4. Hear and decide appeals from decisions of the planning and zoning commission.
5. Institute appropriate proceedings to enforce the provisions of this title.

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B. Planning and Zoning Commission: The planning and zoning commission shall administer the provisions of this title and in addition thereto, and in furtherance of said authority, shall:

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1. Maintain permanent and current records of this title, including amendments thereto.
2. Forward copies of the preliminary layout to other appropriate offices and agencies for their recommendations and reports.
3. Receive, review, and forward preliminary layouts to the city council with recommendations.
4. Receive and check all final plats for their compliance with the approved preliminary layout and conduct hearings on all final plats.
5. Forward all final plats, with recommendations, to the city council for approval.
6. Make all other determinations required by the regulations herein.

C. Director Of Community Development: The director of community development shall send and receive all documents to other appropriate offices and agencies, as directed by the planning and zoning commission, for their recommendations and reports in order to expedite the business of the planning and zoning commission.

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D. City Engineer: The city engineer is vested with the duty and responsibility of reviewing all subdivision layouts and making determinations in the areas of design standards and engineering specifications,

as stipulated herein. His determinations and recommendations shall be forwarded in writing to the planning and zoning commission. (1975 Code App. C § 206)

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**12-5-2: - ENFORCEMENT:**

The regulations contained in this title shall be enforced as specified below:

- A. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a plat of such subdivision has been approved by the city council, in accordance with the provisions of this title, and filed with the recorder of deeds of Kane County, Illinois.
- B. The subdivision of any lot or any parcel of land by the use of metes and bounds description with the intent of evading this title, for the purpose of sale, transfer or lease shall be subject to all of the requirements of this title.
- C. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the regulations of this title.
- D. No plat of subdivision shall be approved which does not comply with all the provisions of this title. (1975 Code App. C § 206)

**12-5-3: - FEES:**

- A. Preliminary Plat Review Fee:
  - 1. The owner of the property, or a duly authorized representative of the owner, shall file an application for review and consideration of the preliminary plat with the community development department. It shall be accompanied by a nonrefundable fee established from time to time by the city council. Said fee shall be paid at the time of application for public hearing on the preliminary plat.
- B. Final Plat Review Fee:
  - 1. The owner of the property, or a duly authorized representative of the owner, shall file an application for review and consideration of the final plat with the community development department. It shall be accompanied by a nonrefundable fee established from time to time by the city council. Said fees shall be paid at the time of application for final plat approval.
- C. Annexation Fee:
  - 1. The owner of the property, or a duly authorized representative of the owner, shall file an application for review and consideration of an annexation with the community development department. It shall be accompanied by a nonrefundable fee established from time to time by the city council. Said fee shall be paid at the time of petition on said annexation.

(1975 Code App. C § 206; Ord. No. 2013-28, § 1, 8-5-2013)

**12-5-4: - AMENDMENTS:**

- A. Adoption And Purpose: The city council may from time to time adopt and amend rules and instructions for the administration of these subdivision regulations to the end that approval of plats will be expedited.
- B. Public Hearings: The planning and zoning commission may of its own motion or upon formal petition signed by one or more property owners or interested parties residing in and within one and one-half (1½) miles of the city, cause to be prepared a notice indicating changes proposed to be made in these subdivision regulations, which notice shall state the time and place of a public hearing for consideration of such proposed amendment, supplement or change and such proposed amendment, supplement or change will be accessible for examination. Notice of such public hearing shall be

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published not less than fifteen (15) days in advance thereof in a newspaper published in the city and of general circulation in said city. At such public hearing the planning and zoning commission may adopt a resolution approving, modifying or abandoning such proposed amendment, supplement or change and may cause an ordinance authorizing such proposed amendment, supplement or change to be introduced in the city council. (1975 Code App. C § 208)

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**12-5-5: - APPEALS:**

A. Procedure For Appeal: Any party aggrieved by a decision of the planning and zoning commission may within fifteen (15) days thereafter appeal therefrom to the city council and he shall file with the planning and zoning commission a written notice of appeal specifying the decision from which such appeal is taken. Procedure for appeal shall be provided by the city council. (1975 Code App. C § 205)

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**12-5-6: - PENALTY:**

Any person violating any provision of this article shall be fined as provided in the general penalty in section 1-3-1 of this code for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1975 Code App. C § 207; amd. 2003 Code)

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