

## TITLE 7 SUBDIVISION

### CHAPTER 4 REVIEW OF SUBDIVISION

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#### SECTION 7-4-1 COUNCIL APPROVAL

It is hereby required that no subdivision of any block, lot or out lot or any part thereof, or any piece or parcel of land within the City or in contiguous territory of subdivision review jurisdiction as indicated on the attached map shall be entitled to record in its respective County or have any validity until it has been approved by the Council. Each person seeking the Council's approval of a map, plat or subdivision shall follow the procedure herein outlined.

#### SECTION 7-4-2 SKETCH PLAN DISCUSSION

Prior to the filing of a preliminary plat, the subdivider may submit to the Plat Officer material relating to the proposed subdivision in order to avail himself of the advice and assistance of the City Staff. This may include information relative to the site and conditions of the site, existing community facilities and utilities on and adjacent to this site, number and size of lots proposed. It is suggested that for the maximum benefit the material should include as a minimum:

- A. Location Map: Location map should show relationship of the proposed subdivision to the streets and other community facilities serving it.
- B. Sketch Plan: The sketch plan, drawn to scale, should show in simple sketch form proposed layout of streets, lots, and other features in relation to existing conditions.

The sketch plan discussion does not require formal application, fee, or filing of the plat. The Plat Officer shall arrange a meeting between the subdivider and the City Manager, City Engineer and other City Staff Members deemed appropriate.

#### SECTION 7-4-3: PRELIMINARY PLAT; PREPARATION AND FILING

The subdivider shall cause to be prepared a preliminary plat and shall file eight (8) paper copies and one (1) mylar reproducible copy having a minimum size of 24" x 18" and a maximum size of 24" x 36" and other required material with the Plat Officer in application for preliminary approval. The application for preliminary approval shall include the following:

- A. Location Map: Sketch map showing relationship of the proposed subdivision to the streets and other community facilities serving it. Such map shall include:
  - 1. Subdivision name, not duplicating the name of any plat previously recorded in the City.
  - 2. Outline of area to be subdivided.

3. Existing streets on adjoining property.
  4. North point, scale, and date of preparation.
- B. Preliminary Plat: A preliminary plat of the subdivision drawn to the scale of not smaller than one inch (1") to one hundred feet (100') and including:
1. Name of the proposed subdivision, boundary line bearings and distances, legal description, and acreage.
  2. Name and address of owner and developer.
  3. Names of persons who prepared the plat, owner's attorney, representative or agent.
  4. North point, graphic scale, and date.
  5. Contours at two-foot (2') intervals or less, except in areas of 10% or greater slopes where 5' contour intervals are acceptable.
  6. Location of existing lot lines, streets, public utilities, watermains, sewers, drain pipes, culverts, water courses, special flood hazard area, bridges, railroads, and buildings in the proposed subdivision within and to a distance of one hundred feet (100') beyond the tract.
  7. Layout of proposed blocks (if used) and lots including the dimensions of each, and the lot and block number in numerical order, and front yard setbacks.
  8. Location and widths, other dimensions and names of the proposed streets, alleys, roads, utility and other easements, parks and other open spaces or reserved areas.
  9. Grades of proposed streets and alleys and locations of proposed street lights.
  10. A cross section of the proposed streets showing roadway locations, type of curb and gutter, paving and sidewalks to be installed.
  11. The layout of proposed watermains and sanitary sewers with elevations.
  12. The drainage of the land including proposed storm sewers with elevations, ditches, culverts, bridges, and other structures and direction of water runoff from each proposed lot.
  13. List of any variances or waivers requested. Notices shall be typed or stamped on the preliminary plat.
- C. Preliminary Plat Subdivision Fee: Appropriate fees as described in the latest edition of the City's Planning and Zoning Fee Schedule shall be required for submittal of the preliminary plat.

SECTION 7-4-4

PRELIMINARY PLAT; REVIEW AND APPROVAL

- A. Review by City Engineer, Plat Officer, appropriate Fire Protection District, Public Water Company and Sanitary District, and County Engineer: Immediately upon the filing of eight (8) paper and one (1) mylar copies of the Preliminary Plat, the Plat Officer shall retain one paper copy and one mylar copy for his file (on which copy is to be indicated Planning Commission and/or Board action on the plat) and shall distribute the remaining copies of the plat as follows: One copy to the City Engineer, one copy to the appropriate Fire District, Public Water Company and Sanitary District, Tri-County Erosion Control Ordinance, two (2) copies to the Planning Commission; and where proposed plat is outside the City limits, but within the area of subdivision jurisdiction, one copy to the County Engineer for the appropriate county involved.

The City Engineer, Plat Officer, appropriate Fire Protection District, Public Water Company and Sanitary District, Tri-County Erosion Control Ordinance and where concerned, the County Engineer, shall have opportunity to review the plat and application materials to assure the proposed subdivision complies with applicable regulations and requirements, and report upon such to the Planning Commission. The Plat Officer shall confer with the appropriate Zoning Officer to determine that the

proposed subdivision complies with the Zoning Ordinance. The Plat Officer shall also report upon conditions of the site or adjacent properties which, while not evident in the application materials, may affect development upon the site.

- B. Review by Planning Commission: The Planning Commission shall review the preliminary plat and application materials to assure compliance with the City Plan and Official Map of the City. Particular note shall be made that any planned major streets or other planned public facilities of the community falling in the area of the subdivision being reviewed are accommodated in the proposed plat; the Planning Commission shall review the reports of the Plat Officer, Fire Protection District, Public Water Company and Sanitary District, Tri-County Erosion Control Ordinance where concerned, the County Engineer and City Engineer with regard to the proposed subdivision. Within forty five (45) days of the subdivider's filing for preliminary approval, the Planning Commission shall make known to the Council and Clerk that the preliminary plat has been (1) approved, (2) approved subject to modification, or (3) disapproved; if disapproved, the Planning Commission shall submit to the subdivider, with a copy to the Clerk, a statement setting forth reasons for disapproval, indicating particularly the aspects in which the proposed plat fails to conform to Official Map and other requirements of this Title. Failure of the Planning Commission to act within forty five (45) days of filing the plat with the Plat Officer shall be deemed approval of the plat unless, however, an extension of time is mutually agreed upon by the subdivider and Planning Commission. The Planning Commission shall maintain one copy of the Preliminary Plat in its files with Planning Commission action noted upon it.
- C. Approval or Rejection by Council: If the Preliminary Plat is approved by the Planning Commission, the Council shall approve or reject the plat within thirty (30) days after the first regular Council meeting following the action of the Planning Commission; providing, however, that any action not concurring with the Planning Commission's action shall require a two-thirds (2/3) vote of the entire Council membership. However, if the Planning Commission action was merely the lapse of time listed in 7-4-4B, a simple majority of the City Council may change the default acceptance.
- D. Action on Preliminary Plat to be Filed With Clerk: A certified copy of the order or resolution approving the Preliminary Plat or disapproving the Preliminary Plat and stating the reasons therefore shall be attached to a copy of the Preliminary Plat by the Clerk and filed in the office of the Clerk.

SECTION 7-4-5 PRELIMINARY PLAT APPROVAL NOT TO CONSTITUTE SUBDIVISION APPROVAL

Approval of the preliminary plat by the Council does not constitute approval of the subdivision, but is merely an authorization to the subdivider to proceed with the preparation of the final plat.

SECTION 7-4-6 TIME LIMITATION OF PRELIMINARY APPROVAL

Approval of the Preliminary Plat shall be effective for 24 months; except, however, the Planning Commission, upon written request of the subdivider and advice of the Plat Officer, may grant an extension of time. If the Final Plat is not filed with the Plat Officer within 24 months or authorized extension thereof, of Council approval of the Preliminary Plat, all previous approvals of the Preliminary Plat shall become null and void.

SECTION 7-4-7 FINAL PLAT PREPARATION AND FILING

Following approval of the preliminary plat, the subdivider shall cause to be prepared a final plat and other material required in filing for final approval. Application for final approval shall consist of filing with the Plat Officer four (4) paper copies and one (1) mylar reproducible copy of the final plat and such additional information outlined here:

- A. Final Plat: Final Plat drawn to the scale of not smaller than one inch equals one hundred feet (1" = 100'). The final plat may include all or only part of the preliminary plat and should include or indicate the following:

1. Accurate tract boundary lines with dimensions and angles which provide a survey of the tract, closing with an error of not more than one foot (1') in five thousand feet (5,000').
2. Property lines of residential lots and other sites with accurate dimensions of all straight lines and arcs, bearings of property lines or other means of accurately locating property lines.
3. Accurate bearings and distances to known monuments.
4. Accurate locations of existing and recorded streets intersecting the boundaries of the tract.
5. Front yard setbacks.
6. Accurate legal description of the property.
7. Street names.
8. Curve notes, complete and accurate for all street curves included in the plan.
9. Street right of way lines.
10. Lot and block numbers.
11. Property to be dedicated or reserved for public, semi-public, or community use, with accurate dimensions.
12. Markers or monuments indicating location, type, material, and size.
13. Subdivision name.
14. Name and address of the owner and subdivider.
15. North point, scale, and date.
16. Certification by a registered Illinois land surveyor certifying to accuracy of survey and plat.
17. Certification of dedication of streets and other public property with notary's seal.
18. Final approval by Council with signature and date spaces for Mayor, and Clerk respectively.

B. Other Required Documents:

1. Certification of title showing that applicant is the landowner.
2. Restrictive covenants, if any, in form for recording.
3. Subdivider's estimate of cost of minimum improvements required, and acknowledged statement of City Engineer concurring with the subdivider's estimate.
4. Approved subdivision improvement plans and specifications.
5. Subdivision Guarantee.
  - a. Completion of Project – At the time of filing an application for approval of a final plat, an owner or subdivider shall submit to the City Clerk an agreement that shall state that the improvements required by this Chapter will be constructed according to the plans and specifications approved by the City Engineer within two (2) years after approval of the final plat and before final acceptance of improvements and release of bond.
  - b. Filing of Surety Bond – The subdivider shall file with the City Clerk a surety bond insuring the satisfactory construction of all improvements required by this Chapter within two (2) years after approval of the final plat. This bond shall also guarantee the improvements against faulty materials and workmanship for one (1) year following written acceptance by the City Engineer. No such bond shall be accepted unless it is enforceable by and payable to the City in a sum at least equal to the cost of constructing the improvements, as estimated by the City Engineer, and in a form with surety and conditions approved by the City Attorney. The City Attorney, after approving said bond, shall transmit a copy thereof to the City Engineer.

Instead of the bond, the owner or subdivider may provide an escrow account to be held at a local bank or loan association conditioned upon the satisfactory construction of the improvements that are set forth on the final plat, the amount of the escrow account to be equal to the estimated cost of said improvements, as estimated by the City Engineer

plus an additional ten percent (10%). All withdrawals from the escrow account shall be made subject to the release of the City of West Peoria by the City Engineer and the same may be paid as work progresses and is completed subject also to the said Engineer's approval. Upon completion of the improvements and written acceptance of the City Engineer, the additional ten percent (10%) of the escrow account shall remain upon deposit until the expiration of one (1) year from the date of completion of the improvement, and until approval and final release by the City Engineer. The form of all escrow accounts or agreements shall be subject to the approval of the City Attorney of the City of West Peoria, Illinois.

Instead of a bond or escrow account, the Owner or Subdivider may provide an Irrevocable Letter of Credit in the amount equal to the estimated cost of said improvements as estimated by the City Engineer, plus an additional ten percent (10%). Upon completion of the improvements and written acceptance of the City Engineer, the estimated cost of improvements may be deleted from the Letter of Credit and the additional ten percent (10%) of the Irrevocable Letter of Credit shall remain in force until the expiration of one year from the date of the completion of the improvements and until approval and final release by the City Engineer. The form of all Irrevocable Letter of Credits shall be subject to the approval of the City Attorney of the City of West Peoria, Illinois.

If, but only if, at the expiration of one (1) year from the date of acceptance of the improvements, the improvements are free of defects, the City Engineer shall release the bond or escrow account, or letter of credit. If, at the end of said year, the improvements are not free from defects, the City Engineer shall, upon authorization by the Council, cause the defects to be remedied and may use the bond or escrow account as a source of funds to remedy such defects.

- c. Acknowledgement of Surety Bond – The surety bond shall be acknowledged before a notary public by the principal and surety and shall be in substantially the form shown in the Appendix of this Chapter.
- C. Final Plat Subdivision Fee: Appropriate fees as described in the latest edition of the City's Planning and Zoning Fee Schedule shall be required at the time of submittal of the final plat.

In addition to the preliminary and final plat subdivision fees specified herein, the subdivider shall reimburse the City for reproducing plats and for all engineering expenses of checking plats, water, sewer, and other plans, and for inspection of construction of the facilities required by this Code.

#### SECTION 7-4-8

#### FINAL PLAT REVIEW AND APPROVAL

Immediately upon filing of the reproducible final plat and four (4) copies, the Plat Officer, maintaining one paper copy for his own files (on which is to be indicated Council action on the plat), shall distribute the balance of the final plats as follows: One copy to the City Engineer and the reproducible plat and one copy to the City Clerk.

- A. Review by City Engineer: The City Engineer shall review the comments of the Plat Officer and make its own study to assure compliance with these regulations and substantial conformity to the approved preliminary plat or conditionally approved plat subject to modifications requested. The City Engineer shall recommend approval or disapproval of the final plat within forty five (45) days after submission of final plat materials by the subdivider to the Clerk; failure of the City Engineer to act within forty five (45) days shall be deemed to be approval; providing, however, that the subdivider and the Council may mutually

agree to an extension of time. The City Engineer shall make known immediately to the Clerk and Council its action upon the final plat.

- B. Approval or Rejection by Council: The Council shall, after being notified of the City Engineer's action on the plat, or after the time or any extension thereof for City Engineer to take action, approve or reject the final plat within 30 days after the first regular Council meeting following City Engineer Action; provided, however, that any action not in accord with the City Engineer's recommendation shall only be by a two-thirds (2/3) vote of the entire Council. However, if the City Engineer's action was merely the lapse of time listed in 7-4-8A, a simple majority of the City Council may change the default acceptance.
- C. Action on Final Plat to be Filed in Office of Clerk: A certified copy of the order or resolution of the corporate authorities approving the final plat or disapproving the final plat and stating the reasons therefore shall be attached to a copy of the plat by the Clerk and filed in the office of the Clerk.

SECTION 7-4-9 TIME LIMITATION FOR RECORDING OF PLAT

The Owner or developer shall file the final plat with the County Recorder of the appropriate county within sixty (60) days of date of approval by the Council, and if not filed within such time shall have no validity and shall not be recorded without recertification by the Clerk and reapproval by the Council.

SECTION 7-4-10 RELEASE EXPIRATION OR EXTENSION OF SUBDIVISION GUARANTEE

Prior to the release or expiration of the subdivision guarantee, the Council will request the Plat Officer or his representative to certify that he was notified by the subdivider to witness the installation of required improvements at key times so as to be able to certify that all required improvements were properly installed and that neither the subdivision as built nor improvements installed deviate from the final approved plat.

Should the required improvements not be completed within the duration of the subdivision guarantee, the subdivider may request the Council for an extension of time for the installation of the balance of improvements. Should such a request be granted, the subdivider shall deposit with the City a subdivision guarantee for the length of extension granted. Subdivision guarantee shall be approved as to form and type by the City Attorney, and as to adequacy of amount by the City Engineer.

SECTION 7-4-11 PLANS AND SPECIFICATIONS FOR LAND IMPROVEMENT

Before subdividing any land subject to the requirements of this Code, the owner or developer shall comply with the following public improvement plan and specification submission, review, and approval procedure:

- A. Owner or developer must have had the Preliminary Plat required by this Code approved by the Council.
- B. Submission Requirements: Within two (2) years from the date of Council approval of a preliminary plan, the owner or developer shall submit five (5) sets of engineering plans and specifications and one set of supportive calculations for all public improvements proposed in or necessary to serve lots and outlots depicted in such approved preliminary plan or portion thereof.
- C. Review and Approval or Disapproval:
  - 1. The public improvement plans and specifications shall be reviewed and approved or disapproved by the appropriate Fire Protection District, Public Water Company and Sanitary District, and by the City Engineer.
  - 2. The City Engineer shall receive comments from the appropriate Fire Protection District, Public Water Company and Sanitary District, Tri-County Erosion Control District and forward said comments to developer for appropriate action prior to final approval of the documents submitted.
  - 3. The City Engineer may require the owner or developer to submit such additional data, plans, specifications, or materials as may be necessary to completely and accurately determine the extent of compliance or noncompliance with the City's design standards and accepted engineering practice and to prove that the proposed manner of construction and installation will meet or exceed all City Construction Standards.
  - 4. The public improvement plans and specifications shall be approved by the City Engineer if they meet or exceed the City design standards for subdivisions and otherwise display acceptable engineering design and practice.
  - 5. Approval or disapproval by the City Engineer shall be in writing.
- D. Required Content:
  - 1. General: The owner or developer submitting engineering plans and specifications shall submit all the information required by this Section in the form specified. Failure of an owner or developer to provide this information in the form required shall be sufficient grounds for the City to refuse to accept the filing of public improvement engineering plans and specifications, to reject the plans and specifications at any stage in the review and approval process, and to reject a Final Plat depicting lots or outlots served by such public improvements.
  - 2. Minimum Material to be Submitted: Engineering plans and specifications shall be submitted for all public improvements proposed in or necessary to serve lots depicted in an approved Preliminary Plan or portion thereof. Such

materials shall include – without limitation – plans, profiles, standard details, and special details drawn in sufficient detail and supported with sufficient data to make possible a complete and accurate determination of the extent or compliance or non-compliance with the City's subdivision standards and sufficient to permit construction and installation of the proposed improvements without additional or supporting engineering data.

3. Required Form of Public Improvement Engineering Plans and Specifications: Public improvement engineering plans and specifications, drawings, schematics and comparable material shall be drawn with drawing pencil on transparent abelene or tracing cloth or with waterproof drawing ink on mylar from which clear and legible transparent or contact prints and photostatic copies can be made, with a maximum size of twenty-four (24) inches by thirty-six (36) inches.
4. Required content of plans and specifications:
  - a. Identification and Description – the public improvement engineering plans and specifications required by this Code shall include a Title Sheet containing the following information:
    - (1) The name of the proposed subdivision within which or for which such public improvements are proposed;
    - (2) The name and address of the developer;
    - (3) The name, address, and telephone number of the engineering firm preparing any part of the engineering plans and specifications and an indication of the part of the plans that such firm prepared;
    - (4) Seal of the professional engineer preparing all or any portion of the engineering plans and specifications certifying that the materials so prepared conform with all applicable codes and ordinances of the City except as specifically noted as a requested variation or exemption.
  - b. Materials required – A registered professional engineer shall prepare and certify plans showing and depicting the following:
    - (1) Standard Details – Typical cross sections of streets, trenches, and curb and gutter and sidewalks, sanitary sewers, storm sewers and water mains;
    - (2) Specific Details – any specially constructed items pertaining to the project;
    - (3) Sanitary Sewer Plan and Profile Sheets;
    - (4) Storm Sewer Plan and Profile Sheets;
    - (5) Drainage Way Plan and Profile Sheets;
    - (6) Watermain in Overall Plan;
    - (7) Sanitary, Storm Sewer, and Drainage Way Overall Plan;
    - (8) Street and Sidewalk Plan and Profile Sheets;
    - (9) Street Cross Section Sheets – on fifty (50) foot centers, or as requested by the City Engineer;
    - (10) Drainage Way Cross Section Sheets – on fifty (50) foot centers;
    - (11) Erosion Control Plan;
    - (12) Grading Plans of Lots and Blocks which shall show:
      - (a) The finished elevation at four (4) corners of each lot; and
      - (b) The finished elevation at four corners of the principal building located on each lot. It shall be the responsibility of the owner of each lot to see that his lot is drained in accordance with said grading plan. It shall be unlawful for the owner to construct or allow

the construction of any building or structure which is not in conformity with such grading plan; and

(c) Direction of storm water run-off from each lot and outlet.

(13) Miscellaneous drawings showing any other special items required by the project.