

CHAPTER 1
SUBDIVISION REGULATIONS

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§5-1-1: OFFICIAL COMPREHENSIVE PLAN ADOPTED:

(A) Adoption of Official Comprehensive Plan:

The Village of Tower Lakes Official Comprehensive Plan, which has been recommended to the Corporate Authorities by the Plan Commission and subsequently revised by the Corporate Authorities and dated July, 2010 (a copy of which is on file in the office of the Village Clerk), is hereby adopted and made the Official Comprehensive Plan of the Village of Tower Lakes, for public improvements and for the guidance of the present and future development of the Village and its environs, including but not limited to territory within one and one-half (1½) miles of the corporate limits of the Village. Included in said Official Comprehensive Plan, and hereby incorporated by reference, is the Village of Tower Lakes Subdivision Regulations as set forth in this Title.

(B) Comprehensive Land Use Plan Map:

Said Official Comprehensive Plan as adopted in this Section includes, but is not limited to, the map relative to property within the Village and contiguous unincorporated territory within one and one-half (1 ½) miles of the Village which is designated as "The Comprehensive Land Use Plan Map of the Village of Tower Lakes", which is found in the aforesaid Official Comprehensive Plan.

(C) Recording of Plats:

After the passage hereof, no map or plat of any subdivision presented for recording affecting land within the corporate limits of the Village or in contiguous territory within one and one-half (1 ½) miles from the corporate limits of the Village shall be entitled to be recorded and shall be valid unless the subdivision thereon shown shall be in conformity with the requirements applicable thereto in the Village of Tower Lakes Official Comprehensive Plan, and in conformity with the Village of Tower Lakes Subdivision Regulations, as amended from time to time and as set forth in Title 5 of this Code.

(Amd. 2014 Code)

§5-1-2: GENERAL PROVISIONS:

- (A) Wherever any subdivision of land shall hereafter be laid out within the incorporated limits of the Village or within contiguous territory not more than one and one-half (1½) miles beyond the incorporated boundary of the Village, the subdivider thereof or his agent shall submit both a preliminary and a final subdivision plat to the Plan Commission for review and recommendations to the Corporate Authorities, who shall take final action relative to the final plat. The subdivision plats and all procedures relating thereto, shall in all respects be in full compliance with these regulations.
- (B) Until plats and plans for any subdivision subject to these regulations are approved:
 - 1. No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land.
 - 2. No lot, tract or parcel of land within any proposed subdivision shall be offered for sale nor shall any sale, contract for sale or option be made or given.
 - 3. No improvements such as water supply, storm water drainage, sanitary sewerage facilities, gas service, electric service, lighting, grading, paving or surfacing of streets shall hereafter be made by any owner or his agent, or by any public service corporation at the request of such owner or his agent on land subject to these subdivision regulations.
- (C) All offerings or dedications of land to the Village for use as streets, highways, schools, parks, playgrounds or other public uses shall be referred to the Plan Commission for review and recommendation before being accepted by the Village Board or by any other governing authority of the Village.
- (D) Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the Village as a whole, the Plan Commission may, before approval, cause to be prepared a plan for the entire area or neighborhood, such plan to be used by the Plan Commission as an aid in judging the proposed plat. The Village Engineer shall cooperate with the Plan Commission in the preparation of this plan and shall furnish such surveys and data as may be necessary.

(Ord. 68-24, 2-19-1968)

§5-1-3: INTERPRETATION:

- (A) In their interpretation and application, the provisions of this Title shall be held to be the minimum requirements.
- (B) Where the conditions imposed by any provision of this Title upon the use of land are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Title or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- (C) This Title is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this Title are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this Title shall govern.

(Ord. 68-24, 2-19-1968)

§5-1-4: DEFINITIONS:

In the interpretation of this Title, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular. The word “shall” is mandatory and not discretionary; the word “may” is permissive. The word “lot” shall include the words “plot”, “piece” and “parcel”; the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

ASA: American Standards Association.

ASCE: American Society of Civil Engineers.

ASTM: American Society of Testing Materials.

AWWA: American Waterworks Association.

BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights of way, bulkhead lines or shorelines of waterways, or corporate boundary lines of the Village.

BUILDING: Any structure designed, built or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.

BUILDING INTERIOR: Any portion of the interior of a principal building.

BUILDING SETBACK LINE: A line within a lot or other parcel of land, so designated on the plats of the proposed subdivision, utilized to indicate that the erection of any part of a building is prohibited between such line and the boundary of any abutting street.

CROSSWALK: A public right of way located across a block to provide pedestrian access to adjacent streets or areas.

CUL-DE-SAC: A residential access street having one open end and being permanently terminated by a vehicle turnaround.

EASEMENT: A grant by a property owner for the use of a strip of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

FLOOD CREST ELEVATION: The elevation of the highest flood of record as set forth in the “Hydrologic Investigations (Atlas HA-150 Barrington Quadrangle, 1961)” published by the U.S. geological survey, Washington, D.C., as from time to time revised and published (sometimes referred to as Tower Lakes flood plain map). The elevations in the most current publication from time to time shall control except as hereinafter provided.

FLOOD PLAIN: The continuous area adjacent to a lake, stream, stream bed, ditch, swale or any watercourse, the elevation of which is greater than the normal water level or pool elevation but equal to or lower than the flood crest elevation.

FLOOD TABLELAND: The continuous land area adjacent to the flood plain, the elevation of which is greater than the flood crest elevation by two feet (2') or less.

HIGHWAY: A right-of-way for vehicular traffic which traverses a non-urban area, usually a state or federal numbered route.

IDH: Illinois Department of Highways.

LOT: A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

PARKWAY: A route intended to be used primarily by passenger vehicles and whose right of way is or is intended to be developed in a park-like character.

PLAN COMMISSION: The words "Plan Commission" as used in this Title refer to the Plan Commission of the Village.

PLAT: A plan, map, drawing or chart on which the subdivider's plan for the subdivision of land is presented and which he submits for approval.

PLAT, FINAL: The drawings and documents presented for final approval and as described in Section 5-2-3 of this Title.

PLAT, PRELIMINARY: The drawings and document presented for conditional approval and as described in Section 5-2-2 of this Title.

PRINCIPAL BUILDING: The main building upon a lot or building which houses the principal use of the premises (including any building intended to be occupied by humans as home or apartment, including school or recreational buildings, or commercial or industrial buildings intended to be used for business purposes or buildings intended to house animals, which definition shall not include boathouses or secondary or ancillary buildings to the principal building intended to be used merely for storage purposes; provided, however, that the lowest floor of such storage buildings (not including boathouses) be set at an elevation at least six inches (6") higher than the flood crest elevation.

ROADWAY: The paved area within a street right of way intended for vehicular traffic.

STATUTORY REQUIREMENTS: Where action of the Plan Commission in accordance with statutory requirements is called for, this will be in compliance with certain excerpts from the Illinois municipal code, which shall be labeled as "Appendix I", and which appendix shall be and remain on file in the office of the Village Clerk.

STREAM: Any continuously flowing natural watercourse.

STREET: An area which primarily serves or is intended to serve as a vehicular and pedestrian access to abutting lands or to other streets. The word "street" refers to the right of way or easement, whether public or private, and not to the roadway or paving or other improvement within the street right of way.

STREET, APPROVED: Any street, whether public or meeting standards and specifications of the Village.

STREET, MARGINAL ACCESS: A residential access street which is parallel and adjacent to highways and primary thoroughfares and which provides access to abutting properties and protection to local traffic from fast, through-moving traffic on the highways and primary thoroughfares.

STREET, PRIVATE: Any street which is privately owned or established and not dedicated to public use.

STREET, PUBLIC: Any primary or secondary thoroughfare or residential access street which is shown on the subdivision plat and is or is to be dedicated for public use.

STREET, TERMINOLOGY: In general, streets classified as to use are intended to conform to the January 1966 report to IDH titled, "Field Appraisal Procedure for Determining City Street Needs", for the State of Illinois. The following definitions and examples of present streets are used in this Title within this context:

Area Service Highway: Routes of statewide importance serving relatively minor traffic movements, and constructed to standards based on sixty (60) to seventy (70) miles per hour design speed without control of access.

Example: Highway 59.

Collector Highways: Rural roads and their urban extensions in or through smaller cities which form an interconnected network with higher class routes and provide service to small communities and to rural areas within approximately one to three (3) miles depending on population density. All collector highways will have a dustless surface regardless of traffic. This category also includes those short routes or spurs which provide service to small communities and other traffic generators so geographically situated that they are not already served by a higher classification.

Examples: Roberts Road and Kelsey Road.

Residential Access Streets: All streets in municipalities which, in general provide access to land with light to moderately heavy residential development.

Examples: Devonshire Road
Fenview Creek
Oxford Road
Pebble Creek
Rolling Green
Summit Drive
Tomahawk Lane

Secondary Thoroughfares: Streets serving as traffic collectors feeding into primary thoroughfares and highways. This class together with higher classes will form the network with a spacing of approximately one-half ($\frac{1}{2}$) mile, serving most traffic in smaller cities.

Examples: Circle Drive
South Hills Drive
East Lake Shore Drive
West Lake Shore Drive

SUBDIVIDER: Any person commencing proceedings under this Title to effect a subdivision of land.

SUBDIVISION: A subdivision is: a) the division of land into two (2) or more lots, sites or parcels for the purpose of transfer of ownership or building development; provided, however, that a subdivision of land for agricultural purposes, in parcels of more than five (5) acres, not involving any new street or easement of access, shall be exempted; b) the establishment or dedication of a public or private road, expressway or street through a tract of land; c) for the purpose of this Title, the design for any planned shopping or business center; or d) the resubdivision of land previously divided or platted into lots, sites or parcels, provided, however, the sale or the conveyance of part of a lot heretofore subdivided to the owner of contiguous property, in compliance with the Village of Tower Lakes zoning ordinance, including, but not limited to, Section 10-6-6 of this Code, shall be exempted, but only if such sale or conveyance does not directly or indirectly create, establish, or facilitate the creation or establishment of more than one additional zoning lot which could possibly be used as a building site for a separate single-family residence, and if such sale or conveyance of part of a previously subdivided lot, site or parcel directly or indirectly creates, establishes, or facilitates the creation or establishment of more than one additional zoning lot which could possibly be used as a building site for a single-family residence, then such sale or conveyance shall not be exempt, but shall instead require the approval of a plat of subdivision prior to such sale or conveyance in accordance with this Title.

Any sale or contract of sale or agreement to purchase any lot or division of land, either by lot description or by metes and bounds, as defined in the preceding portion of this definition constitutes a subdivision of land and requires, prior to any sale or contract of sale or agreement to purchase and before the delivery of a deed, the submission to and approval of a subdivision plat by the Plan Commission and the Board of Trustees.

WATERCOURSE: Any area of land over which water flows, whether such flow is continuous or not, along the floodplain.

(Ord. 68-24, 2-19-1968; amd. Ord. 74-94, 1974; Ord. 99-440, 6-21-1999; 2001 Code)

§5-1-5: VARIATIONS:

Where the Plan Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may recommend relief in the enforcement of the regulations so that substantial justice may be done and the public interest secured, provided such variation will not have the effect of nullifying the intent and purpose of the official plan of the Village or these regulations. (Ord. 68-24, 2-19-1968)

§5-1-6: INSPECTION AT SUBDIVIDER’S EXPENSE:

All public improvements proposed to be made under the provisions of this Title shall be inspected during the course of construction by the Village Engineer or a duly designated deputy. All fees and costs connected with such inspection and with reviewing the plans and specifications for such improvements shall be paid by the subdivider. (Ord. 68-24, 2-19-1968)

§5-1-7: BUILDING PERMITS:

No building permit providing for the improvement of any lot in any subdivision shall be issued until there has been filed with the building commissioner a certified copy of the plat of subdivision as recorded or registered in the office of the Recorder of Deeds or Recorder of Titles, as the case may be. Nor shall a building permit be issued for the improvement of any lot until the plans and specifications for the public improvements have been approved by and filed with the President and Board of Trustees and until cash or equivalent or surety bond as provided by ordinance are posted with the Village. (Ord. 68-24, 2-19-1968)

§5-1-8: OCCUPANCY PERMIT:

No occupancy permit shall be granted by any governing official for the use of any structure within any subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and that roadways providing access to the subject lot or lots have been constructed, or are in the course of construction. (Ord. 68-24, 2-19-1968)

§5-1-9: EROSION AND SEDIMENTATION CONTROL:

The provisions of Title 4, Chapter 3 of this Code relative to erosion and sedimentation control shall apply to all subdivisions (as well as to actions not constituting subdivisions of property). (Ord. 74-96, 1974)