

TITLE 7: SUBDIVISION

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TITLE 7 SUBDIVISION

CHAPTER 1 TITLE, PURPOSE & AUTHORITY

7-1-1 Title

7-1-2 Purpose & Authority

SECTION 7-1-1 TITLE

This Title shall be known as and may be referred to and cited as “The City of West Peoria, Illinois, Subdivision and Official Map Ordinance”. It embraces all the lands and properties lying within said City limits and within the areas set forth and described as being contiguous or adjacent to said City within one and one-half (1 1/2) miles from the said City limits, but outside said City. The map or maps herein referred to and identified by the title thereon as “Official Map, City of West Peoria” is adopted herein as a part hereof, together with all explanatory matters thereon.

SECTION 7-1-2 PURPOSE AND AUTHORITY

The subdivision regulations and Official Maps as herein set forth and made a part hereof have been made for these purposes and objectives: to provide for the harmonious development of the City and its environs as outlined, and for the coordination of streets and subdivisions with other existing or planned streets, and for the preservation of adequate open spaces for traffic, light and air, and for the distribution of population and traffic to the extent that favorable conditions in regard to health, safety, and general welfare are protected or created; to assure that development will follow proposals of the overall Comprehensive Plan for the City, and the environs embraced herein; to assure that adjacent developments will properly relate to one another; to assure that a coordinated effort will be made between utilities, services and developers so that streets and other improvements will be properly installed; and to assure a minimum level of improvement for all subdivisions.

This Title is adopted under the authority of Division 12, Illinois Municipal Code.

TITLE 7 SUBDIVISION

CHAPTER 2 GENERAL PROVISIONS

- 7-2-1 Rules
- 7-2-2 Definitions

SECTION 7-2-1 RULES

The language set forth in this Code shall be interpreted in accordance with the following rules of construction, unless the context clearly required a different construction:

- A. The singular includes the plural and the plural the singular;
- B. The present tense includes the past and the future and the future includes the present.
- C. The words “should” or “shall” are mandatory, while the word “may” is permissive.
- D. Terms connotating a particular gender include each and every other gender.
- E. Whenever a word or term defined hereinafter appears in the text of this Code, its meaning shall be construed as set forth in the definition thereof, and any word appearing in the parenthesis between a word and its definition shall be construed in the same sense as that word.
- F. All words and terms not defined herein shall be construed in their generally accepted meaning.

SECTION 7-2-2 DEFINITIONS

The following words and terms, whenever they occur in this Code, shall be interpreted as herein defined.

Abutting (Contiguous, Adjacent): Abutting means have one (1) or more common boundary lines or district lines.

Alley: An alley is a public right-of-way, which affords a secondary means of access to abutting property. Frontage on an alley shall not be construed as satisfying the requirements related to frontage on a public street.

Area, Gross: The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley right-of-way and for public uses.

Basement: The story of a building which is partly below and partly above grade and having at least one half (1/2) its height above grade.

Block: A block is a tract of land bounded by streets, or by a street or streets and any combination of boundary lines of public or institutionally owned lands, railroad right-of-way, rivers and lakes and/or other lines of demarcation. A block may be located in part within an incorporated city or town.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building Setback Line: Is a line within a lot, or other parcel of land, so designated on the preliminary plat and the final plat, which denotes the area between such line and the adjacent street right-of-way line where an enclosed building, and other obstructions are prohibited, except those permitted obstructions as regulated by the West Peoria Zoning Code.

Cellar: The story of a building which is partly below and partly above grade and having at least one half (1/2) its height below grade.

City: The City of West Peoria, Illinois.

City Clerk: The City Clerk of West Peoria, Illinois, or his/her duly authorized representative.

City Engineer: The term “City Engineer” shall mean a person designated to act in the capacity of City Engineer in the review of engineering data as outlined herein where the services of a City Engineer are specifically mentioned.

Collection Tile System: A tile system-serving individual lots for the purpose of receiving water discharge from such as footing tiles.

Collector Street or Collector Road: The terms “collector street” or “collector road” shall mean traffic ways which carry traffic between sections of the community or which serve as a connector between rural areas and the community, and designated on the Official Map herein, as “Collector”.

Comprehensive Plan: The Official Comprehensive Plan is the composite of the functional and geographical elements of the Comprehensive Plan of the City of West Peoria, or any segment thereof in the form of plans, maps, charts, textual materials and the official map, as adopted by the City Council.

Developer: (See “Owner”)

Development: Development means both the act of changing a tract of land and the state of a tract of land after its function has been purposefully changed by man including, but not limited to, construction of structures on the land, and alterations to the land, except grading that does not alter the natural flow of storm water.

Dedicate: Transfer of ownership of right-of way, parcel of land or improvement to this municipality or other public or quasi entity without compensation.

Double Frontage: The term “double frontage” shall mean a condition whereby both fronts and rears of property face on streets.

Driveway: A driveway is a private access way for motor vehicles between a public or private street and one or more structures or off-street parking areas.

Dwelling: A dwelling is a building designed or used principally for residential occupancy, including, without limitation, single-family dwellings, two (2) family dwellings and multiple-family dwellings.

Easement: A quantity of land set aside over or under which a liberty, privilege, or advantage in land without profit, is dedicated and is distinct from ownership of the land. May be granted either to the public, a particular person, a utility company, or a combination thereof.

Engineer: A licensed professional Engineer licensed by the State of Illinois.

Excavation: Any act which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

Escrow Deposit: A deposit in cash or other approved securities to assure the completion of improvements within a subdivision or planned unit development.

Fill: Any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

Final Plat: A map or plan of a subdivision and any accompanying material as described hereafter.

Flood: A general or temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation or the runoff of surface waters from any source.

Frontage: Frontage is the measure of lineal contiguity between a lot or portion thereof and another lot, public street, alley or public way.

Frontage Road: A local street which is parallel to and either adjacent to or within the right-of-way of an arterial street.

Half Street: The term “half street” shall mean a street dedicated to less than its full planned width.

Local Street or Local Road: The terms “local street” or “local road” shall mean traffic ways which serve primarily for access to abutting property and designated on the Official Map herein as “Local”.

Lot: A quantity of land capable of being described with such certainties that its location and boundaries may be established and which is designated by its owner or developer as land to be converted, used or developed as a unit or which has been conveyed, used or developed as a unit, including any easements appurtenant thereto. Such lot shall have frontage on public or private street.

Lot Area: The area of a horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

Lot Depth: Any distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot, corner: A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle less than one hundred thirty-five (135) degrees.

Lot, Double Frontage: A lot which has a pair of opposite lot lines along two (2) substantially parallel streets.

Lot, Interior: A lot which faces on one (1) street or with opposite sides on two (2) streets.

Lot of Record: A lot which is part of a subdivision recorded in the office of the Peoria County Recorder of Deeds, or a lot or parcel described by metes and bounds, the description of which has been legally recorded.

Lot, Through: A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

Lot, Out: A lot depicted on a preliminary plan or final plat which does not meet the requirements of this Code for lots of record and which may not be used for construction of buildings or parking lots.

Major Street or Major Highway: The terms “major street” or “major highway” shall mean traffic ways connecting communities or connecting to limited access traffic ways which, in turn, connect to other communities, and designated on the Official Map herein as “Major”.

Median: An area between opposite traffic lanes of a street or roadway or an area between two parallel streets or roadways.

Minor Arterial: A street system that interconnects with, and augments, the urban principal arterial system and provides service to trips of moderate length and a lower level of travel mobility than principal arterials. This system contains facilities that place more emphasis on land access and a lower level of traffic mobility. Minor arterials may carry local bus routes and provide intra-community continuity, but ideally would not penetrate identifiable neighborhoods.

No-Access Strip: An area at least three (3) feet wide along a lot line within which no vehicular driveways shall be permitted.

Official Map: The Official Map is the map adopted by the City Council as part of the Comprehensive Plan which is designated “Official Map” in that plan.

Official Zoning Map: (See Zoning Map).

Outlot: (See Lot, Out)

Owner: Means any person, firm, association, partnership, private corporation, public or quasi-public corporation, or a combination of any of them, or other legal entity having sufficient proprietary interest in the land sought to be subdivided or developed to commence and maintain proceedings under the provisions of this Code.

Parcel: All contiguous land used or legally described and recorded as a single unit.

Parking Lot: An area not on public right-of-way, exclusive of driveways, which is used for the parking of motor vehicles.

- For purposes of computing the number of parking space in a lot, all areas used for parking under unified control on the same or contiguous parcels of land shall be considered as one (1) lot.

Parking Space/Pad: A parking pad is an off-street area adjacent to a driveway which provides parking for a single motor vehicle.

Parkway: The area of land within a street right-of-way which is located between the back of the curb and the right-of-way line.

Pavement: The portion of a street designated for vehicular use measured from face of curb to face of curb or edge to edge of paved street surface where there are no curbs.

Pedestrian Way: A right-of-way or easement across or within a block designated for pedestrian use.

Planning Commission: The Planning Commission of the City of West Peoria, Illinois.

Plat Officer: The term “Plat Officer” shall mean the person appointed to occupy the office created herein, in which office is vested the chief administrative and enforcement duties as outlined herein.

Preliminary Plat: A tentative map or plan of a proposed subdivision as described in this Chapter of the Municipal Code.

Project: All of the various parts of proposed construction submitted to the City for approval.

Property Line: The lines bounding a lot or parcel and delineating the land in individual ownership.

Public Improvements: Public improvements include streets, sidewalks, public utilities and other structures, fixtures or land appurtenances which are or are intended to be dedicated to the City of West Peoria and the public generally.

Reserve: To set aside a parcel of land in anticipation of its acquisition by this municipality (or other government entity) for public purposes.

Reserve Strip: The term “reserve strip” shall mean a narrow strip of land between a street adjacent to the property line and the adjacent property, the strip being retained in private ownership to prevent access of neighboring property to an improved and dedicated street.

Right-of-Way: A strip of land dedicated to or used by the public for vehicular and/or pedestrian passage; storm, surface or ground water drainage; or public utility placement.

Roadway: A portion of a right-of-way designated for motorized vehicular use.

Setback: The minimum longitudinal distance between the building line or structure and the related front, side or rear property line.

Setback Line: A line shown on a plat delineating the setback.

Sidewalk: A portion of a right-of-way used or intended principally for pedestrian passage, which meets or exceeds the design standards for public sidewalks.

Story: A portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A basement shall be counted as a story and a cellar shall not be counted as a story.

Story Height: The vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces, and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, where there is not a ceiling, to the top of the roof rafters.

Street, Road or Alley: The terms “street”, “road” or “alley” shall mean rights-of-way dedicated to and for the public use and affording principal means of access to abutting property.

Street: A street is that portion of a right-of-way used and maintained as principal means of access to adjacent lots of record or property and meets the design and construction standards for the classification it holds.

Street, Cul-de-sac: A local street with one (1) outlet which ends with a turn around.

Street, Public: A street owned and maintained by the public.

Street, Private: A street owned and maintained by private entity.

Street, Exterior: A street on the perimeter of a subdivision.

Street, Interior: A street entirely within the confines of a subdivision.

Structure. Anything that is built or constructed, including but not limited to, any usable, permanent, in place device or appliance outside the building setback line within the lot making a projection of six (6) inches or more above grade and having a base greater than twelve (12) square feet. This does not, however, exclude such underground or surface structures such as tunnels, future foundations, or swimming pools in whole or in part below grade.

Subdivide: To subdivide means (1) the division of land into two (2) or more lots, parcels, or tracts; (2) the dedication of streets, ways, or other areas for use of the public; (3) any development of property which according to City Codes necessitates the extension of public utilities to such property by main or by service connection; (4) any development of property which requires that a new street be constructed; (5) long term land lease for new development.

Subdivision: Subdivision means the configuration of lots of record, outlots, public right-of-way and public improvements which result from subdividing land in accordance with the procedures, requirements and standards of this Code.

Trail: A trail is that portion of right-of-way physically separated from motorized vehicles and intended for non-motorized transportation and recreational uses.

Use: The use of property is the purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the regulations of the Zoning Code.

Vacate: To terminate the legal existence of right-of-way or easement or subdivision, and to so note on the final plat recorded with the Peoria County Recorder of Deeds.

Waiver: Deviation, relaxation, adjustment or modification of a requirement of this Title.

TITLE 7 SUBDIVISION

CHAPTER 3 OFFICIAL MAP

- 7-3-1 Establishment
- 7-3-2 Procedures
- 7-3-3 Amendments or Additions

SECTION 7-3-1 ESTABLISHMENT

There is hereby established for the City and contiguous areas on Official Map which is included herein and adopted as part of this Section.

SECTION 7-3-2 PROCEDURES

- A. **Planned Public Improvements May Be Indicated on Official Map:** The Official Map may show indication of sites for planned public facilities. Public facility sites which may be indicated on the Official Map may include, but are not limited to, sites for new traffic ways or widening of existing traffic ways, school and recreational sites, public building sites for future storm drainage, electrical or other public service or utility easement.
- B. **Planned Public Facilities on Official Map to be Required on Subdivision Plat:** Whenever the Official Map indicates the necessity for providing a site for a planned public facility, the Council may require that the site for the public use be designated on the subdivision plat before granting approval to such plat; and, furthermore, that such site be held for that specific public use for a period of one year from date of final plat approval.
- C. **Responsible Agency to Begin Negotiations to Purchase Public Site Within One (1) Year:** Whenever a site for public use shown on the Official Map has been required to be indicated on a subdivision plat, the responsible agency having jurisdiction of such use shall acquire such land by condemnation within one (1) year from date of approval of such plat; and if it does not do so within such period of one (1) year, the land so designated may then be used by the owners in any other manner consistent with this Title and the appropriate zoning regulations.

SECTION 7-3-3 AMENDMENT OR ADDITIONS

Amendments to the Official Map, including the indication of additional public sites to be shown on the Map, shall be considered amendments to this Section and therefore shall be as specified in Section 7-2.

Any agency requesting the establishment on the Official Map of a future public site or easement which is not included in the Comprehensive Plan shall indicate to the Planning Commission the need for the site in the particular location specified. The Planning Commission, before making a favorable recommendation for the inclusion on the Official Map of such site by the Council, shall find that the public site location is consistent with the Comprehensive Plan of the Community and shall so indicate in its minutes and recommendation to the Council.

TITLE 7 SUBDIVISION

CHAPTER 4 REVIEW OF SUBDIVISION

- 7-4-1 Council Approval
- 7-4-2 Sketch Plan Discussion
- 7-4-3 Preliminary Plat; Preparation and Filing
- 7-4-4 Preliminary Plat; Review and Approval
- 7-4-5 Preliminary Plat Approval not to Constitute Subdivision Approval
- 7-4-6 Time Limitation of Preliminary Approval
- 7-4-7 Final Plat; Preparation and Filing
- 7-4-8 Final Plat; Review and Approval
- 7-4-9 Time Limitation for Recording of Plat
- 7-4-10 Release Expiration, or Extension of Subdivision Guarantee
- 7-4-11 Plans and Specifications for Land Improvements

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 Administrator, 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 ten percent (10%) or greater slopes where five-foot (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.
 14. Proposed sidewalks.
- 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 (1) paper copy and one (1) 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 (1) copy to the City Engineer, one (1) 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 (1) 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; provided, 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 twenty-four (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 twenty-four (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.
19. Sidewalks required by the City

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 (1) 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 (1) copy to the City Engineer and the reproducible plat and one (1) 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; provided, 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 thirty (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 (1) 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:
 - (i) The name of the proposed subdivision within which or for which such public improvements are proposed;
 - (ii) The name and address of the developer;
 - (iii) 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;
 - (iv) 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:
 - (i) Standard Details – Typical cross sections of streets, trenches, and curb and gutter and sidewalks, sanitary sewers, storm sewers and water mains;
 - (ii) Specific Details – any specially constructed items pertaining to the project;
 - (iii) Sanitary Sewer Plan and Profile Sheets;
 - (iv) Storm Sewer Plan and Profile Sheets;
 - (v) Drainage Way Plan and Profile Sheets;
 - (vi) Watermain in Overall Plan;
 - (vii) Sanitary, Storm Sewer, and Drainage Way Overall Plan;
 - (viii) Street and Sidewalk Plan and Profile Sheets;

- (ix) Street Cross Section Sheets – on fifty (50) foot centers, or as requested by the City Engineer;
- (x) Drainage Way Cross Section Sheets – on fifty (50) foot centers;
- (xi) Erosion Control Plan;
- (xii) Grading Plans of Lots and Blocks which shall show:
 - (1). The finished elevation at four (4) corners of each lot; and
 - (2). The finished elevation at four (4) 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
 - (3). Direction of storm water run-off from each lot and outlet.
- (xiii) Miscellaneous drawings showing any other special items required by the project.

TITLE 7 SUBDIVISION

CHAPTER 5 GENERAL DESIGN REQUIREMENTS

7-5-1 General Street Layout, Blocks, Lotting

7-5-2 Street & Sidewalk Regulations

SECTION 7-5-1 GENERAL STREET LAYOUT, BLOCKS, LOTTING

- A. Major and Collector Streets to be Continued: New subdivisions shall make provision for the continuation of existing major and collector streets, or provision for later construction of proposed major and collector streets, as indicated in the Official Map herein and/or on the City Plan.
- B. All Lots to Have Access on Public Street: Subdividing of land for residential use shall be such as to provide that each lot shall front on an existing or proposed public way.
- C. Streets to Intersect at Right Angles: Intersections of streets shall be as nearly right angles as possible. No street shall intersect any other street at less than eighty degrees (80°).
- D. Length and Widths of Blocks: In general, block lengths shall be not less than three hundred feet (300') nor more than twelve hundred feet (1,200'); blocks shall be of sufficient width to accommodate two (2) tiers of lots. The subdivider may be required to construct and dedicate pedestrian crosswalks in blocks over one thousand feet (1,000') long.
- E. Half-Streets Not Acceptable: "Half-streets" based on the expectation of the other one-half (1/2) of the street being developed at the time the adjoining property is subdivided is not normally acceptable as good land platting practice, and will not normally be permitted.
- F. Reserve Strips Not Allowed: "Reserve strips" created by the platting of property line streets several feet inside the property line with the objective the receiving of remuneration for access to an improved street, will not be allowed.
- G. Reverse Frontage Not Normally Allowed: "Reverse frontage" or "double frontage" whereby both front and back of lot face a principal street will not be allowed except in situations where one of the streets is a major highway or street on which the fronting of local properties would not be desirable.
- H. "Buffer Treatment" May be Required Between Proposed Subdivision and Adjacent Uses: Where a proposed subdivision contains an existing or proposed major street or abuts such a street or land use which may have an adverse effect on the residential subdivision, the Planning Commission may require some buffer treatment such as frontage streets, double frontage with screen planting along rear lot lines, deep lots, or any other such treatment which may protect the proposed residential subdivision from these outside influences.
- I. Lot Lines to be at Right Angles to Street Lines: Lot lines shall be substantially at right angles or radial to street lines.
- J. Corner Lots to have Extra-Width: Corner lots for residential use shall have extra width to permit appropriate building setback from both streets.
- K. Building Setback Lines to be Established: Building setback lines, appropriate for the location of the subdivision and the type of development contemplated, shall be established on all lots; provided, however, that such setback lines are not less than the applicable standards of the appropriate zoning provisions.

SECTION 7-5-2

STREET AND SIDEWALK REGULATIONS

A. Right of Way and Pavement Width: Right of way and pavement widths will be provided as follows:

<u>Street Type</u>	<u>Right of Way</u>	<u>Pavement</u>	<u>Parking</u>
Arterial	100' – 120'	36'	Prohibited
Major Highway (IL or US)	100' – 120'	24'	Prohibited
Major Highway (County Rte.)	67' – 75'	24'	Prohibited
Collector Street/Road	68'	38'	Prohibited
Local Street/Road*	60'	30' – 36'	Permitted
Cul-de-sac	100' Diameter	80' Dia.	Prohibited

*with parking on one or both sides

B. Sidewalk Widths: Sidewalks, when provided, shall be of the following widths:

<u>Where Adjacent To:</u>	<u>Width</u>
Major or Collector Highways, Streets and Roads	5'
Local Streets and Roads	5'
Pedestrian Crosswalks (through blocks)	5' (10' ROW)
Combination curb & sidewalk	5.5'

C. Maximum and Minimum Street Guides: Street grades as measured along the centerline shall not be less than 0.4 percent and shall not be greater than the following:

Major Streets or Highways	8%
Collector Roads or Streets	10%
Local Roads or Streets	12%

D. Intersection Corners to be Rounded: Property lines at street intersections shall be rounded with a radius of twenty feet (20'). The Planning Commission may permit, as a suitable equivalent, the use of comparable cutoffs or chords in place of such rounded corners.

E. Not More Than Two (2) Streets to Intersect: Intersection of more than two (2) streets at a point will be prohibited.

F. Obstructions to Visibility at Intersections Prohibited: There shall be no obstruction of any type to visibility at street intersections within the sight triangle formed by the center of intersection and two (2) points, (1) seventy five feet (75') distant, each point being on the centerline of a fronting road or street, each designated local, or (2) one hundred twenty five feet (125') distant where one or both of the fronting streets is designated a collector or major street or highway.

G. Connecting Street Lines to be Joined by Curves: Connecting street lines deflecting from each other at any one point by more than ten degrees (10°) shall be joined by curves, the inner radius of which shall be not less than three hundred fifty feet (350') for a collector street, and one hundred feet (100') for a local street.

H. Reverse Curves to be Connected by Tangent: A tangent or portion of street in straight alignment and of one hundred feet (100') in length shall be introduced between reverse curves on major and collector highways, streets, and roads.

I. Cul-de-sacs or “Dead-end” Streets: Cul-de-sacs or dead-end streets, designated to be so permanently, shall be not longer than five hundred feet (500') and shall be provided at the closed

end with a right of way and pavement diameter meeting the minimum requirements of these standards, as stated in Section 7-5-2(A).

- J. Necessary Utility Easements to be Provided: Utility easements across lots or centered on rear or side lot lines shall be provided not less than ten feet (10') in width.
- K. Maintenance Easements to be Provided for Natural Water Courses: Where a subdivision is traversed by a water course, there shall be provided a storm water easement conforming substantially with the lines of such water course and approved as to alignment and width by the City Engineer.

TITLE 7 SUBDIVISION

CHAPTER 6 IMPROVEMENTS

7-6-1 Monuments to be Installed

7-6-2 Utility and Street Improvements

SECTION 7-6-1 MONUMENTS TO BE INSTALLED

Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the Plat Officer. Permanent monuments erected in such subdivisions of galvanized iron pipe shall be not less than one inch (1") in diameter and twenty-four inches (24") in length; and if stone or concrete, shall be not less than four inches (4") in diameter and twenty-four inches (24") in length.

SECTION 7-6-2 UTILITY AND STREET IMPROVEMENTS

Utilities and street improvements shall be provided in each new subdivision in accordance with the following schedules:

- A. Industrial, Commercial, and Institutional Subdivisions: Utility and street improvements on industrial, commercial and institutional subdivisions as required by the Council with advice of Planning Commission; provided, however, that in no case will the requirements be less than required for a residential subdivision.
- B. All public water supply, sanitary sewer, storm drainage systems shall conform to the latest edition of the Standard Specifications For Water And Sewer Main Construction in Illinois; and, the appropriate Fire Protection District, Public Water Company and Sanitary District that has jurisdiction over these utilities.
- C. Residential Subdivisions: Utility and street improvements for residential subdivisions in accordance with the following:
 1. Water Supply: Public water supply is required within the corporate limits; public or private water supply as approved by the Planning Commission outside the City limits but within the area of subdivision jurisdiction.
Where public water supply is constructed, stub-up lines shall be located at each lot and shall extend at least one foot (1') inside the property line. The curb above such stub-up line shall be marked with the letter "W" or other suitable marker.
 2. Sewage Disposal: Connection to the public sanitary sewer system is required within the corporate limits; public or private sewage disposal as approved by the Planning Commission outside the City limits but within the area of subdivision jurisdiction.
Where public sewers are constructed, stub-up lines shall be located at each lot and shall extend at least one foot (1') inside the property line. The curb above such stub-up line shall be marked with the letter "S" or other suitable marker.
Pumping stations required by virtue of the subdivision shall be installed by the developer as approved by the Council. Pumping station, force main, equipment, site and easements will be dedicated to the City or its assignee, prior to the issuance of building permits. If a greater capacity system is required by the City, the subdivider shall be required to pay only that portion of the cost attributable to his subdivision. Future subdivisions desiring to utilize such pumping stations shall reimburse the City on a prorated basis for the City's investment involved.
 3. Storm Drainage: Surface drainage shall be provided for in approved paved gutter, grass swales, or piped underground channels, construction, capacity and flow of which are approved by the City Engineer.

Street grades shall meet the foregoing design requirements and shall be approved in profile and cross-section by the City Engineer.

Storm water detention facilities shall be constructed for all developments using the method outlined in the latest edition of the Illinois Department of Transportation’s Drainage Manual. Rainfall intensity shall be from the latest technical letters of the Illinois State Water Survey. All “dry bottom” detention basins shall be designed with the minimum bottom slope of 1.5 percent. A minimum slope of 1 percent may be used if an underdrain tile system is installed in the basin. All detention basins shall have a minimum of 1-foot freeboard above the 100-year high water elevation and an emergency overflow capable of carrying the 100-year discharge.

The Developer or Owner, upon City direction, may pay a fee instead of providing on-site storm water detention. The fee shall be based upon the prorated share of the City’s cost or expected cost to provide a regional detention facility. Cost shall be prorated based upon the amount of run-off contributing to the regional detention facility.

4. Street Right of Way, Pavement, Curb and Gutter: The subdivider shall be responsible for the provision of right of way, street improvements, and specifications of construction as indicated on the following schedules. All street, road, sidewalk, etc. improvements shall be constructed in accordance with the latest edition of IDOT Standard Specifications for Road and Bridge Construction in Illinois.

<u>Construction Specifications of Street and Road Improvement</u>		
Road Type	Base Course	Surface Course
P.C. Concrete	Compacted earth material	6” Thickness, Portland Cement Concrete
Gravel Base Bit. Surface	8” aggregate base, CA 6 or CA 10	1 ½” Bit. Conc. Binder Course, 1 ½” Bit. Conc. Surf. Course CL I
Shoulders:	6” aggregate shoulder Type B	
Curb and Gutter:	Type B-6.18 combination curb and gutter in accordance with IDOT “Highway Standards”	
Sidewalk:	Sidewalks, where required, shall be of P.C. concrete, 4” minimum thickness with pitch and surface to assure adequate drainage. Where sidewalk cross-driveways, they shall be 6” minimum thickness.	
Combination Concrete Curb & Sidewalk:	Combination Concrete Curb & Sidewalk, where required, shall be of P.C. concrete, 4” minimum thickness. Width of the walk shall be 5.5 feet. The curb height above the street grade shall be a min. of 4” to a max. of 6”. The curb height shall be adjusted as necessary to maintain positive drainage to the street from adjacent property areas. Sidewalk shall slope at 2% towards the street.	

Exceptions to the above specifications will be as follows where changes to the curb need to be made:

The combination concrete curb and sidewalk width shall be 5.5 feet. The curb height above the street grade shall be a minimum of 4” to a maximum of 6”. This height shall be adjusted so that the elevation at the back of the sidewalk shall match the existing yard and so that yard drainage to the street can be maintained. However, the curb height above the street

shall never be less than 4". The face shall have a minimum of 8" smooth face below grade. The slope of the sidewalk and the apron shall be at 2% towards the street.

Saw cuts shall be required at the following locations:

- a) In the street, bituminous surface 18" out from the existing curb face to facilitate the removal and replacement of the combination curb and sidewalk.
The 18" wide strip of bituminous surface in front of the existing curb shall be removed. The replaced bituminous surface shall meet the applicable requirements of Section 406 of the IDOT Standard Specifications. The replaced bituminous surface shall match the existing street slope and grade. The proposed pavement should match the existing adjacent construction in material type and thickness.
Inspection required by the Street Department Manager before the concrete is poured.
5. Building setbacks from proposed edge of right of way of major streets or highways planned for future construction shall be not less than the appropriate front, rear, or side yard of that particular zoning district.
6. Building setbacks on existing streets or roads on which the right of way width is indicated to be below the minimum standard width as herein indicated for such type road, shall be measured from the edge of the proposed width. (In effect, the setback will be increased by one-half (1/2) the distance the right of way is below standard.)
7. Planting Strips in roadways shall be approved by the City Council as to gradient, drainage, and surface treatment.
8. Street name signs conforming to the standard for the City shall be provided at all intersections and approved by the City Council.
9. Street lights shall be provided in accordance with the latest regulations of the City of West Peoria Street Lighting District. This requirement shall also include any new areas annexed into the City.

TITLE 7 SUBDIVISION

CHAPTER 7 ADMINISTRATION; LEGAL DATA

7-7-1 Establishment; Appointment of Plat Officer

7-7-2 Variance and Amendments

7-7-3 Conflict with Private Deeds and Covenants

SECTION 7-7-1 ESTABLISHMENT; APPOINTMENT OF PLAT OFFICER

The office of Plat Officer is hereby established in which is vested the duty of administration of these regulations as specified herein and such other related regulations as specified herein and such other related regulations as are assigned to that office by the Council.

The Plat Officer is to be appointed by the Mayor with the advice and consent of the Council and shall be a person who is qualified by professional or practical training and experience to conduct the affairs of that office. Pay, if any, will be set by the Council via separate resolution.

SECTION 7-7-2 VARIANCE AND AMENDMENTS

- A. Variances, General: The Council of the City hereby reserves authority to vary the strict application of any of the provisions herein contained, but such variances shall be exercised only upon written recommendation of the Planning Commission which in turn shall make such recommendation upon recommendation of the Plat Officer or upon its own motion.
- B. Variances, Large Scale Development: The standards and requirements of these regulations may be modified by the Council in case of a plan or program for a complete community or neighborhood unit. Such modification shall not be made until after written recommendation of the Planning Commission, which recommendation may be given when in the judgement of the Planning Commission, the specific plan or program presented provides adequate public space and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.
- C. Amendments: Amendments to this Subdivision Title shall be made by the Council as provided by Statute; provided, however, that no amendment shall be adopted without first referring the proposed amendment to the Planning Commission and receiving a report therefrom, except, however, if no report is received within ninety (90) days, it shall be deemed to be approved by the Planning Commission.

SECTION 7-7-3 CONFLICT WITH PRIVATE DEEDS AND COVENANTS

In case of any conflict between this Title or part thereof and the whole or part of any existing or future private covenants or deeds, the most restrictive shall apply.

APPENDIX AND EXHIBITS

**APPENDIX A
EXHIBIT 1
PRELIMINARY PLAN APPROVAL, PLANNING COMMISSION AND CITY COUNCIL**

A. The following notices shall be typed or stamped on the preliminary plan:

Recommendation of Preliminary Plan Approval by the Planning and Zoning Commission of West Peoria, Illinois.

“Notice is hereby given that this preliminary plan of the subdivision shown hereon is recommended by the Planning and Zoning Commission of West Peoria, Illinois, for City Council approval with the modifications contained in Appendix A (if any), which is attached.”

The Planning and Zoning Commission of West Peoria, Illinois

Date _____, 20 _____

By _____
Chairperson

By _____
City Clerk

Notice of Approval of Preliminary Plan by the City Council of West Peoria, Illinois.

“The Preliminary Plan of the subdivision shown hereon has received approval by the City Council of West Peoria, Illinois, subject to the modifications contained in Appendix A (if any) which is attached.”

The City Council of West Peoria, Illinois.

Date _____, 20 _____

By _____
Mayor

Attest _____
City Clerk

**APPENDIX A
EXHIBIT 2
OWNER'S CERTIFICATE**

STATE OF ILLINOIS)
) SS
COUNTY OF PEORIA)

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned, hereby certify that we are the owners of all premises embodied in the attached Plat of _____

Subdivision to the City of West Peoria, Illinois, and that we have caused said Plat to be made and that it is a true and correct plat of _____ Subdivision to the City of West Peoria, Illinois, as laid off in lots and streets by _____, _____

Registered Land Surveyor Number _____ ; and we, the undersigned, hereby dedicate and set apart to the City of West Peoria for general utility purposes, (and further dedicate the public use areas as shown on said plat) *

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this _____ day of _____, 20____.

(SEAL)

*where dedication is required under Section 3.5

NOTARY'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF PEORIA)

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that

Personally known to me to be the same person(s) whose name(s) (is/are) subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that (he/she/they) signed, sealed and delivered the said instrument as (his/her/their) free and voluntary act for the uses and purposes therein set forth, including the release and waiver of Homestead, also including the dedication of all streets and highways to the City of West Peoria, Illinois for the public forever, and including the grant of certain general utility easements to the City of West Peoria, Illinois (and including the grant of public service areas to the City of West Peoria).*

Given under my hand and notarial seal this _____ day of _____, 20____.

Notary Public

*where dedication is required under Section 3.5

**APPENDIX A
EXHIBIT 3
COUNTY CLERKS CERTIFICATE**

STATE OF ILLINOIS)
)SS
COUNTY OF PEORIA)

I, _____, County Clerk of Peoria County, State of Illinois, do hereby certify that on the _____ day of _____, 20____, there were no delinquent general or special taxes unpaid, or any special assessments or delinquent special assessments unpaid against the tract of land shown on the plat of the Subdivision attached to this certificate and described in the Certificate of the Surveyor attached hereto and to said plat.

County Clerk, Peoria County, Illinois

COUNTY SEAL

EXHIBIT 4 PLAT CERTIFICATION

STATE OF ILLINOIS)
)SS
COUNTY OF PEORIA)

Approved by the Board of Supervisors of Peoria County, Illinois this
Day of _____ , 20____ .

County Plat Officer

*For plats outside corporation limits, form as required by Peoria County Subdivision Regulations.

EXHIBIT 5 CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF PEORIA)

I, _____, City Clerk of West Peoria, Illinois, do hereby certify that the foregoing is a true and complete copy of an original _____ presented, passed and approved at a regular meeting of the Council held on the _____ day of _____, 20____, by an affirmative vote of the majority of all members elected to said Council, the vote having been taken by yeas and nays and entered on the record of the proceedings of said Council.

Witness my hand and seal of said City of West Peoria, this _____ day of _____, 20____.

City Clerk

**APPENDIX A
EXHIBIT 6
SURVEYOR'S CERTIFICATE**

STATE OF ILLINOIS)
)SS
COUNTY OF PEORIA)

I, _____, hereby certify that I have surveyed, according to the laws of the State of Illinois, and with the Ordinances of the City of West Peoria, for _____, the following described property, to-wit:

I further certify that I have subdivided the same into _____ lots, numbered through _____, the streets and easements as shown on the attached plat.

Unless noted otherwise, iron pins identify all lot corners as shown on said plat.

Said subdivision is to be known as “_____“, West Peoria, Peoria County, Illinois.

I further certify that (said subdivision lies within) (no portion of said subdivision lies within) 500 feet of any surface drain or water course serving a tributary area of 640 acres or more.

Name of Firm of Surveyor _____

Professional Land Surveyor No. _____

Address _____

Date _____

**APPENDIX A
EXHIBIT 7
CITY ENGINEER'S CERTIFICATE**

STATE OF ILLINOIS)
)SS
COUNTY OF PEORIA)

I, _____, City Engineer for the City of West Peoria, Illinois, hereby certify that the land improvements described in the annexed plat and the plans and specifications therefor meet the minimum requirements of said City outlined in the West Peoria City Code.

Dated at West Peoria, Peoria County, Illinois, this _____ day of _____, 20____ .

**APPENDIX A
EXHIBIT 8
SUBDIVISION BOND**

KNOW ALL MEN BY THESE PRESENTS that _____ as Principal, and _____, hereinafter called Surety, _____

are held and firmly bound unto the City of West Peoria, a municipal corporation, hereinafter called the Obligee, in the penal sum of _____ (\$_____) lawful money of the United States, for which we, and each of us, hereby bind ourselves as Principal and as Surety to be truly made by us, our heirs, executors, administrators, successors and assigns, jointly and severally, by the following presents:

Sealed and dated this _____ date of _____, 20____, at West Peoria, Peoria County, Illinois.

WHEREAS, a petition has been filed with the Council of the City of West Peoria for the acceptance of a tract of land as a subdivision to the City, under the name and title of “_____

_____ Subdivision, according to the plat of _____, Registered Illinois Land Surveyor No. _____, consisting of _____ lots and streets, dated _____, 20____, and the plan of which Plat has received preliminary approval by the Planning Commission of the City of West Peoria and the City Council, and said plat will be finalized upon the Principal’s meeting the further requirements of the Land Subdivision Code of the City of West Peoria.

The legal description of the property sought to be subdivided, and for which a final plat will be presented, and for which property this Bond is given, is described as follows, to-wit:

WHEREAS, the Principal is required by ordinance of the City of West Peoria to provide sanitary sewer and water conduits, curb and gutter, street base and surface, sidewalks, storm water conduits, street lights and pay all inspection fees and other costs set forth in said Land Subdivision Code, and said work is to be done per exact specifications and plans furnished as required by said Code and as heretofore established by the City of West Peoria; and,

WHEREAS, said Principal and Surety promise and guarantee that all construction on said proposed improvements shall be done in a skillful manner and according to the ordinance of the City of West Peoria, and subject always to the inspection and approval by said Obligee and its authorized officers and employees, and shall be completed on or before _____, 20____, and further guarantees that all damage or liability incurred by the City of West Peoria, its Officers and/or employees, which damage or liability is caused or results from defects in the construction, operation, or repair of said improvements made by the said Principal to said improvements will be repaired and the Obligee herein, its officers or employees saved harmless from any and all claims whatsoever arising from the operations of the Principal for and during the period from the acceptance of this bond by said Obligee and one (1) year after the completion and acceptance by said Obligee of all matters and things required by said Ordinance and herein bonded to be done.

NOW, THEREFORE, the condition of this obligation is such that if the above bonded Principal shall well and truly keep, do and perform each and every, all and singular, the matters and things in said plans and specifications required and set forth and specified to be done by said Principal and performed by said Principal at the time and in the manner in said ordinance specified, or shall pay over, make good, reimburse, and save the above-named Obligee harmless from all loss and damage which said Obligee may sustain by reason of failure or default by said Principal so to do, or from defects in those improvements appearing within one (1) year after their acceptance by the City, then this obligation shall be invalid; otherwise, the same shall remain in full force and effect.

Principal

Surety

NOTARY'S CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF PEORIA)

I, _____, a Notary Public in and for said County, in the State aforesaid, do hereby certify that _____, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed the above instrument as their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____, 20__.

Notary Public

NOTE: Such agreements, as set forth above, shall not be required for subdivisions located in the unincorporated areas within one and one-half (1 ½) miles beyond the City limits where there is evidence that agreements are reached between the owner or subdivider and Peoria County. However, when the City standards of public improvements are of higher quality than Peoria County standards, such agreements shall be required by the City.

APPENDIX A

EXHIBIT 9

**FINAL PLAT PAYMENT, PERFORMANCE AND WORKMANSHIP BOND
SECURED BY IRREVOCABLE LETTER OF CREDIT**

KNOW ALL MEN BY THESE PRESENTS, that

(owner and/or subdivider of the property) hereinafter called the Principal, is/are held and firmly bound unto the City of West Peoria, Peoria County, Illinois, a Municipal Corporation, hereinafter called the Obligee, in the penal sum of _____ (amount of bond) lawful money of the United States, for which he/she/they hereby bind _____ (himself/herself/itself/themselves) to be truly made by _____ his/her/their heirs, executors, administrators, successors and assigns, jointly and severally, by the following presents.

Sealed and dated this _____ day of _____, 20____, at West Peoria, Peoria County, Illinois.

WHEREAS, a Petition has heretofore been filed with the City Council of the City of West Peoria for the acceptance of a tract of land as a subdivision to the City of West Peoria under the name and title of _____ (name of subdivision), Peoria County, Illinois per plat of _____(name of subdivision), Peoria County, Illinois, per plat of _____ (name of Professional Land Surveyor) Illinois Professional Land Surveyor No. _____, consisting of _____ (number of lots in subdivision) lots and streets, dated _____ (date of final plat) and the plan of which Plat has received preliminary approval by the Planning Commission and the Council of the City of West Peoria, and which Plat will be finalized upon the Principal's meeting the further requirements of the Land Subdivision Code of the City of West Peoria.

The legal description of the property sought to be subdivided, and for which a final plat will be presented, and for which property this Bond is given, is describes as follows, to-wit:

(Legal Description of the property in the Subdivision)

WHEREAS said Principal is required by ordinance of the City of West Peoria to provide sanitary sewer and water conduits, curb and gutter, street base and surface, sidewalks, storm sewer conduits, street lights, and pay all inspection fees and other costs set forth in said ordinance and provide a complete and accurate set of as-built plans, all of which said work is to be done per exact specifications and plans as provided by said ordinance and as heretofore established by the City of West Peoria; and

WHEREAS said Principal's promise and guarantee that all construction on said proposed improvements shall be done in a workmanlike manner and in compliance with the ordinances of the City of West Peoria, and subject at all times to the inspection and approval of said Obligee and its authorized officers and employees, and shall be completed on or before (two years after the date of Council approval of the subdivision) and upon further guarantee that all damage or liability is caused or results from the construction, operation or repairs made by the said Principal to said streets, utility conduits, etc., pursuant

to the terms of said plans and specifications, will be repaired and the Obligees herein, its officers or employees saved harmless from any and all claims whatsoever arising from the operations of the Principal for and during the period from the acceptance of this bond by said Obligees and for one (1) year after the completion and acceptance by said Obligees of all matters and things required by said ordinance and herein bonded to be done.

NOW, THEREFORE, the condition of this obligation is such that if the above bonded Principal shall well and truly keep, do and perform each and every, all and singular, the matters and things in said plans and specifications, required and set forth and specified to be done by said Principal and performed by said Principal at the time and in the manner in said documents specified, or shall pay over, make good, reimburse and save the above-named Obligees harmless from all loss and damages which said Obligees may sustain by reason of failure or default on the part of said Principal so to do or from defects in the aforesaid improvements appearing within one (1) year after their acceptance by the City, then this obligation shall be null and void; otherwise, same shall remain in full force and effect.

PRINCIPAL:

APPENDIX A
EXHIBIT 9

NOTARY'S CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF PEORIA)

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that _____, an individual, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed the above instrument as their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____, 20____.

Notary Public

APPENDIX A
EXHIBIT 10
IRREVOCABLE LETTER OF CREDIT

THE _____ DATE: _____
(Name of financial institution)

TO: The City of West Peoria

We hereby authorize you to draw from our financial institution up to an aggregate amount of _____ (\$ _____) United States Dollars (amount of security required) from the account of _____ (name of developer) in connection with _____ (name of the subdivision).

This Letter of Credit is available to you upon your presentation of a request for payment, accompanied by: a signed statement by the City Engineer of the City of West Peoria that _____ (name of developer) has failed to complete the required construction of on or off-site public improvements for the _____ Subdivision in accordance with the City's Subdivision Ordinance and the Subdivider's Final Plat Public Improvement Payment, Performance and Workmanship Bond dated the ___ day of _____, 20__.

We hereby agree to honor each draft drawn under and in compliance with the terms of this letter, if and when duly presented at this office in _____, Illinois, until the expiration of one (1) year after the approval and acceptance by the City of all subdivision improvements within said subdivision, or until such later date as any written claim by the City against the subdivider or his financial institution is finally resolved.

The irrevocable credit established by us shall remain in effect without regard to any default in payments of sums owned by us, the owner and/or developer, and without regard to other claims which may have against the owner and/or developer. Sixty (60) days prior to the expiration of this irrevocable credit we shall notify the West Peoria City Council, by certified letter return receipt requested, of the impending expiration date. This commitment shall not terminate without such notice. It is recognized that the municipality is according the owner and/or developer the permission to proceed with the development project expressly upon the guarantee of the irrevocable nature of this commitment. It is further acknowledged that the consideration for this irrevocable commitment is provided by agreements between this financial institution and the developer. The sum of this credit shall, however, be reduced in the amount of disbursements made from time to time in accordance with the terms under which this credit is extended as set out above.

BY:

ATTEST:

Its

Its