

ARTICLE 1
IN GENERAL

Sec. 62-1 Short Title

This Chapter shall be known, referred to and cited as the Land Subdivision Regulations of DeKalb County, Illinois.

Sec. 62-2 Scope of Chapter

For the purpose of present and future development of the County, and for the promotion of the public health, safety, comfort, morals and welfare of persons living within the area of jurisdiction of the County, this Chapter prescribes procedures for the subdivision or re-subdivision of land within the area of jurisdiction of the County and contains the procedures, requirements, standards and specifications with respect thereto.

Sec. 62-3 Intent and Purpose of Chapter

- a. This Chapter is intended for the purpose of providing adequate service and utilities, safe, convenient access, a desirable and attractive living environment through good subdivision design, and utilizing development standards directed toward reasonable costs for initial development and continuing maintenance including the following:
 - i. The proper location and width of streets, building setback lines, open spaces, recreational areas and public lands;
 - ii. The avoidance of conditions which lead to the creation of blighted areas;
 - iii. The avoidance of overcrowding of population and congestion of vehicular traffic;
 - iv. The manner in which streets are to be graded and improved, and the extent to which water, sewer, storm water and other utility services are to be provided;
 - v. The provision of adequate space for traffic; for utility facilities; access of emergency apparatus; for the control of the number, spacing, type and design of access points to existing or future streets; for minimum width, depth and area of lots; for light and air; and for a proper distribution of population.

- b. It is intended that this Chapter shall supplement and facilitate the enforcement of the provisions and development standards contained in the building codes, Zoning Ordinance and the Comprehensive Plan, and such documents and/or policies in their application to land subdivision procedures.

Sec. 62-4 Interpretation of Chapter

- a. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion and effectuation of the purposes set forth in this Chapter. Nothing in this Chapter shall preclude the subdivider/developer from exceeding any such minimum requirement.
- b. Nothing in this Chapter shall repeal, abrogate, annul, or in any way interfere with any provision of law, or any rules or regulations other than subdivision regulations adopted or issued pursuant to law relating to subdivision or development of land. Where this Chapter imposes greater restrictions or requirements than are imposed or required by other provisions of law, rules, regulations, covenants or agreements, the provisions of this Chapter shall control, but nothing in this Chapter shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this Chapter.

Sec. 62-5 Recording of Plat Required Prior to Sale of Lots.

No lot in a subdivision, as defined in this Chapter, may be conveyed unless a final plat of the property has been approved according to the requirements and provisions of this Chapter, and recorded in the office of the County Recorder of Deeds.

Sec. 62-6 Suitability of Land for Subdivision Development.

Land unsuitable for subdivision development due to drainage, flood hazard areas, topography or other conditions constituting a danger to health, life or property shall not be approved for subdivision development unless the subdivider presents evidence or data satisfactory to the Planning and Regulations Committee, establishing that the methods proposed to meet any such conditions are adequate to avoid any danger to health, life or property.

Sec. 62-7 Administrative Officers

- a. In the County, two officers are concerned with the administration of this Chapter. They are as follows:
 - i. *Plat Officer.* The County Planning Director is designated as the Plat Officer. The Plat Officer shall have overall responsibility for the administration of this Chapter. The Plat Officer shall retain copies of plats, documents, correspondence, plans, specifications and other data as permanent public records.
 - ii. *County Engineer.* The County Engineer (formerly the superintendent of the

County Highway Department) shall review all subdivision plans concerning street and drainage design standards and engineering specifications as stipulated in this Chapter and forward recommendations to the Plat Officer. When the County Engineer desires additional technical data or professional assistance in completing his review, he may, with concurrence of the Plat Officer, take whatever measures are reasonably necessary to obtain such information or services. The costs of such data and assistance will be borne by the developer.

Sec. 62-8 Review of Development in Proposed Planned Development Zoning Districts

- a. The review of a property development proposed for County Board approval of a Planned Development Zoning District may be exempt in part from the requirements set forth in this Chapter provided such development:
 - i. Meets the conditions for approval of and involves only permissible land uses set forth in the Zoning Ordinance; and
 - ii. Promotes the public health, safety, morals, comfort and general welfare and conserves the values of property.
- b. Requirements that may be waived for a Planned Development Zoning District may include, but are not limited to the standards contained in Article IV and Article V.
- c. The submission and review of preliminary Planned Development plans may be done concurrently with preliminary plats. The submission and review of final Planned Development plans may be done concurrently with final plats.

Sec. 62-9 Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley - A secondary means of ingress or egress serving more than one tract of land and used primarily for vehicular service, and which may be used for public utility purposes.

Base Flood - The flood having a one (1) percent chance of being equaled or exceeded in any given year. The base flood is also known as the 100 - year flood.

Base Flood Elevation - The elevation in relation to Mean Sea Level of the crest of the base flood.

Basement - A story partly or wholly underground. Where a basement is used for business or

dwelling purposes or where more than one-half ($\frac{1}{2}$) of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for purposes of height measurement.

Benchmark - A definite point of known elevation and location and of more or less permanent character. The identity and elevation shall be based on United States Geological Survey (U.S.G.S.) datum.

Block - An area of land surrounded by public highways, streets, streams, railroad rights-of-way, recreation areas, rural land, drainage channels, or other similar areas or facilities.

Block Face - Property having frontage on one side of a street and lying between the two nearest intersecting streets or nearest intersection or intercepting street and railroad right-of-way, waterway, or other barrier.

Board and County Board - The governing body of the County.

Bond - A good and sufficient security meeting the requirements of this Chapter.

Cable Television (CATV) Company - A company which has obtained a franchise from the appropriate unit of local government to provide television signals for public use via permanently installed coaxial cable.

Commercial Letter of Credit - See *Irrevocable commercial letter of credit*

Committee: (See Planning and Regulations Committee)

Common Land - The land set aside for open space, including stormwater, retention lakes, ponding, or recreational use for the owners of lots in a subdivision, which land is conveyed in trust for the benefit, use and enjoyment of the lot owners.

Comprehensive Plan - A plan for the County, including graphic and written elements, indicating the long-range physical development of the County or any of its parts, including any part of such plan separately adopted, any amendment to such plan and parts thereof, and any binding plan agreements with other jurisdictions adopted by the County board.

Concept Plan - A graphic exhibit which shows basic resource features, proposed land uses, roadway layout, general drainage features, including high and low elevation points, and other such data of a proposed subdivision. The purpose of the Concept Plan is to explore alternative subdivision arrangements prior to investing significant time and money on detailed drainage and data collection for a proposal which may not be acceptable.

Congressional survey township - An area approximately six miles square identified by its unique township and range numbers with respect to a designated principal meridian and baseline.

County Clerk and Recorder - The elected County Clerk and Recorder of the County.

County Engineer, formerly Superintendent of Highways - An official appointed by the County board, under state law.

Critical (unsuitable) soil - Soil materials that have been disturbed or have natural limitations extensive enough to require alternative systems or are perhaps so limited as to preclude the practicality of on-site wastewater treatment.

Cul-de-Sac, court and dead end street - A street or highway not to exceed 500 feet in length, having one end open to traffic and being permanently terminated by a vehicle turnaround with a minimum roadway radius of 50 feet and a right-of-way radius of 75 feet.

Culvert - A transverse drain that channels under a street or driveway.

Curb Face - The edge of the curb rising from the flow line of the gutter.

Dedication - Intentional transfer by the developer to the public of ownership of land or an interest in land for a public purpose. Dedication may be effected by formal conveyance, or by any other method recognized by the laws of the state.

Department - The Planning Department of the County.

Detention - The temporary storage of the differential runoff of stormwater by providing permanent facilities, such as dry reservoirs, ponds, or other acceptable alternatives.

Developer - That person by whom a tract will be subdivided and improved pursuant to the requirements of this Chapter.

Director - The Planning Director of the County.

Drainage Basin - An area of land which, because of the nature of the topography, collects naturally the surface drainage of the surrounding land.

Easement - A grant by the property owner for the use of an area of land by the public, a corporation or persons for specified uses and purposes to be designated as a "public" or "private" easement, depending on the nature of the use.

Engineer, design - A professional engineer, registered and licensed as such in the state, responsible for the design of site improvement plans and specifications for a project or subdivision.

Engineer, project - A professional engineer, registered and licensed as such in the state, responsible for assuring that the site improvements are constructed and installed according to approved plans and specifications and according to good engineering practice.

Escrow Agent - A title company, bank, savings and loan association, trust company, attorney, or any person or agency approved by the state's attorney to act as escrow agent under the provisions of Section 62-36.

F.E.M.A. - Federal Emergency Management Agency.

Final Plat - The official graphic depiction of a subdivision which is ultimately filed for the record in the recorder's office. It shows all lots, easements, streets and other dedicated areas. The final plat also indicates items such as building setback lines, restricted for septic systems and any ingress and egress restrictions.

Floodplain - That area within the unincorporated area of the County subject to a one percent, or greater, chance of flooding in any given year. This area is subject to the "FP" floodplain regulations of the Zoning Ordinance.

Frontage - The length of any one property line of a premises, which property line abuts a street.

Health Department - The County Health Department.

Highway - See *Street*.

Highway, collector - A rural road and its extensions in or through villages or cities which forms an interconnected network and provides service to communities, generally under the administration of the County.

Highway Commissioner - See *Township Highway Commissioner*.

Highway Department - The County Highway Department.

Highway Land Access - A rural road, other than an area service, collector, major and trunk highway and subdivision street, which provides access to farms and land used for agricultural or other low intensity uses, generally under the administration of the township road district.

I.D.O.T. - The Illinois Department of Transportation.

Irrevocable commercial letter of credit - Written offer by a bank or other financial agency to the County, approved and accepted by the County state's attorney and by the County board, authorizing the County to draw on that bank or other financial agency in accordance with the terms stated and a promise by the bank or other financial agency to accept and pay bills or drafts so drawn. Such letter of credit shall be irrevocable and shall be accompanied by a subdivider's personal bond.

Land Improvements - All required improvements, including but not limited to roads, road lighting, road signs, permanent monuments, grading and surface and subsurface drainageways and facilities, retention and detention basins, soil erosion control, community water distribution systems and water supply facilities, community sewage systems, community sewage treatment plants and sanitary sewers, fencing and required landscaping.

Land surveyor - A land surveyor registered in the State.

Lot - A portion of a subdivision or other parcel of land intended as a unit for development or transfer of ownership.

Lot area - The horizontal projection of a parcel of land or a body of water, or combination of both, exclusive of any portion of the right-of-way of any public or private streets. Measurements are to be made by standard surveying practice methods.

Lot, corner - A lot of which at least two (2) adjacent sides abut for their full length upon streets, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees.

Lot depth - The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

Lot, double-frontage - A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.

Lot, interior - A lot other than a corner lot.

Lot (parcel) of record - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County recorder, or a legally created parcel of land, the deed to which was recorded in the office of the County recorder.

Lot width - The horizontal distance between side lot lines, measured at the front setback.

Lot, zoning - A single tract of contiguous land under common ownership, wholly within the

boundaries of DeKalb County and on one side of a public street, which is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control and which meets all requirements of the Zoning Ordinance of DeKalb County. All zoning lots must front on a public street or private drive approved as part of a subdivision. The division of a zoning lot may or may not result in the creation of two or more zoning lots, and a zoning lot or lots may or may not coincide with a lot of record.

Marginal access street and frontage road - A local street or highway paralleling, adjacent to and having limited access to a freeway, expressway, collector highway, area service highway, or land access highway which provides direct access to abutting property and protection from through traffic.

Monument - A physical structure which marks the location of a corner or other survey point as required by provisions contained in this Chapter.

Natural resource inventory (NRI) report - A report prepared by the County soil and water conservation district which describes the soils, as shown on the official County soil maps, surficial geology and natural features of a parcel of land, and evaluates in general terms its suitability for a particular use.

Noncritical (suitable) soil - Undisturbed soil materials, as determined by an on-site comprehensive soil survey, that can support a conventional private sewage disposal system, where at least the lower portion of the soil absorption part of the system can be installed in original, uncompacted soils.

Owner - The owner of a piece of property (or the beneficiary of title that is held in a trust) or his designated representative such as developers, engineers, land surveyors and other agents.

Partial street - That portion of the street right-of-way on either side of a tract boundary, generally parallel and adjacent to the boundary line of the tract, having a lesser right-of-way width than required for a full width street of the type involved.

Pedestrian way - An easement or right-of-way designated to facilitate pedestrian access to adjacent streets and properties.

Performance Guarantee - An irrevocable letter of credit or an escrow account issued in the name of the County to cover 120 percent of the estimated costs of improvements approved by the County as a condition to final plat approval.

Person - A corporation, firm, partnership, association, agency, organization, or any other group acting as a unit, as well as a natural person.

Personal Bond - A bond executed by the promisor without a surety, or a contract or promise to pay.

Planned development zoning district - A district authorized and regulated through the Zoning Ordinance. This zoning district is designed to allow greater flexibility in development of land in a manner not possible in conventional zoning districts or through strict adherence to this Chapter. The planned development is a development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces and other features and improvements.

Planning and Regulations (P & R) Committee - The Planning and Regulations Committee of the County Board.

Plat Act - An act to revise the law in relation to plats, approved March 21, 1874, as amended.

Plat, final - A plat prepared for official recording and meeting the criteria of this Chapter and the plat regulations of the Illinois Compiled Statutes.

Plat, preliminary - A preliminary map and supporting data, indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for the review by the County Planning and Regulations Committee, meeting the requirements of this Chapter.

Public walkway - A right-of-way dedicated for the purpose of pedestrian access and located so as to connect two or more streets, a street and a public land parcel, or any two public parcels of land.

Recorder - The elected or appointed recorder of deeds in the County.

Recorder's act - An act to revise the law in relation to recorders, approved March 9, 1874, as amended.

Regional superintendent of schools - The elected or appointed head of the County educational services region.

Replatting and resubdividing - The recombination or re-division of lots of record into larger or smaller lots.

Right-of-way - A strip of land reserved or acquired by dedication, prescription, condemnation, gift, purchase, eminent domain or any other legal means occupied or intended to be occupied by a street, sidewalk, railroad, utility, sewer, or other similar use.

Road district - Each township, for the purposes of this Chapter shall be a road district for all

purposes relating to the construction, repair, maintenance, financing and supervision of township roads, including land access highways.

Septic system (conventional) - An individual, conventional on-site sewage system employing a septic tank and the soil treatment system commonly known as seepage trenches, that are partially or wholly in original soil material.

Setback - The distance between a structure and any lot line, that establishes the area within which a structure cannot be erected or placed, except as may be permitted in the Zoning Ordinance.

Sidewalk - A pedestrian walkway within the public road right-of-way or easement.

Siltation control - The installation of such devices as sediment ponds, bales of straw, fencing, siltation webbing, sodding, seeding and mulching, or other devices to prevent silting of abutting properties and roadways during the period of construction and up to and including such time as permanent ground cover is attained.

Slope - The rate of deviation of the ground surface from the horizontal as expressed in percentages.

Soil classifier - A certified member of the Illinois Soil Classifiers Association or a certified professional soil classifier member of ARCPACS, who, by reason of his special knowledge of the physical, chemical and biological sciences applicable to soils, and of the methods and principles of soil classification as acquired by soils education and soil classification experience in the formation, morphology, description and mapping of soils is qualified to practice soil classifying.

Soil Conservation Service - A division of the United States Department of Agriculture which provides technical assistance in soil-related matters to individuals, units of government, etc., through the local soil and water conservation district office.

Soil Scientist - An individual with a minimum of a bachelor's of science degree in soil science or a related field with at least 15 semester hours in soils, plus one year of soils field investigation and mapping for areas located in Northeastern Illinois.

State's attorney - The elected or appointed state's attorney of the County.

Street and Highway - A public right-of-way or approved private thoroughfare which affords the principal means of access to abutting property. The term includes all facilities which normally are found within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, court or other such terms but shall not include pedestrian way, alley, or private or common driveway.

Street, collector - Collector streets function as secondary land service streets in that they move traffic from the major streets, which distribute traffic regionally, to minor streets, which distribute the traffic to individual lots, parcels, and uses within the subdivision, area, or neighborhood. Collector streets also may serve individual lots, parcels, and uses as a secondary or additional function. The average daily traffic for collector streets is between 250 and 5,000 vehicles.

Street, frontage or service - A minor street generally parallel to and adjacent to arterial streets and highways, which provides access to abutting properties and protection from through traffic.

Street line - The dividing line between the street or highway right-of-way and the lot.

Street, loop - A short, independent street which usually has its termination along the same collector street as its origin.

Street, major and arterial street - A street utilized for high vehicular speeds or for heavy volumes of traffic on a continuous route, average daily traffic exceeds 5,000 vehicles.

Street, minor and local street - Minor streets are exclusively land service facilities for access to abutting properties. These serve the local neighborhood and may be in the form of a cul-de-sac or loop street, provided that average daily traffic is less than 250 vehicles.

Street, multiple-family access - A private way or driveway which affords a means of vehicular access to parking areas and bays and to abutting buildings in a multiple dwelling unit subdivision.

Subdivider - Any person who, having an interest in land, causes it, directly or indirectly to be divided into a subdivision; or,

- a. who directly or indirectly sells, leases, develops or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel site, unit or plot in a subdivision; or
- b. who engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel site, unit or plot in a subdivision; and
- c. who is directly or indirectly controlled by, or under, direct or indirect common control with any of the foregoing.

Subdivision - The division of a parcel of land into two (2) or more parts, any of which part is less than five (5) acres exclusive of all right-of-way, for the purpose of transfer of ownership or

possession, or building development; or if an easement of access or a new road is involved, any division of land. The term includes any division of land that attempts to avoid the requirements of this Chapter. Where appropriate to the content, the term shall relate to the process of subdivision, or to the land subdivided, and shall include re-subdivisions. Subdivision platting is not required and the provisions of this Chapter, unless otherwise stated below, shall not apply in any of the following instances:

- a. A division of land which may be ordered or approved by a court or affected by testamentary or intestate provision.
- b. Any division of a parcel of land or conveyance of a parcel of land which is expressly exempt from subdivision platting by state law.
- c. A division of land into lots or parcels of five acres or more, such division not for agricultural purposes, provided:
 - (1) All lots have a minimum width and frontage of not less than two-hundred and fifty (250) feet on a public road right-of-way.
 - (2) The dedication of school and park sites or payment of fees in lieu thereof is made in accordance with Article V and VI of this Chapter.
- d. The division for the purpose of the sale or transfer of ownership of one (1) lot, containing an existing residential structure constructed prior to August 15, 1979, and being not less than two (2) acres in area, such division made in accordance with the requirements set forth in Section 4.02.D(2) of the Zoning Ordinance.

Subdivision, Major - All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new streets or extension of the local governmental facilities, or the erection of any public improvements. Major subdivisions shall be subject to all the procedural requirements of Article III.

Subdivision, Minor - A subdivision into not more than three (3) lots, with no new public improvements (including but not limited to, new streets or easements of access) which, at the discretion of the Planning Director, may be exempted from concept stage and preliminary plat review.

Subdivision, Non-Residential - Either:

- a. a division or re-division of a tract of land into more than one (1) lot, plat, or site for commercial or industrial purposes; or

- b. the dedication or establishment of a street, alley, pedestrian way in conjunction with or use in any such tract.

Suitable Soil - Undisturbed soil materials as determined by on-site comprehensive soil survey that can support a conventional private sewage disposal system, where at least the lower portion of the soil absorption part of the system can be installed in original, uncompacted soils. Another term having the same meaning for purposes of this Chapter can be "Non-Critical Soils".

Surety Bond - (See Performance Guarantee)

Township Highway Commissioner - In each township road district, the elected Highway Commissioner, pursuant to Illinois 605 ILCS 5/6-112. Compiled Statutes (60 ILCS 1/73-5 (as amended)).

Trust Indenture - Any recordable instrument by which common ground is held or maintained or assessments in a subdivision are levied for the administration of specific obligations or both.

Utility Company - A person, firm or corporation who owns, controls, operates or manages any equipment, plant or property furnishing telephone, telegraph, electric, cable television, light, heat, power, water, sewerage, gas (by pipeline) or similar service for public use.

Vicinity Map - A drawing located on the preliminary plat which sets forth by dimensions or other means, the relationship of the proposed subdivision to other nearby developments, landmarks, community facilities or services.

Walkway - (See Public Walkway)

Wetland - Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support under normal circumstances a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. In any case, the definition of wetland applicable in this Chapter shall conform to the definition, as amended, adopted by the U.S. Army Corps of Engineers or other such federal agency with lawful jurisdiction.

Zoning Ordinance - As from time to time amended, which controls and regulates zoning for DeKalb County, Illinois. [Ordinance No. 00-03, Adopted December 15, 1999].

Secs. 62-10 – 62-30. Reserved.