

ARLINGTON HEIGHTS VILLAGE CODE

CHAPTER 29 SUBDIVISION CONTROL REGULATIONS

Article I General Provision

- Section 29-101 Definitions
- Section 29-102 Purpose
- Section 29-103 Rules for Interpretation and Construction
- Section 29-104 Scope of Regulations
- Section 29-105 Partial Exceptions
- Section 29-106 Additional Requirements for Land Outside Village Limits
- Section 29-107 Variations
- Section 29-108 Building and Other Permits
- Section 29-109 Illegal Subdividing and Penalties Therefor
- Section 29-110 Penalty

Article II Procedure for Subdivision of Land

- Section 29-201 Filing Preliminary Plat
- Section 29-202 Plan Commission Consideration of Preliminary Plat
- Section 29-203 Consideration of Preliminary Plat by Board of Trustees
- Section 29-204 Effect of Approval of Preliminary Plat
- Section 29-205 Installation of Survey Monuments
- Section 29-206 Preparation of Detailed Plans for Required Improvements
- Section 29-207 Preliminary Review of Plans for Required Improvements
- Section 29-208 Final Approval of Plans for Required Improvements
- Section 29-209 Preparation of Final Plat
- Section 29-210 Additional Approvals, Certifications and Documents
- Section 29-211 Review by Director of Engineering
- Section 29-212 Submission of Final Plat to Plan Commission
- Section 29-213 Submission of Final Plat and Other Documents to the Board of Trustees
- Section 29-214 Approval of Final Plat by the Board of Trustees
- Section 29-215 Recording of Final Plat
- Section 29-216 Unit Developments
- Section 29-217 Plat Forms

Article III Subdivision Design Standards

- Section 29-301 Scope
- Section 29-302 Comprehensive Plan and Official Map
- Section 29-303 Land Subject to Flooding
- Section 29-304 Street Layout and Design
- Section 29-305 Alleys
- Section 29-306 Block Standards
- Section 29-307 Residential Lot Standards
- Section 29-308 Building Setback Lines
- Section 29-309 Easements

Article IV Dedication of Lands for Parks, Schools and Other Public Areas

- Section 29-401 Dedication of Park Lands and School Sites and Other Public Areas or For Payments of Fees in Lieu Thereof
- Section 29-402 Limitations on Size of Dedicated Land

SUBDIVISION CONTROL REGULATIONS

- Section 29-403 Form and Time of Offer; Acceptance; Rejection
- Section 29-404 Sites Not Set Forth in the Official Plan or Official Map
- Section 29-405 Park Districts and Park Management
- Section 29-406 Unit Developments
- Section 29-407 Library Services Contribution Fee

Article V Installation of Required Improvements

- Section 29-501 Required Improvements
- Section 29-502 Exceptions for Existing Improvements
- Section 29-503 Agreement, Bond and Deposit Guaranteeing Installation of Required Improvements
- Section 29-504 Inspection
- Section 29-505 Acceptance of Required Improvements by the Village

Article VI Contributions for Connection to Existing Public Facilities

- Section 29-601 General Requirements; Costs
- Section 29-602 Partial Contributions
- Section 29-603 Time of Payment
- Section 29-604 Contribution Fees Additional to all Other Fees and Charges

Article VII Real Estate Protection for Purchasers From Subdivision Sellers

- Section 29-701 Purpose
- Section 29-702 Short Title
- Section 29-703 Subdivision Seller
- Section 29-704 Liberal Construction
- Section 29-705 Exemptions
- Section 29-706 Severability
- Section 29-707 Effective Date
- Section 29-708 Scope of Regulation
- Section 29-709 Penalty

ARLINGTON HEIGHTS VILLAGE CODE

Article I General Provisions

Section 29-101 Definitions. Whenever used in this Chapter, the following terms and words shall have the meaning set opposite them:

- a. Alley. A strip of land along the side of or in the rear of lots intended to provide access to and from streets and such lots
- b. Building Setback Lines. A line nearest the front of and across a lot or parcel of land establishing the minimum open space to be provided between the front line of a building or structure and the line of the fronting street right-of-way.

(Ord. #07-039)

- c. Downtown District Streets. Any street designated as such on the Village Official Map or Village Comprehensive Plan Map designed to provide pedestrian and vehicular access to adjacent property, parking and loading areas, as well as move and distribute traffic to other streets in the thoroughfare network in an environment of diverse land uses in a concentrated area.
- d. Collector Street. Any street designated as such on the Village Official Map or Village Comprehensive Plan Map designed to provide access to adjacent property and collect traffic from sub-collector streets and local streets for distribution to the arterial road network and across neighborhood areas.
- e. Comprehensive Plan. A long-range public policy, adopted and, from time to time amended by the Board of Trustees, affecting community character, economic well-being, cultural and social amenities, ease and convenience of circulation, and orderly development of various land uses, and serving as a policy guide in all decisions related to community growth.

(Ord. #03-068)

- f. Consolidation: The combining of two or more lots or portions of two or more lots into a lesser number of lots for the purpose of creating a single unified development.
- g. Cul-de-sac. A street having one open end and being permanently terminated by a vehicle turn-around at the other end.
- h. Dead-end Street. A street having only one outlet and no features for vehicle turnaround.
- i. Drive, Private. A private roadway providing access from a street to two or more dwellings on the same lot.
- j. Driveway. A private motor vehicle access way between the roadway and a parking area within a lot.
- k. Frontage. The property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or with a dead-end street, all property abutting on one side of such street measured from the nearest intersecting street and the end of the dead-end street.

SUBDIVISION CONTROL REGULATIONS

- l. Frontage Drive. Any public or private roadway, paved parking lot aisle or driveway parallel with an adjacent arterial street which provides access to adjoining property and separates through traffic on arterial streets from vehicles accessing adjacent property.
- m. Local Street. A street intended primarily as access to adjoining properties.
- n. Lot. A portion or basic unit of a subdivision or other parcel of land intended to be the unit by which such land would be individually developed and transferred.
- o. Major Arterial Street. Any street designated as such in the Village Official Map or Village Comprehensive Plan Map designed to collect traffic from local streets, sub-collector streets, collector streets and secondary arterial streets and provide movement of large volumes of traffic across adjacent communities.
- p. Official Map. The map adopted and, from time to time, amended by the Board of Trustees showing the location of existing and proposed public service facilities and improvements, thoroughfare system improvements, park and school sites, and land for other public purposes for commencing and maintaining proceedings to subdivide such land as provided by law.
- q. Owner. The individual, firm, association, syndicate, co-partnership, corporation or trust, or any other legal entity, having sufficient proprietary interest in the land sought to be subdivided for purposes of commencing and maintaining proceedings to subdivide such land as provided by law.

(Ord. #03-068)

- r. Resubdivision: A consolidation, as defined in this Chapter, or the division of land which was previously subdivided by means of platting through the Arlington Heights approval process.
- s. Road or Roadway. The paved area existing on the street right-of-way, exclusive of sidewalks, driveways or related uses.
- t. Road or Roadway. The paved area, exclusive of sidewalks, driveways or related uses, on private property used or intended to be used for circulation, passage or travel of motor vehicles from a street to two or more adjacent parcels.
- u. Secondary Arterial Streets. Any street designated as such on the Village Official Map or Village Comprehensive Plan Map designed to collect traffic from local streets, sub-collector streets and collector streets and provide traffic movement between areas of the Village.
- v. Street. The street right-of-way or easement, whether public or private, it shall not be considered as the area of the paving or other improvement on the street right-of-way unless the paving and improvement coincides with the boundaries of the right-of-way.

ARLINGTON HEIGHTS VILLAGE CODE

- w. **Street Width.** The shortest distance between the property lines abutting both sides of a street right-of-way.
- x. **Sub-collector Street.** Any street designated as such in the Village Official Map or Comprehensive Plan Map designed to provide unrestricted access to adjacent property and collect traffic from local streets and distribute it to streets of higher classification such as a collector or arterial street.

(Ord. #03-068)

- y. **Subdivider.** The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of this chapter for the purpose of subdividing land or resubdividing land.
- z. **Subdivision.** Any division or resubdivision of land by means of mapping, platting, conveying, changing or rearranging of boundaries, or otherwise; it shall also relate to the process of subdividing or other land subdivided where appropriate to the context.
- aa. **Walkway.** A strip of land across a block reserved and dedicated for public use for the purpose of providing pedestrian access through the block.

(Ord. #03-068)

Section 29-102 Purpose. The provisions of this Chapter shall be held to be the minimum requirements for the following:

- a. To promote and protect the public health, safety and welfare.
- b. To assist in carrying out and implementing the Comprehensive Plan of the Village of Arlington Heights.
- c. To set forth rules and regulations for the subdivision and resubdivision of real property.
- d. To protect and preserve neighborhood character.
- e. To provide for wholesome community environment, adequate municipal services, safe streets and comprehensive and sound development of the municipality, both as to present and future requirements.

Section 29-103 Rules for Interpretation and Construction.

- a. Where the conditions imposed by the provisions of this Chapter are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- b. The provisions of this Chapter are not intended to abrogate any easement, covenant or other private agreement, provided that when the regulations of this Chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of this Chapter shall govern.

SUBDIVISION CONTROL REGULATIONS

- c. No subdivision of land which is not lawfully existing at the time of the adoption of this Chapter shall become or be made lawful solely by reason of the adoption of this Chapter; moreover, to the extent that a subdivision of land is in conflict with the requirements of this Chapter, that subdivision of land shall remain unlawful.
- d. The provisions of this Chapter are cumulative and additional limitations upon all other laws and ordinances passed or which may be passed governing any subject matter set forth in the provisions of this Chapter.

Section 29-104 Scope of Regulations.

- a. Jurisdiction. This Chapter is adopted pursuant to 65 ILCS 5/11-12 and shall apply to all land located within the Village and to all such land outside the Village which is subject to the control of the Village pursuant to statute, as it may be amended from time to time.

(Ord. #03-068)

- b. Applicability. No person shall:
 - 1. Divide or further divide land, or
 - 2. Consolidate residentially zoned lots which come under common ownership after November 1, 2003, or
 - 3. Otherwise alter the boundaries of lots or parcels of land, or
 - 4. Dedicate land for use as streets, alleys or sidewalks or for other public purposes, except in compliance with the provisions of this chapter.
- c. Exempt subdivisions. The foregoing to the contrary notwithstanding, this chapter shall not apply to the following exempt subdivisions:
 - 1. The division or further division of land into lots or parcels, each of which contains more than five acres, where such subdivision does not involve the creation of any new streets or easements of access;
 - 2. A transaction between owners of adjoining land which involves only a change of the boundary between the land owned by such persons;
 - 3. A conveyance of land or interests therein for use as right-of-way by a railroad or other public utility subject to State or Federal regulations, where no new street or easement of access is involved;
 - 4. A conveyance made to correct a description in a prior conveyance;
 - 5. Any lease for a term of less than five years;
 - 6. Any transfer by operation of law.

ARLINGTON HEIGHTS VILLAGE CODE

Section 29-105 Partial Exceptions. Any resubdivision, including consolidation of land, shall be exempt from the requirements of this Chapter relating to the filing of preliminary plats if the proposed resubdivision meets all of the following:

- a. The entire area does not exceed one acre.
- b. The proposal does not require any variations from Chapters 28 or 29 of this Code.
- c. The proposal does not require any public improvements pursuant to Article V of this Chapter.
- d. The proposed lot area of each lot is no more than 20% greater or 10% less than the average zoning lot area on that same frontage.
- e. The proposed lot width of each lot is no more than 20% greater or 10% less than the average zoning lot width on the same frontage.

An application for such exemption must be made to the Director of Planning and Community Development, on forms provided for such purpose. Upon receipt of such application, the Director of Planning and Community Development shall forward same to the Village Manager for review and determination that no additional public improvements would be required. If the Village Manager so determines, the application shall be forwarded to the Plan Commission. The subdivider may then proceed to secure the approval of the final plat in accordance with the provisions of Sections 29-205 through 29-217.

Section 29-106 Additional Requirements for Land Outside Village Limits. Where land subject to the provisions of Section 29-104 is outside the boundaries of the Village, all requirements of Cook County respecting subdividing and the installation of improvements shall be complied with where such requirements are higher than the minimum comparable requirements of this chapter.

Section 29-107 Variations.

- a. In cases where there are particular difficulties or peculiar hardships in carrying out the literal provisions of this chapter, the Plan Commission may recommend to the Board of Trustees that a variation from such provision be granted.
- b. Such recommendation to the Board of Trustees shall be made in writing, set forth all pertinent facts and circumstances of the case, and present the Plan Commission's reasons for recommending the variation. Such recommendation may be made to the Board of Trustees before the Plan Commission takes any further action on the matter before it. Such recommendation may be made by referring the variation matter to the Board of Trustees before the Plan Commission takes any further action on the subdivision application in question; or such recommendation may be made at the same time that the Plan Commission recommends favorably the entire subdivision application subject to the granting of such variation.
- c. The President and the Board of Trustees shall not approve any recommendation which will not be in harmony with the general purpose and intent of the provisions of this chapter.

SUBDIVISION CONTROL REGULATIONS

Section 29-108 Building and Other Permits. No building permit shall be issued under the provisions of Chapter 23 for building construction on any lot of any subdivision subject to the provisions of this Chapter until a certified copy of a duly recorded or registered plat of subdivision has been filed with the Director of Building. Nor shall any other permits required by the provisions of this Code be issued until all provisions of this Chapter have been complied with, including but not limited to, the approval by the Board of Trustees of plans and specifications for required improvements and the posting of cash bonds, establishment of escrows.

Section 29-109 Illegal Subdividing and Penalties Therefor.

- a. Whosoever shall sell, or offer for sale, or lease for a term exceeding five years, any land subject to the provisions of Section 29-104, which has not been platted, approved and recorded or registered as required by the provisions of this chapter, such sale, offer or lease being made for the purpose of subdividing land without complying with the provision of this chapter, or being in violation of applicable statutes of the State of Illinois, shall be subject to prosecution therefor by the Village, and if found to be in violation of the provisions of this chapter or the applicable statutes of the State of Illinois, shall be fined not more than \$500 for each offense.
- b. No plat of any subdivision subject to the provisions of Section 29-104 shall be presented for recording in the office of the Recorder of Deeds of Cook County, Illinois or for registration by the Registrar of Titles of Cook County, Illinois until the same has been approved in the manner prescribed in this chapter.

Section 29-110 Penalty. Any person, firm or corporation violating any provisions of this chapter, where no other penalty is specifically provided, shall be fined not less than \$5.00 nor more than \$500.00 for each offense. A separate offense shall be deemed committed on each day during or in which a violation occurs or continues.

Article II Procedure for Subdivision of Land

Section 29-201 Filing Preliminary Plat.

- a. All subdivision of land subject to the provisions of Section 29-104 shall be commenced, except as otherwise provided in Section 29-105, by the subdivider filing with the Secretary of the Plan Commission the following documents:
 1. An application form properly completed.
 2. Twenty copies of a Preliminary plat of subdivision. (Ord. No. 73-48, April 16, 1973)
 3. Evidence of ownership of the land proposed to be subdivided.
 4. When the subdivider does not own the land, written permission from the owner of the land authorizing the subdivider to subdivide the land under the provisions of this chapter.
 5. In case of development in any of the categories listed in this subparagraph, the subdivider shall also file with the Secretary of the Plan Commission, the opinion of a

ARLINGTON HEIGHTS VILLAGE CODE

qualified professional traffic engineer approving the design of any off-street parking that is proposed, the traffic circulation pattern, and the manner of ingress and egress to such development. The selection of such qualified professional traffic engineer shall be approved by the Village Manager prior to the submission of such opinion. The developments for which such approval by a qualified traffic engineer shall be submitted with the preliminary plat are as follows:

Residential Developments: R-1, R-2, R-3 R-4, R-5	100 dwelling units or more 48 dwelling units or more
Commercial Developments: B-1, B-2, B-3, B-4 Drive-in uses in any B District	20,000 square feet or more All
Industrial Developments: M-1, M-1A, O & R	75 cars or more parking requirements or 100 or more anticipated employees (Ord. No. 67-83, August 21, 1967)

- b. The Preliminary plat, drawn to a scale of not less than 100 feet to one inch, shall contain the following information:
1. The name of the proposed subdivision.
 2. A north-point indication, scale, date of preparation of the Preliminary plat, and by whom prepared.
 3. A legal description of land proposed to be subdivided, by section, township and range, and other terms as used in describing land on the records of the Recorder of Deeds or Registrar of Titles, Cook County, Illinois.
 4. Sufficient information to locate accurately the proposed subdivision in relation to its general neighborhood, by means of references to streets, railroad lines, recorded plats, etc. If the foregoing references cannot be made, then a vicinity plat showing the location of the proposed subdivision, drawn to a smaller scale, shall accompany the Preliminary plat.
 5. The description and location of all survey monuments, existing and to be erected, in the area of the proposed subdivision.
 6. The boundary lines of the proposed subdivision, drawn to accurate scale and bearing, and a statement of the total area encompassed by the boundary lines.
 7. The location and dimensions of streets, easements, improvements and utilities within and immediately contiguous to the proposed subdivision, as well as the location and dimensions of major features such as railroad lines, airports, water courses, lakes and exceptional topography.

SUBDIVISION CONTROL REGULATIONS

8. The location, dimensions and layout of proposed streets, alleys, and sidewalks of the proposed subdivision.
9. The layout, number, dimensions and area of each lot of the proposed subdivision.
10. The location, dimensions and layout of all parcels of land intended to be dedicated for public use, such as parks and other open spaces, or reserved for the use of all subdivision property owners, together with an indication of the nature of each such use within the proposed subdivision.
11. The location, dimensions and layout of all public utility easements in the proposed subdivision.
12. The location and dimensions of all building setback lines in the proposed subdivision.
13. The names and last known addresses of the owners of the land proposed to be subdivided, the subdivider and all owners of land immediately adjoining the land proposed to be subdivided.

(Ord. #06-008)

- c. The preliminary plat shall not be accepted for filing by the Secretary of the Plan Commission until a filing fee has been paid to the Director of Finance. Such filing fee shall be computed at the rate of \$10.00 for each lot contained in the proposed subdivision, except that in no event shall the fee be less than \$100.00.
- d. Upon filing the preliminary plat, the Secretary of the Plan Commission shall transmit all copies of the preliminary plat, and accompanying documents to the Plan Commission for action thereon, and shall also notify the Village Manager and the President and Board of Trustees of such filing.

Section 29-202 Plan Commission Consideration of Preliminary Plat.

- a. The Plan Commission shall review the Preliminary plat and where it deems it necessary may require the submission of any or all of the following additional information:
 1. Contours at specified intervals.
 2. Sketches, blueprints or other pertinent data on the type of structures proposed to be located on the proposed subdivision.
 3. Location, size and approximate grades of proposed sewers.
 4. Cross-sections of proposed streets showing width of roadways and location of sidewalk and proposed street grades and proposed elevations of lot corners.
 5. Proposed location of gas, electric and telephone outlets.

ARLINGTON HEIGHTS VILLAGE CODE

- b. When satisfied that sufficient information is presented in the preliminary plat and other documents as provided above, the Plan Commission shall set the matter promptly for public hearing, giving at least 15 days prior written notice to the owner of the land proposed to be subdivided and the subdivider.

In addition to the notice requirements otherwise provided by law, an application for any public hearing required by this Zoning Ordinance shall, not less than 15 days and not more than 30 days prior to the date set for the public hearing, serve written notice either in person or by first-class mail to the last known taxpayers or property owners or owners of record reflected in the County records of all property within 250 feet in each direction of the property lines of the subject property for which the public hearing is requested; provided the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 foot requirements. If any part of a condominium property is located within 250 feet of the property which is the subject of a hearing, written notification shall be sent to each taxpayer of record of the condominium as well as to the condominium association; if written notification is sent to a trust company or lending institution of record, the notice requirement of this section shall be deemed satisfied. A copy of the notice with a copy of the list of addresses shall be mailed to the Planning Department at the time notice is given to the owners or taxpayers.

The notices herein shall contain the addresses of the location for which the public hearing is requested, a brief statement of the nature of the request, the name and address of the legal and beneficial owner of the property, and time and date on which said hearing shall be held. If, after a bona fide effort to determine such by the applicant, the owner or taxpayer of the property on which the notice is served cannot be found at his or her last known address or the mail notice is returned because the owner cannot be found, the notice requirements of this section shall be deemed satisfied upon filing by the applicant of an affidavit evidencing the inability to serve such notice.

An applicant for public hearing shall, not less than 15 days prior to the date before the public hearing, post a readable sign on the adjacent roadway. The sign must be removed no later than ten days after the first hearing.

The sign required shall contain the current zoning and action requested, date, time and place where the hearing shall be held, a statement that the hearing is open to the general public, a statement that further information can be obtained from the Planning Department of the Village of Arlington Heights and the petitioner, and the phone number of the Planning Department and the petitioner. The words 'NOTICE OF PUBLIC HEARING' must appear at the top of the sign in letters no smaller than 1.5". The date and time of the hearing shall also be 1.5". The sign shall meet all other requirements set forth by the Planning Department. All costs associated with hearing signs are to be borne by the petitioners.

The applicant shall furnish, at the time of hearing, a written statement certifying that applicant has complied with the requirements of this subsection. Attached to the written statement shall be a list of all property owners notified in accordance with the above, the returned notices which are undeliverable by the Post Office, a copy of the notice sent to each of the individuals therein specified, and a witnessed affidavit that the sign was erected according to Village requirements. Forms of the affidavit shall be made available by the Planning Department. (Ord. No. 82-59, June 7, 1982)

SUBDIVISION CONTROL REGULATIONS

- c. The Plan Commission shall conduct a public hearing, at which time interested persons may hear and offer evidence in support of or against the preliminary plat.
 1. The Plan Commission shall determine, on the basis of all evidence before it, whether the preliminary plat meets the design standards and requirements of this Chapter, the Village Comprehensive Plan, the Village Official Map, the Village Zoning Ordinance, and other applicable provisions of this Code. (Ord. No. 88-095, August 15, 1988)
 2. If the foregoing considerations are satisfied, the Plan Commission shall approve the preliminary plat, endorse its approval on the face of the plat, and forward the plat to the President and the Board of Trustees.
 3. If the Plan Commission determines that the preliminary plat does not satisfy the foregoing conditions, it may suggest modifications so as to satisfy these conditions, in which event:
 - a) The subdivider may amend the preliminary plat to incorporate such modifications and resubmit the preliminary plat to the Plan Commission, which shall then grant its approval if the amendments satisfactorily incorporate the suggested modifications; or
 - b) The subdivider may reject the suggested modifications, or within the time allowed for Plan Commission action, may refrain from taking any action thereon; in either event, the preliminary plat shall be deemed to have been disapproved and the Plan Commission shall thereupon furnish the required statement setting forth the reasons for such disapproval.
 4. If the Plan Commission determines that the preliminary plat does not satisfy the foregoing conditions and that modifications would be too extensive or impractical, it shall disapprove the preliminary plat and immediately notify the subdivider of its action.
 5. The foregoing provisions to the contrary notwithstanding, the Plan Commission shall approve or disapprove the preliminary plat within 90 days from the date of the filing of the plat or from the date that the subdivider has submitted the last item of required data, whichever date is later, unless such time is extended by mutual consent. If the preliminary plat is disapproved, then within 90 days thereof the Plan Commission shall furnish to the subdivider a statement in writing setting forth the reason for its disapproval and specifying with particularity the aspects in which the proposed preliminary plat fails to conform to the design standards and requirements of this chapter, the Village Comprehensive Plan, the Village Official Map, the Village Zoning Ordinance, and other applicable provisions of this Code.
 6. The subdivider may appeal to the Board of Trustees the disapproval of the preliminary plat by the Plan Commission. Such appeal shall be made in writing and filed with the Village Manager on or after the date the Plan Commission issues its statement setting forth the reasons for disapproval, provided that such appeal is made not more than 60 days following such date.

ARLINGTON HEIGHTS VILLAGE CODE

Section 29-203 Consideration of Preliminary Plat by Board of Trustees.

- a.
 1. Upon the receipt of a Preliminary plat approved by the Plan Commission or upon filing an appeal from the disapproval of a preliminary plat by the Plan Commission, the Village Manager shall place the matter upon the agenda not later than the second next regular meeting of the Board of Trustees, and shall notify the subdivider and the Secretary of the Plan Commission.
 2. The Board of Trustees shall, where the preliminary plat has been approved by the Plan Commission, accept or reject the preliminary plat within 30 days of the next regular stated meeting of the Board of Trustees following the date of approval by the Plan Commission.
 3. Where the preliminary plat has received the approval of the Plan Commission, the Plan Commission shall furnish its written recommendations to the Board of Trustees prior to the date of the Board's meeting.
- b. The Board of Trustees may affirm, overrule or modify determinations and recommendations of the Plan Commission respecting the approval or disapproval of the preliminary plat.
- c. Upon consideration of the recommendation of the Plan Commission, the Board of Trustees shall approve or disapprove or modify the preliminary plat on the basis of whether such Plat meets the design standards and requirements of this chapter, the Village Comprehensive Plan, the Village Official Map, the Village Zoning Ordinance, and other applicable provisions of this Code. (Ord. No. 88-095, August 15, 1988)
- d. If the Board of Trustees approves the preliminary plat, there shall be:
 1. A legend endorsed on five copies of such preliminary plat as follows: "THIS IS A PRELIMINARY PLAT, OF NO LEGAL EFFECT AND NOT TO BE RECORDED";
 2. Five copies of the preliminary plat signed by the President and attested by the Village Clerk;
 3. One copy of the signed preliminary plat retained by the Village Clerk;
 4. Two copies filed with the Village Manager;
 5. One copy filed with the Planning Commission; and
 6. One copy returned to the subdivider.

Section 29-204 Effect of Approval of Preliminary Plat.

- a. Approval of the preliminary plat granted by the Board of Trustees shall be tentative only and signify merely the general acceptability of the proposed subdivision.

SUBDIVISION CONTROL REGULATIONS

- b. Such approval shall be considered permission to prepare detailed plans and specifications for such proposed subdivision and for all public improvements therein.
- c. Such approval shall be effective for no more than 12 months from the date approval was granted, unless the Board of Trustees grants an extension of time beyond such period. Detailed requests for extension shall be submitted to the Planning Department. After appropriate review, Planning Department will transmit the request and its recommendation to the Village Board of Trustees for final determination. In the event that an additional extension request is made, that request will also be reviewed by the Plan Commission and with its recommendation submitted to the Village Board of Trustees. (Ord. No. 91-039, June 3, 1991)

Section 29-205 Installation of Survey Monuments. After approval of the preliminary plat but before undertaking other measures leading to approval of the final plat, survey monuments and markers shall be laid out and set according to the following:

- a. Permanent monuments shall be placed at all corners and at points tangent to curve lines along the boundary of the subdivision. Permanent monuments shall be constructed of concrete, the minimum dimensions of which shall be four by four inches at the top of the monument and six by six inches at the bottom; such monument shall be a minimum of 36 inches long, with a copper dowel at least 3/8 of an inch in diameter and 2-1/2 inches in length embedded in the top of such monument so that the dowel shall be flush with the surface of the monument and placed in the center of the monument.
- b. All corner lots of the subdivision where concrete monuments are not required to be placed shall be marked by galvanized or wrought iron pipe or iron or steel bars at least 18 inches long and not less than 1/2 inch in diameter. The top of the pipe or bar shall be set level with the established grade of the lot.
- c. For each 20 acres or fraction thereof in the subdivision, one permanent benchmark shall be established at a location designated by the Director of Engineering. This benchmark shall be constructed of concrete, four by four inches at the top, six by six inches at the bottom, and 48 inches in length with a brass plate securely fastened to the surface. The brass plate shall be inscribed with the number and elevation of the benchmark.

Section 29-206 Preparation of Detailed Plans for Required Improvements. After the installation of survey monuments and markers as provided in Section 29-205, detailed plans and specifications shall be prepared for all improvements required to be constructed and installed under the provisions of this Article V of this chapter.

A plan and profile for all streets and alleys in the proposed subdivision shall also be prepared, drawn to a maximum horizontal scale of 50 feet to the inch. Elevations shall be given in terms of United States Geodetic Survey datum.

Such plans and specifications shall be submitted to the Director of Engineering for review.

Section 29-207 Preliminary Review of Plans for Required Improvements.

- a. The subdivider shall pay a fee for review computed in accordance with the schedule set forth in Section 20-106. Upon the payment of the aforesaid fee, the Director of Engineering shall

ARLINGTON HEIGHTS VILLAGE CODE

review the plans and specifications for the required improvements to determine their compliance with the applicable provisions of this Code.

- b. Following the aforesaid review by the Director of Engineering, the Village Manager shall transmit such plans and specifications to the Board of Trustees, along with recommendations of the Director of Engineering concerning the same.
- c. Plans and specifications for required improvements shall be reviewed by appropriate County, State and Metropolitan Water Reclamation District of Greater Chicago officials concerned with all utility installations set forth in the plans and specifications; and, if satisfactory, approval from these officials shall be given in writing respecting their particular interests.
- d. All fees paid hereunder shall be in lieu of any subsequent fees required by the provisions of Section 20-106 respecting the issuance of permits allowing the construction of such required improvements.

Section 29-208 Final Approval of Plans for Required Improvements. If the Board of Trustees finds that the plans and specifications comply with all the provisions of this Code and substantially conform to the preliminary plat, it shall grant final approval to such plans and specifications. The President shall thereupon affix his/her signature to the plans and specifications, as indicating such approval, and the Village Clerk shall attest such signature. Final approval, however, shall not constitute acceptance of the improvements by the Village; such acceptance shall be governed by the provisions of Section 29-505.

(Ord. #99-009, #07-019)

Section 29-209 Preparation of Final Plat. After the installation of survey monuments and markers and after approval of plans and specifications for required improvements, a final plat of subdivision shall be prepared, based on the preliminary plat, survey monuments and markers, and such plans and specifications. A tracing of the final plat of subdivision, on a type of material accepted by the Cook County Recorder's Office not to exceed 24 by 36 inches, with the same scale as the preliminary plat, shall be used as the original copy of such final plat for purposes of formal execution and approval pursuant to the provisions of this chapter. The final plat shall show the following additional information:

- a. The date of preparation of the final plat and by whom prepared.
- b. The boundary of the plat, based on accurate traverse, with angles and lineal dimensions.
- c. All permanent survey monuments, markers and bench marks.
- d. Exact location, width and name of all streets within and adjoining the plat, and the exact location and widths of all cross walkways.
- e. True angles and distances to the nearest established street lines or official monuments, not less than three.
- f. Municipal, township, county and section lines accurately tied to the lines of the subdivision by distances and angles.

SUBDIVISION CONTROL REGULATIONS

- g. Radii, internal angles, points and curvatures, tangent bearings and lengths of all arcs.
- h. All easements for rights of way established for public use and utilities.
- i. All lot numbers and lines, with accurate dimensions given in hundredths of feet.
- j. Accurate outlines and legal descriptions of all areas dedicated or reserved for public use, with the proposed uses indicated thereon; and all areas to be reserved by deed covenant for the common use of all property owners; together with the proposed uses indicated thereon.
- k. The text of protective covenants, approved by the Plan Commission, relating to the proposed subdivision.
- l. An endorsement by the County Clerk in the form acceptable to Cook County, that there are no delinquent, forfeited, foreclosed or purchased general taxes, or unpaid current general taxes, against the land proposed to be subdivided.
- m. A summary of all restrictions applicable to any part of such subdivision concerning building restrictions, use restrictions, building setback lines and similar matters.
- n. A deed of dedication in the form set forth in Section 29-217(a).
- o. A blank certificate of approval in the form set forth in Section 29-217(b).
- p. A certification by a registered surveyor in the form set forth in Section 29-217(c).
- q. A notarized statement from the owner indicating the school district in which each tract, parcel, lot or block lies.
- r. A certificate in the form as required by the Illinois Department of Transportation or Cook County Highway Department, respectively, when any new street or new driveway will access one of these Department's streets.
- s. The parcel index numbers of all lots contained within the plat shall be included on the plat of subdivision.
- t. A block stating "Send Tax Bill To: (Name/Address)." The actual name and address shall be provided by the developer.

Section 29-210 Additional Approvals, Certifications and Documents.

- a. Prior to submitting the final plat for review by the Director of Engineering as provided in Section 29-211, the following additional approvals and certifications shall be secured and evidenced in writing as documents supplementing such final plat:
 - 1. The Director of Building shall review the final plat to determine whether it complies with the provisions of Sections 20-112 and 20-113 relating to street names and street lot or house numbers. If the Director of Building finds such conformance, he/she shall indicate in writing his/her approval of the final plat in this respect.

ARLINGTON HEIGHTS VILLAGE CODE

2. A certification shall be secured from the proper collector that all special assessments constituting a lien on the whole or any part of the land to be subdivided have been paid or, in the event that there was a division of payment, that the installments were paid as set out and approved by the court where such special assessment was confirmed, or that such division was otherwise lawfully made.
 3. Certification shall be made by the owner and all mortgages and lien holders of record that acknowledgment has been made by them respecting the final plat and respecting the dedication of all streets and other public areas in the proposed subdivision.
- b. The subdivider shall submit as related documents the agreement and surety bond pertaining to the installation of required improvements pursuant to the provisions of this Section 29-503 (a) and (b).

Section 29-211 Review by Director of Engineering. The final plat, plans and specifications and related documents for required improvements, and other approvals and certifications as required by the provisions of Section 29-210, shall be submitted for final review to the Director of Engineering, who shall examine them to determine their conformance with the preliminary plat and with the provisions of this Code.

If the Director of Engineering determines that such conformance exists, he/she shall approve the final plat by signing the certificate of approval on the final plat and shall forthwith transmit all documents to the Plan Commission for its review.

Section 29-212 Submission of Final Plat to Plan Commission. The Plan Commission shall review the final plat and all accompanying documents and, if found to be in conformance with the preliminary plat and the provisions of this Code, the Chairman and Secretary of the Plan Commission shall affix their signatures in the appropriate places on the certificate of approval set forth on the final plat, and thenceforth transmit the preliminary plat and accompanying documents to the Board of Trustees.

Section 29-213 Submission of Final Plat and Other Documents to the Board of Trustees. When the final plat and accompanying documents have been forwarded to the Board of Trustees by the Plan Commission, the owner and the subdivider shall submit to the Board of Trustees evidence of the cash deposit in escrow respecting surface improvements as required by the provisions of Section 29-503(c).

Section 29-214 Approval of Final Plat by the Board of Trustees.

- a. The Board of Trustees shall review the final plat together with all accompanying documents required to be submitted under the provisions of this chapter, and if found to be in substantial conformance with the preliminary plat, and in full conformance with the previously approved plans and specifications for required improvements, the Village Comprehensive Plan, the Village Official Map, and other applicable provisions of this Code, the Board of Trustees shall approve by resolution the final plat.
- b. The Board of Trustees shall act on the approval or disapproval of all final plats within 60 days from the date the final plat is submitted or the date of submission of any requested and

SUBDIVISION CONTROL REGULATIONS

accompanying documents, whichever date is later, unless the 60 day period is extended by mutual agreement.

- c. If the final plat is approved, the President shall sign such final plat in the space provided and the Village Clerk shall attest such signature.
- d. The Village Clerk shall attach to such approved final plat a certified copy of the approving resolution.
- e. If the Board of Trustees fails to act upon the final plat within the time prescribed in subsection (b) above, the subdivider may, after giving five days written notice to the Board of Trustees, file a complaint for summary judgment in the Circuit Court of Cook County. Upon a showing that the Board of Trustees has failed to act within the time prescribed in subsection (b) above, the court shall enter an order authorizing the Recorder of Deeds of Cook County to record, or the Registrar of Titles of Cook County to register, as the case may be, the final plat as submitted to the Board of Trustees.

Section 29-215 Recording of Final Plat.

- a. Upon approval by resolution of a final plat, the Village Clerk shall cause the final plat to be recorded in the office of the Recorder of Deeds of Cook County or registered by the Registrar of Titles for Cook County, Illinois, within six months thereof.
- b. If recording or registration is not effected within said six-month period, the approval of the final plat by the Board of Trustees shall become null and void, in which case deposits, including those for surface improvements, held by the Village shall be refunded in full to the depositor, without interest.
- c. All costs associated with recording the final plat shall be paid by the owner and/or subdivider. All liens recorded in the office of the Recorder of Deeds of Cook County shall remain in the custody of the Village Clerk.

Section 29-216 Unit Developments. The foregoing provisions of Section 29-205 through 29-215 to the contrary notwithstanding, a preliminary plat approved previously may be developed on a unit basis rather than as a whole provided the following conditions are met:

- a. Each unit contains not less than 50 lots.
- b. The approval of the Director of Engineering is secured as to the feasibility of such unit construction.
- c. At least one unit shall be submitted and completed within each calendar year from the date of the approval of the final plat for such unit, or such other periods of time mutually agreeable to the subdivider and the Village.
- d. All steps required for the approval of final plats, including the recording thereof, shall be adhered to with respect to each unit so developed.

Section 29-217 Plat Forms. The following forms shall be used to the extent possible as indicated:

ARLINGTON HEIGHTS VILLAGE CODE

- a. The Final plat shall contain a deed of dedication substantially as follows:

“We, the undersigned, (Names), owners of the real estate shown and described herein, do hereby lay off, plat and subdivide said real estate in accordance with the within plat. This subdivision shall be known and designated as (Name), an addition to the Village of Arlington Heights, Cook County. All streets and alleys and public open spaces shown and not heretofore dedicated are hereby dedicated to the public. Front and side yard building setback lines are established as shown on this plat, between which lines and the property lines of the streets, there shall be erected or maintained no building or structure. There are strips of ground, (Number) feet in width, as shown on this plat and marked ‘Easement’ reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon these strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities, and to the rights of the owners of other lots in this subdivision.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or the recommendation of the Plan Commission or Village Board; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

The foregoing covenants (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 19____ [25 year period is suggested], at which time said covenants (or restrictions) shall be automatically extended for successive periods of ten years unless indicated otherwise by negative vote of a majority of the then owners of the building sites covered by these covenants (or restrictions), in whole or in part, which said vote will be evidenced by a petition in writing signed by the owners and duly recorded. Invalidation of any one of the foregoing covenants (or restrictions) by judgment or court order shall in no way affect any of the other various covenants (or restrictions), which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

SUBDIVISION CONTROL REGULATIONS

WITNESS our hands and seals this ____ day of _____,
19____.

STATE OF ILLINOIS)
COUNTY OF COOK) SS.

Before me the undersigned Notary Public, in and for the County and State aforesaid, personally appeared (Names), and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

WITNESS my hand and notarial seal this ____ day of 19 ____.

Notary Public”

- b. 1. The Final plat shall contain a certificate of approval as follows:

“Under the authority provided by 65 ILCS 5/11-12 as amended by the State Legislature of the State of Illinois and Ordinance adopted by the Village Board of the Village of Arlington Heights, Illinois, this plat was given approval by the Village of Arlington Heights AND MUST BE RECORDED WITHIN SIX MONTHS OF THE DATE OF APPROVAL BY THE VILLAGE BOARD, OTHERWISE IT IS NULL AND VOID.

APPROVED by the Plan Commission at a meeting held

Chairman

Secretary

APPROVED by the Village Board of Trustees at a meeting held

President

Village Clerk

APPROVED by the Director of Engineering

_____”

ARLINGTON HEIGHTS VILLAGE CODE

- 2. In cases where the subdivision covers land in an unincorporated area within 1-1/2 miles of the Village limits, the additional certificate below shall be included:

“APPROVED by the County Board of Commissioners of Cook County, Illinois at a meeting held _____

President

County Clerk”

- c. The Final plat shall contain a certificate signed by an Illinois Registered Land Surveyor in substantially the following form:

“I, (Name), hereby certify that I am an Illinois Registered Land Surveyor in compliance with the laws of the State of Illinois, and that this plat correctly represents a survey completed by me on (Date); that all monuments and markers shown thereon actually exist, and that I have accurately shown the materials that they are made of.

Signature

(SURVEYOR'S SEAL)

Illinois Land Surveyor
No. _____”

Article III Subdivision Design Standards

Section 29-301 Scope. All subdivisions of land subject to the provisions of Section 29-104 shall conform to the design standards of this Article.

Section 29-302 Comprehensive Plan and Official Map. Subdivisions shall conform to the Village Comprehensive Plan, the Village Official Map, the provisions of this chapter, and all other applicable provisions of this Code. (Ord. No. 88-095, August 15, 1988)

Section 29-303 Land Subject to Flooding.

- a. No land subject to periodic flooding or which lacks drainage adequate for maintaining clear streets shall be subdivided for residential use or any other use incompatible with such flooding or drainage characteristics.
- b. Where the owner or subdivider of land which is subject to periodic flooding or such inadequate adequate drainage agrees to install at his/her own expense, improvements meeting the standards and requirements of the Village and of the Metropolitan Water Reclamation District of Greater Chicago, designed so as to render the land safe for

SUBDIVISION CONTROL REGULATIONS

residential or other intended occupancy, then and only in that event the provisions of subparagraph (a) above shall not bar the approval of the subdivision for such intended use.

Section 29-304 Street Layout and Design.

- a. The arrangement, character, extent, width, grade and location of all streets shall conform to the Village Comprehensive Plan and the Village Official Map and shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to their relation to proposed uses of the land served by such streets. Where the Comprehensive Plan or Official Map are not relevant to streets of the proposed subdivision, the arrangement and design standards of such streets shall conform to all other provisions of this Code. (Ord. No. 88-095, August 15, 1988)
- b. When any parcel is adjacent to an existing right-of-way, which is less than the required width required by this Chapter or the Village Official Map, the applicant shall dedicate additional right-of-way to meet the specifications of the table in subsection (l) below. (Ord. No. 88-095, August 15, 1988)
- c. Street arrangements in new and proposed subdivisions shall make provision for the extension of all existing streets into the area proposed to be subdivided.
- d. Where unsubdivided land adjoins the proposed subdivision, provision shall be made for the extension of streets into the unsubdivided area. Such provisions may include leaving vacant land which would be required to extend such streets to this area; or, where the subdivision of such area can be foreseen in the near future, this provision may include street construction to the boundary of such area.
- e. Half streets are prohibited except where the Plan Commission finds that the land adjoining such half street is unsubdivided and that it will be practicable to require the dedication of the other half of such street at such time as the adjoining land is subdivided. Where a half street is approved by the Plan Commission, both halves of such street shall be platted on the plat of the proposed subdivision.
- f. Where a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and further resubdivision in a logical and orderly manner.
- g. Where a proposed subdivision abuts or includes an arterial street or expressway, frontage drives, combined driveways, or other comparable techniques may be required by the Plan Commission where necessary to separate through traffic from local traffic and to protect residential properties. (Ord. No. 88-095, August 15, 1988)
- h. Where a proposed subdivision contains a railroad right-of-way, public utility right-of-way, or limited access highway right-of-way, the Plan Commission may require a street approximately parallel to and on each side of such right-of-way, or where the proposed subdivision abuts such right-of-way, on that side of such right-of-way. Such parallel street shall be located at a distance permitting the appropriate use of intervening land for park purposes in residential districts, or for commercial, business or industrial purposes in commercial, business or industrial districts, as the case may be. This distance shall also be

ARLINGTON HEIGHTS VILLAGE CODE

sufficient to provide for suitable approach grades and future grade separation with respect to such street and such right-of-way. Where such right-of-way is under the jurisdiction of the Division of Highways of the State of Illinois, or the Cook County Department of Highways, respecting maintenance and upkeep thereof, entrances to such right-of-way from such parallel street shall not be approved by the Plan Commission unless the subdivider has submitted to the Director of Engineering and the Plan Commission a written permit issued by the Division or Department of Highways approving the construction of such entrances. (Ord. No. 88-095, August 15, 1988)

- i. No strip or area of land in a proposed subdivision shall be reserved along any portion of a street, half street or alley where the effect thereof prevents access to such street, half street or alley by adjacent property owners.
- j. Cul-de-sacs shall not be longer than 660 feet in low-density developments, 500 feet in medium density developments, and 300 feet in high-density developments, and shall be provided at the closed end thereof with a turn-around having an outside roadway diameter density of at least 80 feet and a right-of-way diameter of at least 100 feet. However, in low density, built-up areas cul-de-sacs shall be at least 60 feet in diameter with an 80-foot right-of-way diameter, and in medium density, built-up areas cul-de-sacs shall be 70 feet in diameter with a 90-foot right-of-way diameter. Where a cul-de-sac is of a temporary nature, awaiting its extension into adjoining land, a similar turn-around shall be provided, except that all land in excess of that needed for the street when extended shall be subject to a temporary easement allowing such turnaround, but terminating when such extension is made.
- k. Local streets shall be laid out so that their use by traffic will be discouraged. (Ord. No. 88-095, August 15, 1988)
- l. Minimum width for street rights-of-way shall conform to the following schedule:

Major or primary streets	100' (located in accordance with Official Plan)
Secondary arterial streets	80' (located in accordance with Official Plan)
Collector streets	66' to 80' (Located in accordance with Official Map)
Local and sub-collector streets	66'

Where streets adjoining areas zoned for commercial, business or industrial use, or where a petition for a change in zoning is contemplated to permit commercial business or industrial use, the above street widths shall be increased by the amount necessary to provide for the free flow of through traffic without interference from parked or parking vehicles and to provide for safe parking space for commercial, business and industrial uses. (Ord. No. 88-095, August 15, 1988)

SUBDIVISION CONTROL REGULATIONS

- m. Proposed new intersections along one side of an existing street shall, whenever practical, align with any existing intersection on the opposite side of such street. Street jogs with centerline offsets of less than 125 feet shall be avoided. (Ord. No. 88-095, August 15, 1988)
- n. The intersection of more than two streets at one point shall be avoided except where otherwise impractical to secure a proper road system. Streets shall intersect one another at an angle as near to a right angle as possible and in no event shall such intersections be at angles of less than 60 degrees. Street intersections shall be rounded with a minimum radius of 20 feet measured at the back of the curbs where the intersections are right angle intersections. If an intersection occurs at other than a right angle, it shall be rounded with a curve of a radius acceptable to the Plan Commission.
- o. When connecting streets deflect from each other at any point by more than 30 degrees, they shall be connected by a curve with a radius adequate to ensure adequate sight distance, and of such greater radius, as the Plan Commission shall determine for special cases. The location and profile of such streets shall give a clear sight distance of at least 350 feet for all major arterial streets, 275 feet for all secondary arterial streets, 250 feet for all collector and sub-collector streets, and at least 200 feet on all other streets. In built-up areas the location and profile of such streets shall give a clear sight distance of at least 200 feet for collector and sub-collector streets and 150 feet for local streets. (Ord. No. 88-095, August 15, 1988)
- p. A tangent at least as long as the width of the street shall be introduced between reverse curves.
- q. Streets shall be named in accordance with the provisions of Section 20-112 of this Code.
- r. The minimum centerline radius shall be 830 feet for major arterial streets, 500 feet for secondary arterial streets, 400 feet for collector streets, 350 feet for sub-collector streets and 250 feet for local streets. In built-up areas, the minimum centerline radius shall be 300 feet for collector streets, 250 feet for sub-collector streets and 175 feet for local streets. (Ord. No. 88-095, August 15, 1988)

Section 29-305 Alleys.

- a. Alleys shall not be permitted in residential districts.
- b. In commercial, business and industrial districts, alleys shall be permitted only where necessary to assure adequate off-street loading and unloading. Such alleys shall have a right-of-way of not less than 20 feet in width and shall have full access to streets at each end.

Section 29-306 Block Standards.

- a. All blocks shall be so designed as to provide two tiers of lots. Blocks shall be not more than 1800 feet in length or less than 220 feet in width.
- b. Blocks may be irregular in shape provided they are harmonious with the overall pattern of blocks in the proposed subdivision and their design meets the requirements of lot standards, traffic flow and control considerations, and public land requirements.

ARLINGTON HEIGHTS VILLAGE CODE

- c. Blocks intended for commercial, business or industrial use shall be designed for such use and the plat shall show adequate off-street areas for parking, loading docks and other facilities that may be required to accommodate motor vehicles.
- d. In blocks of 800 feet or more in length, a public crosswalk for pedestrian travel shall be provided. The crosswalk shall have a right-of-way of not less than ten feet and extend entirely across the block at approximately the midpoint of the length of the block. A sidewalk shall be placed along the length of such right-of-way and constructed in accordance with the requirements of Chapter 20 of this Code.
- e. All blocks in the proposed subdivision shall be numbered.

Section 29-307 Residential Lot Standards.

- a. Each residential lot shall have:
 - 1. Its full frontage abutting a street;
 - 2. Lot lines at substantially right angles to straight streets, or radial lines to curved streets;
 - 3. A minimum width of 70 feet at the building setback line or, in the case of a corner lot, a minimum width of 90 feet at the building setback line (Ord. No. 73-48, April 16, 1973); and
 - 4. A minimum area of 8750 square feet or, if a corner lot, a minimum area of 9900 square feet.
- b. Minimum widths of residential lots, measured at the building setback lines thereof shall be no less than:
 - 1. 70 feet when the lot contains an area of 8750 square feet or more, but less than 10,000 square feet;
 - 2. 75 feet when the lot contains an area of 10,000 square feet or more, but less than 15,000 square feet;
 - 3. 90 feet when the lot contains an area of 15,000 square feet or more but less than 20,000 square feet;
 - 4. 100 feet when the lot contains an area of 20,000 square feet or more, but less than 30,000 square feet;
 - 5. 125 feet when the lot contains an area of 30,000 square feet or more, but less than one acre;
 - 6. 150 feet when the lot contains an area of one acre or more.

SUBDIVISION CONTROL REGULATIONS

- c. Where lots front upon a cul-de-sac or curved street having a radius of 200 feet or less, minimum lot widths as set forth in subparagraph (b) above shall be measured at the building setback line along an arc parallel to the right-of-way of the cul-de-sac or curved street. Such lots shall also be laid out so that their frontage length, as measured on the arc of the right-of-way line is not less than 50% of the required lot width measured at the building setback line.
- d. The area of the street right-of-way shall not be included in calculating the area of the lot with respect to minimum lot area requirements of this chapter or Chapter 28. Lots shall be required to have more than the minimum area or dimensions provided for in this Section 29-307 where such greater area of dimensions is required to meet the yard requirements of Chapter 28.
- e. All lots in the proposed subdivision shall be numbered.
- f. There shall be no double frontage lots except where lots abut upon an arterial street or where the topography of the land prevents reasonable subdivision in smaller units. Double frontage lots shall not have vehicular access from an abutting arterial street. Moreover, where the intended rear lot line of a double frontage lot abuts an arterial street, an additional lot depth of ten feet from the lot depth otherwise required shall be provided in order to accommodate protective screening between the rear yard area of such lot and such arterial street. In such cases, the Plan Commission shall require a privacy screening of such nature and type as it deems appropriate for the circumstances. (Ord. No. 88-095, August 15, 1988)

Section 29-308 Building Setback Lines.

- a. A building setback line shall be established for all residential lots and for all commercial, business or industrial lots immediately adjoining residential lots.
- b. The location of building setback lines shall conform to the provisions of Chapter 28. In addition thereto:
 - 1. Lots adjacent to streets where individual building setback lines have been heretofore established by ordinance for such specific streets shall conform to the requirements of such ordinance. (Ord. No. 88-095, August 15, 1988)
 - 2. When not otherwise provided for in this Code, building setback lines shall be established in accordance with the needs of the area; but in no case shall such building setback lines be less than 25 feet from the right-of-way, except where all frontage on one side of street between the intersecting streets is used for commercial, business or industrial purposes, in which case such building setback line shall be not less than 20 feet. (Ord. No. 72-115, December 18, 1972)

Section 29-309 Easements.

- a. Easements of not less than five feet in width nor more than ten feet in width shall be provided on each side of all rear lot lines, and along side lot lines where necessary for overhead wires or underground wires, conduits, cable television facilities, storm and sanitary sewers, gas, water and other mains. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. A two-foot easement shall be

ARLINGTON HEIGHTS VILLAGE CODE

required on one side of and adjacent to an alley to accommodate pole lines. (Ord. No. 82-116, Oct. 4, 1982)

- b. Where the proposed subdivision is traversed by a water course, drainage way, channel or stream, an easement shall be dedicated a minimum of ten feet in width on each side of such water course, drainage way, channel or stream where it is necessary to relocate or straighten such water course, drainage way, channel or stream.

Article IV Dedication of Lands for Parks, Schools and Other Public Areas

Section 29-401 Dedication of Park Lands and School Sites and Other Public Areas or for Payments of Fees in Lieu Thereof. As a condition of approval of a final plat of subdivision or final plat of a residential planned unit development, each subdivider or developer will be required to dedicate land for park and recreational purposes and land for school sites, to serve the immediate and future needs of the residents of the development, or pay a cash contribution in lieu of actual land dedication, or a combination of both, at the option of the Village in accordance with the following criteria and formula:

- a. Criteria for requiring park and recreational land dedication:
 - 1. Requirement and population ratio: The ultimate density of a proposed development shall bear directly upon the amount of land required for dedication. The total requirement shall be 9.0 acres of land per 1,000 of ultimate population in accordance with the following classifications: (Ord. No. 95-038, June 5, 1995)

Types of Recreation Area	Size Range	Minimum Acres per 1,000 People
Play Lot	Minimum 8,000 square feet	Not Applicable
School-Park (Neighborhood Playground)	Minimum Park of 5 acres	1.25
Neighborhood Park	Minimum 3-1/2 acres	1.0
District-wide Park or Play-field	Minimum 4 acres up to 30 acres	1.25
Community-wide Recreation Park	Minimum 12 acres up to 30 acres	2.0
	TOTAL	9.0 acres of land per 1,000 people

- 2. Location: The Village Comprehensive Plan and Village Official Map shall be used as a guideline in locating sites. A park site adjoining all elementary school sites of not less than five acres shall be considered a requirement. A central location within the entire development is most desirable. These sites can be located throughout the development according to established standard for park area distances. (Ord. No. 88-095, August 15, 1988)

SUBDIVISION CONTROL REGULATIONS

3. Credit for private open spaces and recreation areas: when subdividers or developers provide their own open space for recreation areas and facilities, it may have the effect of reducing the demand for local public recreational services. Depending on the size of the development, a portion of the park and recreation area in subdivisions or planned unit developments may, at the option of the Village Board, be provided in the form of “private” open space in lieu of dedicated “public” open space. The extent of the credit shall be determined by the Village Board, based upon the needs of the projected residents and in conformance to the total park and recreation land for the general area, and upon the benefits derived by the subdivider or developer by reason of increased density based on such open space.

In general, a substitution of private open space for dedicated parks will imply a high degree of quality of improvement and in the installation of recreational facilities, including equipment by the developer as part of his/her obligation. Detailed plans of such areas, including specifications of facilities to be installed, must be approved by the Village and the Park District before any credit is given for private recreation areas. The subdivider or developer must guarantee that these private recreation areas will be permanently maintained for such use by the execution of the appropriate legal documents. When an adjustment for private recreation areas is warranted, it will be necessary to compute the total parkland dedication that would have been required from the subdivision or planned unit development and then subtract the credit to be given.

b. Criteria for requiring school site dedication:

1. Requirement and population ratio. The ultimate number of students to be generated by a subdivision or planned unit development shall bear directly upon the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of: (a) estimated children to be served in each school classification over the (b) maximum recommended number of students to be served in each such school classification as stated herein, and then applying that ratio to the (c) minimum recommended number of acres for a school site of each such school classification as stated herein. The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increased children in each such school classification.
2. School classifications and size of school site: School classifications and size of school sites within the Village shall be determined in accordance with the following criteria:

School Classification by Grades	Maximum Number of Students for Each Such School Classification	Minimum Number of Acres of Land for Each School Site of Such Classification
Elementary Schools, Grades Kindergarten thru 5th (K-5)	600 students	10 acres

ARLINGTON HEIGHTS VILLAGE CODE

Junior High Schools Grades 6th thru 8th (6-8)	900 students	18 acres
High Schools, Grades 9th thru 12th (9-12)	2,300 students	54 acres

(Ord. No. 95-038, June 5, 1995)

3. Location: The Village Comprehensive Plan and Village Official Map shall be used as a guideline in locating sites. Such plan may be supplemented by information from the affected School District. No land shall be accepted for dedication unless the land is determined by the Village Board to be suitable for the proposed use. The subdivider or developer shall be responsible for delivering the site in such condition as shall render it suitable for the proposed use. The Village Board may require the land to be conveyed by deed or dedication to the Village or such other public agency as the Board may determine. If such land is not to be conveyed at the time the building permit is applied for, the deed for such land and appropriate security for such conveyance shall be held in escrow until the alternative time set for conveyance. At such time the security shall be refunded to the subdivider or developer. If conditions arise which prevent the subdivider or developer from conveying such land, the deed for such land shall be returned to the title holder and the Village shall be deemed to have acquired ownership of the security to be used according to Chapter 29-401 of the Village of Arlington Heights Municipal Code. (Ord. No. 95-038, June 5, 1995)
- c. Criteria for requiring a contribution in lieu of park and school sites:
1. Small or inappropriate land site: Where the development is small and the resulting site is too small to be practical or when the available land is inappropriate for park and recreational purposes or a school site, the Village may require the subdivider or developer to pay a cash contribution in lieu of the land dedication required. The cash contribution in lieu of park and recreation or school land dedication shall be held in trust by the Village and disposed of as described in paragraph i of this section.
 2. Criteria Guidelines: Whether the Village Board accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:
 - a) recreational element of the Village Comprehensive Plan;
 - b) topography, geology, access and location of land in the development or subdivision available for dedication; and
 - c) size and shape of the subdivision or development and land available for dedication.

(Ord. #05-083)

3. Fair Market Value: The cash contribution in lieu of land shall be based on the “fair market value” of the acres of land in the area improved as specified herein, that otherwise would have been dedicated as park and recreation and school sites. It has been determined that the present “fair market value” of improved land in and

SUBDIVISION CONTROL REGULATIONS

surrounding the Village is \$165,000 and that figure shall be used in making any calculation herein. The Village Board shall have the power to evaluate this figure annually and to amend this ordinance as necessary.

- a) If the developer objects to the fair market value as determined by the Village Board, the Village Board shall select a qualified appraiser to appraise the property at the developer's expense.
 - b) If the Village Board is dissatisfied with the appraisal, it may hire an appraiser, at its own expense, to appraise the property; and the fair market value shall be based on the average of the two appraisals provided for herein.
4. Criteria for requiring dedication and a fee: A combination of land dedication and contribution in lieu of land will be necessary when:
- a) only a portion of the land to be developed is proposed as the location for a park or school site. That portion of the land within the subdivision falling within the park or school location shall be dedicated as a site as aforesaid, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated;
 - b) a major part of the local park or recreation site or school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be dedicated, and a cash contribution in lieu thereof shall be required.
- d. Density formula: The following table of population density shall be used in calculating the amount of required dedication of acres of land or the cash contributions in lieu thereof unless a written objection is filed thereto by the subdivider or developer with the Village Board. In the event a subdivider or developer files a written objection to the Table of Estimated Ultimate Population listed herein, the developer shall submit his/her demographic study showing the estimated additional population to be generated from the subdivision or planned unit development. In that event, final determination of the density formula to be used in such calculations shall be made by the Village Board based upon such demographic information submitted by the subdivider or developer and from other sources, which may be submitted to the Village Board by the Park District, School District, or others. The Village Board shall have the power to evaluate this density formula annually and amend the ordinance as necessary.

ARLINGTON HEIGHTS VILLAGE CODE

(Ord. #05-083)

TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT

Type of Unit	CHILDREN PER UNIT						
	Pre-school 0-4 yrs	Elemen- tary Grades K-5 5-10 yrs	Jr. High Grades 6-8 11-13 yrs	Total Grades K-8 5-13 yrs	High School Grades 9-12 14-17 yrs	Adults (18-up)	Total per Unit
Detached Single Family:							
2 bedroom	.102	.122	.041	.163	.020	1.694	1.979
3 bedroom	.254	.346	.138	.484	.142	1.921	2.801
4 bedroom (or more)	.413	.470	.303	.773	.303	2.142	3.631
Attached Single Family (Townhouse, Row House, Quadriplex, etc):							
1 bedroom	-0-	-0-	-0-	-0-	-0-	1.068	1.068
2 bedroom	.092	.095	.077	.172	.037	1.776	2.077
3 bedroom	.231	.237	.064	.301	.066	1.805	2.403
4 bedroom (or more)	.332	.345	.155	.500	.168	2.243	3.243
High Density (16+/acre) Apartment:							
Efficiency	-0-	-0-	-0-	-0-	-0-	1.360	1.360
1 bedroom	-0-	.002	.001	.003	.001	1.749	1.753
2 bedroom	.042	.082	.041	.123	.042	1.614	1.821
3 bedroom (or more)	.050	.230	.123	.353	.116	2.499	3.018

- e. Reservation of additional land: Where the Comprehensive Plan, Village Official Map, or the standards of the Village call for a larger amount of park and recreational land or school sites in a particular subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchase by the Village or other public body designated by the Village, provided that such acquisition is made within one year from the date of approval of the final plat, in the manner provided by the Illinois Compiled Statutes. (Ord. No. 95-038, June 5, 1995)

- f. Combining with adjoining developments: Where the subdivision or planned unit development is less than 40 acres, public open space or a school site which is to be dedicated

SUBDIVISION CONTROL REGULATIONS

should, where possible, be combined with dedications from adjoining developments in order to produce usable recreation areas or school sites without hardship on a particular developer.

- g. Topography and grading: The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading on sites dedicated for park and recreational uses shall not differ greatly from surrounding land.
- h. Improved sites: All sites shall be dedicated in a condition ready for full service of electricity, water, sewer and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefor. The sidewalks and trees normally included within the definition of "improved" sites may be deleted due to the delay time between dedication of any such school site and its construction.

(Ord. #00-070)

- i. Distribution of contributed funds: The cash contributions in lieu of land, including interest earned thereon, shall be held in trust by the President and Board of Trustees, for use in acquisition of land for school, park and other public purposes which will be available to serve the immediate or future needs of the residents of that subdivision or development or for the improvement of other existing school, park, library or other public land which already serves such needs. Moneys deposited with the Village for the use and benefit of another government body with the provision of the ordinance shall be paid to that government body upon request, at the time a designation for the use of the funds is approved by the Village Board of Trustees. If any portion of a cash contribution in lieu of land is not expended for the purpose set forth herein within ten years from the date of receipt, the President and Board of Trustees shall determine if the original needs still exist. If the needs are determined not to exist, the cash contribution shall be refunded to the current titleholders of the land originally owned by the developer who made such contribution.

The Village of Arlington Heights Finance Department, in May and November of each year, shall inform by mail the applicable school and park district and the Arlington Heights Memorial Library what amount is due to each entity. Upon receiving verification from each applicable entity, the Village shall proceed with payment of the funds upon approval by the Village Board of Trustees as soon as practicable. (Ord. No. 95-038, June 5, 1995)

- j. Severability: If any provision of this ordinance or the application thereof to any person or circumstances is declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect other provisions or applications of this ordinance, which can be given effect without the invalid provision or application thereof, and to this extent, the provisions of this ordinance are declared to be severable. (Ord. No. 81-164, Dec. 21, 1981)

Section 29-402 Limitations on Size of Dedicated Land.

- a. In no event shall any owner of land be required to offer for dedication under the provisions of Section 29-401 an amount of land exceeding 10% of the gross acreage of the proposed subdivision unless compensation is made for all acreage so in excess of 10%.
- b. All areas offered for dedication for public lands in excess of 10% shall be designated on the final plat and shall be subject to purchase or condemnation by the acquiring agency within one year from the date of approval of the final plat by the Board of Trustees. If such excess

ARLINGTON HEIGHTS VILLAGE CODE

land is not acquired within the prescribed time, then such land may be used by the owner for his/her own purposes in any manner consistent with all other applicable requirements of this Code.

Section 29-403 Form and Time of Offer; Acceptance; Rejection.

- a. Offers to dedicate land under the provisions of this chapter shall be deemed to have been made at the time of the filing of the preliminary plat with the Secretary of the Plan Commission. Offers to pay sums of money in lieu of land dedication shall be made in writing and filed with the Secretary of the Plan Commission at the time of the filing of the preliminary plat. The Plan Commission shall thereupon notify the governing body of the public agency affected by the offer.
- b. The agency shall have 30 days in which to accept the offer, and all offers not accepted by the end of the 30-day period shall be deemed to have been rejected; provided, however, in cases involving payment of money in lieu of land dedication, the 30-day period shall commence from the conclusion of negotiations or rendition of an appraisal, as provided for in Section 29-401(b)(2), whichever event is later. All deeds of dedication shall be in the form set forth in Section 29-217(a).
- c. All offers and acceptances of land dedication or money payments shall be deemed to be conditioned on the approval of the final plat by the Board of Trustees, and shall be consummated by the delivery of a deed of dedication, or payment of money, as the case may be, at the time of such approval. All deeds of dedication shall be in the form set forth in Section 29-217(a).
- d. No plat of subdivision shall be rejected by either the Plan Commission or the Board of Trustees for failure to dedicate land or pay money in lieu thereof where an offer meeting the requirements of this chapter was duly made by the owner, but rejected by the interested public agency.
- e. At the time of final plat approval the owner shall provide a deed of conveyance of all land to be dedicated in a form satisfactory to the Village and the interested public agency. In the event that the owner shall be unable to provide such deed, the public agency and the owner may provide to the Village an agreement between the parties setting forth the manner in which the land is to be conveyed. Such agreement may include the use of escrows or other suitable instruments, which will guarantee the conveyance of the land required under the provisions of this article. The terms and provisions of escrow agreements, if mutually agreeable to the parties, shall be subject to approval by the Village. In the event that the deed or other agreement is not approved by the Village, no final plat shall be approved unless the Village Board of Trustees waives the requirements of this article. (Ord. No. 79-153, Oct. 1, 1979)
- f. The owner shall be responsible for ensuring that all work to be performed on dedicated parkland is completed within 90 days of the Village making a demand for such work to be performed. If such work is not completed within 90 days, the Village may perform the work at the owner's expense. (Ord. No. 89-019, March 6, 1989)

Section 29-404 Sites Not Set Forth in the Official Plan or Official Map.

SUBDIVISION CONTROL REGULATIONS

For purposes of this chapter, there need not be an actual site for schools, parks or other public land designated in the Village Comprehensive Plan or the Village Official Map, but where the need for sites arises from additional population attributable, in whole or in part, to the proposed subdivision, determined by the same criteria used in the determination of other necessary school, park or other public land in the Village Comprehensive Plan or the Village Official Map, then such land shall be deemed to have been set forth in the Village Comprehensive Plan or the Village Official Map prior to the filing of the preliminary plat of the proposed subdivision. (Ord. No. 88-095, August 15, 1988)

Section 29-405 Park Districts and Park Management.

- a. Where land is dedicated under the provisions of this chapter for park sites and is located immediately outside the limits of a Park District, the owner or subdivider shall petition the Park District for annexation of the entire proposed subdivision area so that such subdivision may be annexed to the Park District prior to the approval of the final plat of the proposed subdivision and sale of lots in the proposed subdivision.
- b. Where such dedicated parkland is so located as to prevent annexation to a Park District, the owner or subdivider shall establish a trusteeship within the proposed subdivision. Such trusteeship shall have limited power of assessment over the subdivision for the purpose of maintaining all dedicated parklands. The trusteeship shall also provide that the Board of Trustees will be empowered to place such park sites in a Park District at such time as annexation becomes possible, in which event the trusteeship shall cease.

Section 29-406 Unit Developments. Where the proposed subdivision is being developed on a unit basis under the provisions of Section 29-216, land dedication or payment in lieu thereof may be made on a corresponding unit basis, in the proportion that each unit bears to the total subdivision.

(Ord. #00-070)

Section 29-407 Library Services Contribution Fee. As a condition of approval of a final plat of subdivision, each subdivider will be required to pay a cash contribution in accordance with the following criteria and formula:

- a. Criteria for requiring a cash contribution for library services.
 1. Criteria guideline: Density formula. The Table of Estimated Ultimate Population Per Dwelling Unit set forth in Section 29-401d. shall be used in calculating the amount of library service cash contribution required unless a written objection is filed thereto by the subdivider with the Village Board. In the event a subdivider files a written objection to the Table of Estimated Ultimate Population Per Dwelling Unit listed herein, the subdivider shall submit his/her own demographic study showing the estimated additional population to be generated from the subdivision. In that event, final determination of the density formula to be used in such calculations shall be made by the Village Board based upon such demographic information submitted by the subdivider and from other sources, which may be submitted to the Village Board by the Library Board or others. The Village Board shall have the power to evaluate this density formula annually and amend the ordinance as necessary.

(Ord. #05-083)

ARLINGTON HEIGHTS VILLAGE CODE

2. Amount of library services contribution fee. The amount of the library services contribution fee is \$119.28 per patron, calculated in accordance with the Table of Estimated Ultimate Population Per Dwelling Unit set forth above.
3. Held in trust. The cash contribution shall be held in trust by the Village for the Arlington Heights Memorial Library and disposed of in accordance with Section 29-401i.

Article V **Installation of Required Improvements**

Section 29-501 Required Improvements. The developer of a proposed subdivision shall install or cause to be provided the following facilities:

- a. All roads, alleys, curbs, gutters and road drainage facilities, in accordance with the standards set forth in Section 20-108 of this Code.
- b. All sidewalks located within public areas, in accordance with the standards set forth in Section 20-109 of this Code.
- c. A water supply system for each lot of the proposed subdivision, in conformance with the requirements of Chapters 21 and 24 of this Code. In addition thereto, such water supply system shall be connected to the Village water system at the most advantageous point, taking into account the size of the Village water main at such point and the expected demands of the proposed subdivision. Dead-end water mains shall be avoided.
- d. Fire hydrants of the type and quality specified in standards developed by and on file with the Director of Engineering. The placement and method of installing such fire hydrants shall be in accordance with the standards of the National Board of Fire Underwriters and shall be subject to the inspection and approval of the Director of Engineering.
- e. A sanitary sewer system for each lot meeting all specifications of Chapters 22 and 24 of this Code and the regulations of the Metropolitan Water Reclamation District of Greater Chicago. Such sanitary sewer system shall be connected to the sanitary sewer system of the Village at such point or points as the Director of Engineering shall determine, based upon the location and size of the Village sanitary sewer system in relation to the estimated flow of the sanitary sewer system of the proposed subdivision.
- f. A storm sewer system, separate and independent of the sanitary sewer system, meeting all specifications of Chapters 22 and 24 of this Code. Such storm sewer system shall be connected to an existing storm sewer system of the Village where available; if such connection is unavailable, other adequate means for the discharge of such storm system shall be provided by the developer.
- g. A street lighting system meeting the requirements of Chapter 25 of this Code.
- h. Street signs of such location, type and size as approved by the Village Manager, giving due regard for the prevailing type, size and pattern of location used throughout the Village, in accordance with the provisions of Section 20-112.

SUBDIVISION CONTROL REGULATIONS

- i. Landscaping of all public areas, including the preservation of existing vegetation, grading and seed thereof, screening, and the planting of trees, in accordance with the standards of Sections 20-501 through 20-514 and Section 28-6.16 of this Code. (Ord. No. 91-087, August 19, 1991)
- j. All original utility distribution lines for telephone and electric service to be installed shall be placed underground within easements or dedicated public ways. The installation of such facilities shall be made in compliance with applicable orders, rules and regulations of the Illinois Commerce Commission now or hereafter effective and the owner or subdivider of any property to be served from the underground installations shall be responsible for compliance with the rules and regulations now and hereafter effective and filed with the Commission pursuant to the Illinois Public Utilities Act, of any public utility whose services will be required with respect to the provision of such underground facilities. (Ord. No. 67-133, Dec. 18, 1967)

Section 29-502 Exceptions for Existing Improvements.

- a. When the proposed subdivision or resubdivision concerns an area presently having any or all required improvements set forth in Section 29-501, where such improvements meet the requirements of Section 29-501, no further provision must be made by the developer to duplicate the improvements. However, where existing improvements do not so meet the requirements of Section 29-501, the developer shall repair, correct or replace such improvements so that all improvements will then meet the aforesaid requirements of Section 29-501.
- b. Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street of less than 50 feet in width or a roadway of less than 20 feet in width, the land shall be dedicated so as to provide a minimum street width of 66 feet and the developer of the proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set forth in Section 20-108 of this Code. The Director of Engineering shall determine what adjustment to make where the aforesaid widenings merge with existing streets, which are of a small width at the boundary of such proposed subdivision. The Director of Engineering may also require lanes to be painted on such widened streets, designating driving and parking areas. (Ord. No. 89-064, August 7, 1989)

(Ord. #06-059)

Section 29-503 Agreement, Bond and Deposit Guaranteeing Installation of Required Improvements.

- a. Upon final approval of plans and specifications for required improvements, the owner and the subdivider of the land proposed to be subdivided shall enter into an agreement with the Village whereby the owner and the subdivider agree to install such required improvements at their own expense, in accordance with the approved plans and specifications within the time prescribed by the provisions of this Code. Such agreement shall be conditioned upon the approval of the final plat of subdivision.
- b. Simultaneously with the execution of the agreement provided for in subparagraph (a) above, the owner and the subdivider of the land proposed to be subdivided shall deposit in escrow

ARLINGTON HEIGHTS VILLAGE CODE

with the Village Clerk, a cash bond, irrevocable letter of credit, surety bond or letter of commitment issued by a bank, savings and loan association, surety, or insurance company, deemed sufficient by the Village in the amount of the cost, as estimated by the Director of Engineering, of the installation of the required improvements aforesaid, conditioned upon the approval of the final plat, and further conditioned upon the installation of such required improvements within two years from the date that the final plat is approved by the Board of Trustees.

- c. Prior to the submission of the final plat to the Board of Trustees, in accordance with the provisions of Section 29-213, the subdivider shall deposit in escrow with the Village Clerk a cash bond, irrevocable letter of credit, surety bond or letter of commitment issued by a bank, savings and loan association, surety, or insurance company, deemed sufficient by the Village in the amount of 15% of the cost of all surface improvements theretofore approved by the Board of Trustees. The cost of such surface improvements shall be estimated by the Director of Engineering. The subdivider shall agree that the deposit in escrow may be held by the Village for a period of 18 months after the final completion of the work for the purpose of:
 1. Guaranteeing and securing the correction of any defect in material or workmanship furnished for the surface improvements, latent in character and not discernible at the time of final inspection or acceptance by the Village; and
 2. Guaranteeing against any damage to the improvements by reason of the settling of ground, base or foundation thereof. Such escrow agreement shall also provide that, if such defects have developed, then the cash deposit or equivalent may be applied by the Village for any amounts incurred in correcting such defects; and that the balance of such deposit, if any, held at the end of such 18-month period shall be returned by the Village to the depositor, or paid to the order of the depositor, without interest.

Section 29-504 Inspection. All improvements required by the provisions of this Article shall be inspected by the Director of Engineering during the course of construction and at completion. Such inspection may include television inspection of all new sewer installations. Fees and costs connected with inspections shall be paid by the subdivider.

Section 29-505 Acceptance of Required Public Improvements by the Village. Upon completion of all improvements required by the provisions of this Article, a final inspection thereof shall be made by the Director of Engineering and, if the improvements are found to be in conformance with the requirements of this Code, the Director of Engineering shall so certify to the Board of Trustees. The Board of Trustees shall, by passing a resolution, thereupon formally accept such improvements, at which time they shall become the property of the Village.

Article VI Contributions for Connection to Existing Public Facilities

Section 29-601 General Requirements; Costs. Where a proposed subdivision consists of land not annexed to the Village, and such land has not borne any of the costs of installation of a public water system or public sewer system, the facilities of which are to be used by such subdivision, the subdivider shall pay a fee or fees, as the case may be, for a connection or connections to such water and/or sewer system, or any extensions thereof, which fee or fees shall be computed as follows:

SUBDIVISION CONTROL REGULATIONS

- a. For connecting to existing water mains as aforesaid or any extensions thereof, an amount equal to \$10.00 for each lot within such subdivision.
- b. For connecting to existing sewer mains as aforesaid, or any extensions thereof, an amount equal to \$50.00 for each lot within such subdivision.

Section 29-602 Partial Contributions. Where only part of the land contained within a proposed subdivision is subject to the provisions of Section 29-601, contribution fees as provided in that section shall be limited to only as much of such land as is subject to the provisions of Section 29-601.

Section 29-603 Time of Payment.

- a. The fees payable under the provisions of this article shall be due and payable when the final plat of subdivision has been approved under the provisions of this chapter.
- b. Where a subdivision is being developed on a unit basis, fees payable under the provisions of this article shall be payable only on such unit basis at the time of approval of the final plat for each respective unit.

Section 29-604 Contribution Fees Additional to all Other Fees and Charges. The fees payable under the provisions of this Article shall be in addition to all fees and charges payable for any inspection, license, permit or other service fees provided in other provisions of this Code respecting such proposed subdivision; moreover, fees charged hereunder shall be considered a charge for the privilege of using the existing water systems and sewer systems installed in the Village.

Article VII Real Estate Protection for Purchasers From Subdivision Sellers

Section 29-701 Purpose. The purpose of this Act is to promote fair dealing in the sale of residential real estate.

Section 29-702 Short Title. This act shall be known and may be cited as the “Consumer Real Estate Protection Act.”

Section 29-703 Subdivision Seller. Subdivision seller means any person who is the beneficial owner of more than six subdivision lots located in the same subdivision or condominium development and who holds such lots for the purpose of selling in the ordinary course of his/her trade or business dwelling units constructed or to be constructed thereon.

Section 29-704 Liberal Construction. This act shall be liberally construed and applied to promote its purposes.

Section 29-705 Exemptions. The provisions of this Act do not apply to property principally used for agricultural purposes; to public or private school dormitories, fraternity houses, convents, monasteries, orphanages, mental institutions, penal institutions, or seminaries, to publicly-licensed nursing homes, public or private hospitals, shelter care homes, or similar institutions; or to any dwelling unit subject to taxation pursuant to the “Hotel Operators Occupation Tax Act,” approved July 6, 1961, as amended. The provisions of this Act also do not apply to sales by receivers, trustees in bankruptcy or any public officers under judicial process, or to any sales by public auction.

ARLINGTON HEIGHTS VILLAGE CODE

Section 29-706 Severability. If any provision or close of this Act or application thereof to any person or circumstances is held invalid, such invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are held to be severable.

Section 29-707 Effective Date. This Act takes effect on and applies to transactions entered into and events occurring after that date.

Section 29-708 Scope of Regulation. Any subdivision seller must display, in two prominent locations in any and all salesrooms, a zoning map which clearly shows the present zoning of all the surrounding property in an area of 1,000 feet measured from the boundaries of the subject property, the map to be either the official current zoning map or maps of the Village of Arlington Heights, surrounding municipalities, and the County of Cook or a map submitted by the subdivision seller and approved by the Village Planner.

1. The act, use or employment by any subdivision seller of any deception, fraud, false pretense, false promise, misrepresentation, or the concealment, suppression, or omission of any material fact with the intent that others rely upon such concealment, suppression or omission, in connection with the sale, offer to sell or advertisement of any subdivision lot held for sale by such person in the ordinary course of business, whether or not any person has in fact been misled, deceived or damaged thereby, is an unlawful real estate practice. However, nothing herein contained applies to the owner or publisher of newspapers, magazines, publications or printed matter wherein such advertisement appears, or to the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser. Nothing herein contained applies to any advertisement, which is subject to and complies with the rules and regulations of, and the statutes administered by the Federal Trade Commission. For the purposes hereof, the term "advertisement" includes the attempt by publication, dissemination, solicitation or circulation, to induce any person to enter into any obligation or acquire any title or interest in connection with the purchase of any subdivision lot.
2. Any contract for sale for property by a subdivision seller subject to this article shall contain the specific recital that the subdivision seller has complied with each of the provisions of this article, which recital shall be warranted by the seller. Said contract shall also provide that the purchaser by execution of the contract acknowledges that he has had the opportunity to examine the map referred to in Section 29-708 of this Article.

Section 29-709 Penalty. Any person, firm, or corporation violating any provisions of this ordinance shall be fined not more than \$500.00 for each such offense.

1. Nothing within this ordinance shall be construed to prevent any person from making a complaint or prosecuting his/her own claim under this ordinance. (Ord. No. 72-108, Dec. 4, 1972)