

SUB-DIVISION ORDINANCE

Adopted February 9, 1965

Fayette County Board of Supervisors

RESOLUTION

A resolution to provide for the health, comfort, safety, and convenience of the inhabitants of Fayette County, Illinois: to establish reasonable standards of design for subdivisions and for resubdivision of improved land and of areas subject to redevelopment, including reasonable requirements for public streets, alleys, ways for public service facilities, parks, playgrounds, and other public grounds.

Be it resolved by the Board of Supervisors, Fayette County, Illinois:

ARTICLE 1

This resolution shall be known as “The Land Subdivision Resolution of the County of Fayette”.

ARTICLE 2

Definitions

For the purpose of this resolution, certain terms and words are herewith defined as follows:

COUNTY – Fayette County, Illinois.

BOARD – Board of Supervisors, Fayette County, Illinois.

PLAN COMMISSION OR COMMISSION – A Planning Commission to be appointed by the Board consisting of four citizens, and the Commission shall also include the Township Road Commissioner or Commissioners of the Township or Townships in which the subdivision is located.

BUILDING LINE – A line on a plat between which line and a street, alley, or private place, no building or structure may be erected.

COUNTY ENGINEER – The engineer or engineers ordinarily retained by the County of Fayette for the design or construction of the specific public improvements herein.

IMPROVEMENTS – The furnishing of all materials, equipment, work, and services, including plans and engineering services, staking as supervision, necessary to construct all the improvements required in ARTICLE 6 of this resolution or any other improvements that may be provided by the subdivider. All of such materials, equipment, and services shall be provided at the subdivider's cost and expense, although he may enter into a contract with individuals and firms to construct or complete such improvements.

PLANS – All of the drawings including general plans, cross sections, profiles, working details, and specifications which the subdivider prepares or has prepared to show the character, extent, and details of improvements required in ARTICLE 6 of this resolution.

PLAT – A map or drawing showing the lot and street arrangement or other features or details of the area being subdivided, as required in this resolution for preliminary and final approval and recording.

SUBDIVISION – For the purpose of these regulations, a subdivision of land is: (1) the division of land into two or more tracts, sites, or parcels of five acres or less in area; or (2) the establishment or dedication of a road, highway, street or alley through a tract of land regardless of area; provided, however, that the sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots shall not be considered as a subdivision of land.

SUBDIVIDER – The person or persons, firm, or corporation who are owners of or agents for the area being subdivided and who are responsible for preparing and recording the plat of the subdivision and for carrying out all appropriate requirements outlined in these regulations for the subdividing of land.

ARTICLE 3

Jurisdiction and Procedure

Section 1 – Plat, when required. It shall be unlawful for the owner, agent or person having control of any land in the County outside the corporate limits of any city or village to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways, and grounds, unless by a plat in accordance with the laws of the State of Illinois and the provisions of this resolution. Each subdivider of land shall confer with local officials before preparing the

preliminary plat, in order to become thoroughly familiar with all the regulations and the proposals affecting the territory in which the subdivision lies.

Section 2 – County Planning Commission. Upon adoption of this resolution, the Board shall appoint a County Planning Commission consisting of four citizens of Fayette County, none of whom shall be engaged in the business of surveying. The members of the Planning Commission, in all proceedings concerning any subdivision, shall include within their membership the Road Commissioner or Commissioners of the Township or Townships in which any subdivision is located. The said Road Commissioner shall have the right to cast a vote for the approval or disapproval of any subdivision proposals or plans presented to said Planning Commission.

Section 3 – Preliminary Plat to be approved. Any person proposing to subdivide land shall submit to the County Plan Commission for its consideration a preliminary plat, prepared in accordance with the specifications of ARTICLE 5. The design and layout of the subdivision shall conform to the requirements of ARTICLE 4 herein. Following consideration of the plat, the Commission shall report its findings and recommendations in writing to the Board of Supervisors for its consideration and approval or disapproval.

Section 4 – Requisites for final plat approval. Following approval of the preliminary plat by the Commission and the Board, the subdivider shall (a) install the required improvements, or (b) furnish a bond for such installation, all in accordance with the requirements of ARTICLE 6, herein. Upon approval of the improvements, or arrangements therefor, the final plat shall be submitted in accordance with the provisions and requirements of ARTICLE 7 herein. No plat or replat shall be filed for record, or recorded in the office of the Recorder of Deeds of Fayette County, Illinois, unless and until the approval of the Board is endorsed thereon by the County Clerk, and no lot shall sold from such plat or replat unless and until approved by the Board and filed for record in the office of the Recorder of Deeds of Fayette County, Illinois, as herein provided.

ARTICLE 4

Subdivision Design Standards

Section 1 – The arrangement of streets and lots shall give due regard to the topography and other physical features of the property and shall meet the following requirements and standards.

A) Relation to adjoining street system. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. The street and alley arrangements shall not be such as to cause hardship on owners of adjoining property in platting their own land and providing convenient access to it. Offset streets shall be avoided. The angle of intersection between minor streets and major streets shall not vary by more than ten degrees from a right angle. Streets obviously in alignment with existing streets shall bear the names of the existing streets. Proposed street names that are in conflict with existing street names shall not be approved.

B) Street and alley width

1) The width of streets shall conform to the following:

	Right-of-Way		
	Pavement	W/Curb &	W/O Curb
	Width	Gutter	& Gutter
Less than 150 vehicles per 24-hr period	33'	50'	66'
150 to 400 vehicles per 24-hr period	44'	66'	80'

Where such street is part of the county, state or federal highway system, the width shall conform also to standards of Illinois Division of Highways.

2) The minimum width for minor streets shall be 50 feet, except that in cases where the topography or special conditions make a street of less width more suitable, the Commission may waive the above requirements. When a street adjoins unsubdivided property, a half street at least 33 feet in width shall be dedicated and whenever the property being subdivided adjoins a half street, the remainder of the street shall be dedicated.

3) Alleys shall not be provided in a residential block. Alleys are required in the rear of all business lots unless other adequate provisions are made for service and deliveries and shall be at least 20 feet wide.

C) Easements. Easements of at least five feet in width shall be dedicated on each side of all rear lot lines and along side lot lines where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water, or other utilities. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.

D) Blocks.

1) No blocks shall be longer than 1,200 feet.

2) Courts, dead-end streets, or other street space may be provided if proper access is given to all lots from a dedicated street or court. All dead-end streets shall terminate in a dedicated street space having a minimum radius of 50 feet or other satisfactory arrangement for turning of vehicles. Dead-end streets shall not exceed 750 feet in length.

E) Lots.

1) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of surrounding development.

2) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation of this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.

3) No lot shall have a depth of less than 100 feet nor a width of less than 50 feet. No lot shall have an area less than the following:

Single Family 7,500 Sq. Ft.

Multiple Family 7,500 Sq. Ft. minimum or 1,500 sq. ft. per
family whichever is greater.

4) All building lines shall be established at least 25 feet from any right-of-way line.

5) Corner lots shall have a width or depth sufficient to permit the establishment of front building lines on both the adjoining streets.

6) Lots at major street intersections and at acute angle intersections of less than 85 degrees shall have a radius of 20 feet at the street corner. On business lots a chord may be substituted for the circular arc.

F) Maintenance of improvements. Where a subdivision contains sewers, sewage plants, water supply systems, park areas, or other physical facilities necessary or desirable for the welfare of the area and of common use or benefit which the County does not desire to, or cannot maintain, provision shall be made by trust agreements, made a part of the deed restrictions, acceptable to the Board for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision.

G) Parks and school sites. Where an area being subdivided includes land proposed for parks or schools, the subdivider shall either dedicate such lands to the appropriate public agency as a part

of the plat, or he shall reserve such lands for a period of at least one year to permit their acquisition by purchase or by other means by said public agency. An agreement may be entered into between the sub-divider and the appropriate public agency regarding the time and method of acquisition and the cost of land.

H) Easement along streams. Whenever any stream or important surface drainage course is located in an area being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream and such easement shall be dedicated to the County or other appropriate public agency.

ARTICLE 5

Preliminary Plat

Section 1 – Where filed, exception. Four copies of the preliminary plat, drawn to a scale of not more than 100 feet to the inch, shall be submitted to the County Plan Commission. The plat shall be accompanied by a filing fee of One Hundred Dollars (\$100.00) (County Board Meeting held May 11, 1982). Plats containing three lots or less and not involving new streets may be exempted from the provisions of this article upon application to the Commission.

Section 2 – The preliminary plat shall show:

- 1) The location of the present property lines and section lines and streets, building, watercourses, and other existing features within the area to be subdivided and similar information regarding land immediately adjacent thereto.
- 2) The proposed location and width of streets, alleys, lots, building lines, and easements.
- 3) Existing sanitary and storm sewers, water mains, culverts, and other underground structures within the tract immediately abutting thereto; the location and size of the nearest water main and sewer outlet.
- 4) The title under which the proposed subdivision is to be recorded and the name of the engineer, the registered land surveyor and the subdivider platting the tract.
- 5) Contours referred to the U.S.G.S. and C. & G. S. datum with intervals of five feet or less.

6) The north arrow, scale, and date.

7) Plans or written statements describing the grades or profiles of the streets, the proposed grades and facilities for all required improvements and the subdivider's proposal to the County for accomplishing their installation in accordance with ARTICLE 6, hereof.

Section 3 – Approval of preliminary plat. The Plan Commission shall approve or disapprove the application for preliminary approval within 90 days from the date of the application, or the filing by the applicant of the last item of supporting data, whichever date is later, unless such time is extended by mutual consent. If the Plan Commission finds that the preliminary plat satisfies the requirements of this Resolution, it shall approve said plat and recommend approval by the Board.

If the Plan Commission finds otherwise, it shall specify in writing the objections found, to such plat and may either recommend disapproval or recommend approval conditioned upon specific changes in the plat.

One copy of the proposed plat together with a copy of the findings of the Commission shall be filed by the Commission with the County Clerk for submission to the Board. One copy of the proposed plat and findings shall be retained by the Commission, and one copy and findings shall be given the person offering the proposed plat together with certificate of approval or disapproval of the Commission and the Board.

ARTICLE 6

Minimum Improvements

Section 1 – Authority to proceed with final plat. Receipt by the subdivider of the copy of the preliminary plat together with the approval of the Commission and the Board, shall constitute authority for the subdivider to proceed with final plans and specifications for the installation of the required improvements and preparation of the final plat. Prior to the construction of any of the required improvements, the sub-divider shall submit such final plans and specifications to the County Engineer having jurisdiction over their construction. If said official shall find such plans and specifications to be in accordance with applicable policies and standards of the County, he shall authorize construction and determine the amount of bond, if required. Following the approval of the plans and specifications, construction may be started or the bond may be filed.

Section 2 – Requirements for approval of final plat. No final plat of any subdivision shall be approved unless:

- 1) The improvements listed hereinafter have been installed prior to such approval, or
- 2) The subdivider shall have filed with the County Clerk a surety bond, cashier's or certified check, to insure the construction of the improvements listed in this article in a satisfactory manner and within the period specified by the Board, such period not to exceed two years. No surety bond shall be accepted unless it be enforceable by or payable to the County in a sum at least equal to the cost of constructing the improvements as estimated by the County Engineer and in form with surety and conditions approved by the State's Attorney.

Section 3 – Installation of part of improvements. The owner of a tract may prepare and secure approval of a preliminary plat for the entire tract and may install the required improvements only in a portion of such tract, but the improvements must be installed or provision made for their installation in any portion of the area for which a final plat is approved for recording; provided, however, that any water mains, storm sewers, truck sewers, and any sewage treatment plants shall be designed and built to serve all the area owned by the subdivider and designed and built in such a manner that they can easily be expanded or extended to serve the entire area, and provided further that the requirements of Section 1, Subsection G of ARTICLE 4 have been met.

Section 4 – Survey monuments. All subdivision boundary corners shall be marked with permanent survey monuments. All points of tangency and points of curvature of all curves shall be marked with permanent monuments. A permanent monument shall be deemed to be 4" diameter concrete with 1/2" rod center at least thirty inches long with a minimum dimension of four inches extending below the frost line. Should conditions prohibit the placing of monuments on the line, offset marking will be permitted; provided, however, that exact offset courses and distances are shown on the subdivision plat. Three-fourths (3/4) inch iron pipes or 5/8" steel rods 3 feet long shall be set at all lot corners. If survey monuments are removed during construction, they shall be replaced before the final plat is approved.

Section 5 – Street improvements. All street and public ways shall be graded to their full width, including side slopes and to the appropriate grade and shall be surfaced to a width of 33 feet with six inches of compacted crushed stone or gravel and with approved A-3 surface or six inches of concrete may be used for the surfacing. Concrete curbs and gutters may be installed. The surfacing and curbs shall be in accordance with applicable standard specifications of the State and shall be subject to inspection and approval by the County Engineer or other official having jurisdiction.

Where lots are one acre or more in area, pavements of 22 feet in width and without curbs and gutters may be used, but usable shoulders with a slope of one-half inch per foot shall be provided along any 22-foot pavement.

Section 6 – Water lines. Where a subdivision is located with a connection to a public water system, said water service to terminate not less than two feet inside of the curb line or easement line. Fire hydrants shall also be installed in all subdivisions. The location of same shall be subject to approval by the nearest District or Municipal Fire Chief. The water supply system shall be constructed under the direction and control of and all construction shall be subject to the approval of the County Engineer.

Section 7 – Sanitary sewers. In subdivision in which the lots are less than 20,000 square feet and where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared, the subdivider may be required to install sewers in conformity with such plans. In such case, until a connection can be made with a public sewer system, the use of a primary sewage treatment plant will be permitted, provided such disposal facilities are constructed in accordance with the requirements of the Illinois Department of Health.

In subdivisions where the lots are 20,000 square feet or more and have a minimum width of 100 feet, the subdivider may install individual disposal devices for each lot at the time improvements are erected thereon. All such individual sewage disposal systems shall be constructed in accordance with regulations and requirements of the Illinois Department of Health and under the direction and control of the appropriate county authorities.

Section 8 – Drainage. The plat shall be laid out so as to provide proper drainage of the area being subdivided. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low areas. The means for disposing of the storm water shall be subject to the approval and supervision of the County Engineer.

ARTICLE 7

Final Plat

Section 1 – Final plat. The final plat shall be drawn with permanent ink on tracing cloth or Mylar film, to a scale of not more than 100 feet to the inch, from an accurate survey and on one or more sheets whose dimensions shall be 22 inches by 34 inches. If more than two sheets are required, an index sheet of the same dimensions shall be filed, showing the entire subdivision on one sheet and the component areas shown on other sheets. Fee of \$1.00 per lot shall accompany final plat.

Application for final approval of a plat shall be made not later than one year after preliminary approval has been granted. The original and four prints of the final plat shall be submitted to the County Plan Commission at least one week before the meeting thereon. When the final plat conforms to the approved preliminary plat, and the requirements of ARTICLE 6 and 7 have been accomplished, certification to this effect shall be endorsed on the final plat by the Chairman of the Commission and the plat thereupon submitted to the Board for its approval or disapproval. Where the final plat does not conform to the approved preliminary plat, the Planning Commission shall submit its recommendations to the Board for approval or disapproval of the final plat. Action on the final plat shall be taken by the Board within 60 days from the date of filing the last required document or other paper or within 60 days from the date of filing application for final approval, whichever date is later, unless the applicant and the Board mutually agree to extend the 60-day period.

Section 2 – Information required. The final plat and accompanying documents shall show:

- 1) The boundary lines of the area being subdivided, with accurate distances and angles. The correct legal description of the property being subdivided shall be shown on the plat or on an accompanying certificate.
- 2) The lines of all proposed streets and alleys with their widths and names of all streets.
- 3) The accurate outline of any portions of the property intended to be dedicated or granted for public use.
- 4) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and the names of all streets.
- 5) All lot lines together with an identification of blocks and lots.
- 6) The location of all easements provided for public use, services, or utilities.

- 7) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10th of a foot.
- 8) The radii, arcs, or chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
- 9) The location of all survey monuments and their descriptions.
- 10) The name of the subdivision and the scale of the plat, North Arrow, the name of the owner or owners or subdividers.
- 11) The certificate of a registered Illinois land surveyor attesting to the accuracy of the survey and the correct location of all monuments shown.
- 12) Any private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus, necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- 13) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks, or other open spaces shown thereon and the granting of easements required.
- 14) A receipt of certificate showing that there are no unpaid taxes or assessments upon any part of the area within the subdivision.
- 15) Certification of approval by the Board for endorsement by the Board Chairman and County Clerk.

ARTICLE 8

Exceptions

Section 1 – Modification of requirements. Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this Resolution would result in real difficulties or substantial hardship or injustice, the Board, after report by the Commission may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner but so that at the same time, the public welfare and interests of the County are protected and the general intent and spirit of this Resolution preserved.

ARTICLE 9

Application

The regulations and provisions of this Resolution shall not apply to any lands within 1 ½ miles of the City limits of the City of Vandalia, Illinois, and now covered by the Subdivision Ordinance of said City of Vandalia, Illinois.

ARTICLE 10

Validity

If any section, subsection, sentence, clause or phrase of this Resolution is, for any reason, held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this Resolution.

ARTICLE 11

Changes and Amendments

Any regulations or provisions of this Resolution may be changed and amended from time to time by the Board.

ARTICLE 12

