

TITLE XV: LAND USAGE

CHAPTER

- 150. ZONING CODE
- 151. SUBDIVISION REGULATIONS
- 152. RESERVED
- 153. DISCRIMINATORY HOUSING PRACTICES
- 154. RESERVED
- 155. RESERVED
- 156. PROCEDURE FOR LEASING AIR RIGHTS
- 157. EMINENT DOMAIN AUTHORITY
- 158. PUBLIC IMPROVEMENTS
- 159. DISCONNECTION AGREEMENTS
- 160. DEVELOPMENT IMPACT FEES

CHAPTER 151: SUBDIVISION REGULATIONS

SECTION

- 151.001 Short Title
- 151.002 Intent and Purpose.
- 151.003 Jurisdiction and Applicability
- 151.004 Minimum Design Standards
- 151.005 Submission and Review of Plats for Minor Subdivisions
- 151.006 Submission and Review of Plats for Major Subdivisions
- 151.007 Enforcement and Recording of Plats
- 151.008 Required Improvements
- 151.009 Variations and Exceptions
- 151.010 Definitions
- 151.011 Penalty
- 151.012 Cost Recovery Fees
- 151.112 Pending Land Use Application Disclosure Notice

Sec. 151.001 Short title.

This Chapter shall be known and cited as "The Highland Park Subdivision Ordinance". (Ord. 463, J. 4, p. 463, passed 4/25/49; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95)

Sec. 151.002 Intent and Purpose.

These regulations are intended to serve the following purposes:

- (A) To assist in the carrying out and implementation of the Master Plan of the City of Highland Park.
- (B) To set forth rules and regulations for the division and consolidation of real property.
- (C) To provide for the proper location and/or width of streets and alleys, buildable areas, open spaces, utilities and drainage easements, and public use facilities and areas.
- (D) To protect neighborhood character and to provide quality neighborhoods by requiring minimum lot widths, depths, and areas.
- (E) To provide minimum standards for public improvements and provision for modernizing infrastructure, including water, sanitary sewer lines, and drainage.
- (F) To provide for and secure the actual construction of public improvements.
- (G) To discourage residential "enclaves" which tend to divide neighborhoods and which restrict reasonable access to adjacent land which is likely to be subdivided or resubdivided in the future.

Sec. 151.003 Jurisdiction and Applicability.

The owner of any land which is within the corporate limits of the City, or unincorporated land which is located within one and one-half miles of said corporate limits, who proposes to subdivide or consolidate such land into lots of record, or who proposes to dedicate streets, alleys or other lands for public use, shall cause a plat to be prepared in accordance with the regulations of this Chapter, unless otherwise excepted. Replats and resubdivisions shall conform to these regulations.

Sec. 151.004 Minimum Design Standards.

Every subdivision plat shall comply with the terms and conditions of the Zoning Ordinance and with the Master Plan. In addition, the plat shall meet the minimum design standards outlined below.

(A) Lots.

(1) Lot shapes. Every lot shall have four sides. Exceptions may be approved when the applicant demonstrates that a four-sided lot is not feasible because of peculiar topographical conditions, abutting lots of record or abutting parcels, or pre-existing buildings not owned directly or indirectly by the applicant. A lot of other than four sides will not be approved if it appears that such lot has been so formed solely to comply with the minimum area, depth and width requirements of the Zoning Ordinance. As nearly as practicable, intersecting lot lines shall form right angles with each other.

(2) Lot depths. The minimum depth of lots shall be 125 feet.

(3) Conformance with Zoning Ordinance.

(a) Minimum lot area and average lot width. Minimum lot area and average lot width shall correspond to the zoning regulations of the district within which the land being subdivided is located and the minimum design standards set forth herein.

(b) Existing structures. A subdivision shall not be approved when said subdivision places an existing permanent structure in violation of the requirements of the Zoning Ordinance or the minimum design standards of this Chapter.

(c) Planned Unit Developments. In conjunction with the review required under Section 150.506 of this Code, no subdivision into two or more parts of a tract of land that is three or more acres shall be approved, except in compliance with this Chapter and with the planned unit development review and approval process required by Article V, Chapter 150 of this Code, including, without limitation, the requirement under Subsection 150.503(B) of this Code that any residential development on, or subdivision of, a tract of land of three or more acres must be developed under the planned unit development regulations. (Ord. 22-05, J. 31, p. 093-094, passed 4/25/05)

(4) Required area of tableland. Each proposed lot shall contain at least 20 percent tableland.

(5) Relationship to streets. Each lot shall have principal frontage on a public street. Through lots are prohibited.

(6) Established Property Width Average. In a single-or two-family residential zoning district, if sixty percent (60%) or more of the properties fronting on one side of a block located in the same zoning district have widths greater than the minimum lot width required in that zoning district, then the average property width of the existing properties shall be deemed to be the established property for such block; provided however that:

(a) The width of the property being considered for resubdivision shall not be included in the established property width average calculation;

(b) The calculation of established property width shall be based upon property ownership rather than platted lots;

(c) In no event shall the established property width be less than the required lot width for such zoning district;

(d) The regulations contained in this subparagraph shall not apply to one-lot subdivisions or to property developed as a planned unit development; and

(e) The calculation of established property width shall include (i) corner lots, when lot width measured at the shortest front lot line is coextensive with the side of the block for which the calculation is made, and (ii) the width of private rights-of-way that are located on a lot located on such side of the block. (Ord. 15-97, J. 24, p. 068, passed 3/10/97; Ord. 73-06, J. 32, p 345-348, passed 11/13/06)

(B) Streets and Alleys and Pedestrian Ways. The plat of the proposed subdivision shall provide for dedication of the necessary land for public streets and alleys proposed by the plat or projected by the Master Plan. Where streets and alleys abut a subdivision and are indicated by the Master Plan to be widened, land shall be dedicated to provide one-half the required right-of-way width as measured from the required centerline of such street or alley.

(1) Width of rights-of-way. Width of street and alley rights-of-way shall be as shown on the Major Street Plan; provided, however, that minimum right-of-way widths shall be as follows:

(a) Major arterial streets: 80 feet.

(b) Minor arterial streets: 66 feet.

(c) Minor streets: 66 feet.

(d) Alleys: 20 feet.

(2) Street relationships, connections, and dead-end streets (cul-de-sacs).

(a) As the same may be amended from time to time, the Master Plan shall govern consideration of the arrangement, character, extent, width, grade, and location of streets. All streets shall be considered in their relation to existing and planned streets, topographical and soil conditions, public convenience and safety, and the proposed uses of the land to be served.

(b) Generally, the arrangement of streets within a subdivision shall make provision for the continuation of existing or proposed streets in adjoining areas and, when a new subdivision adjoins land susceptible of being subdivided or resubdivided, new streets shall be carried to the boundaries of the tract proposed to be subdivided.

(c) Whenever, in the opinion of the City Council, topography, lakes, water courses, or other physical conditions require the platting and establishment of dead-end streets, such streets shall have adequate width for turn around, a cul-de-sacs having a radius of no less than 50 feet from center to outside curb and shall extend no more than 900 feet from the end of such cul-de-sac to the first street intersecting such dead-end street to ensure that emergency vehicles can access all lots fronting upon the dead-end street within a reasonable amount of time.

(d) Streets in or near floodways. Streets platted near and/or within floodways shall be located in compliance with the storm water management ordinances of the City.

(e) Streets along railroads. The nearest right-of-way line of streets platted more or less parallel to railroad rights-of-way shall be located not less than 125 feet from the nearest line of such railroad right-of-way.

(3) Pedestrian access ways may be required in locations identified in the Master Plan.

(C) Other Public Use Areas and Public Use Facilities. In accord with the Master Plan, the plat of the proposed subdivision shall provide for dedications of rights-of-way or easements of the land necessary for bicycle paths and other greenways, such storm or flood water run-off channels and basins, ways for public facilities, parks, playgrounds, school grounds and other public grounds as may be required by the Plan Commission to conform to the principles set forth in the Master Plan. In addition, any public grounds designated on the Master Plan which lie within a proposed subdivision shall be dedicated for the use intended in the Master Plan.

(D) Utility and Drainage Easements. The plat of the proposed subdivision shall provide for dedications of easements of sufficient widths to provide subdivided lots with utility services; however in no event shall such an easement be less than 20 feet in width. Where practicable such easements shall be located at the rear of each lot and along such other lot lines so as to provide continuity of alignment of such easements from block to block. In addition, the plat of the proposed subdivision shall provide for dedications of easements necessary for storm or flood water run-off channels and basins.

(E) Special Standards for Lots-in-depth.

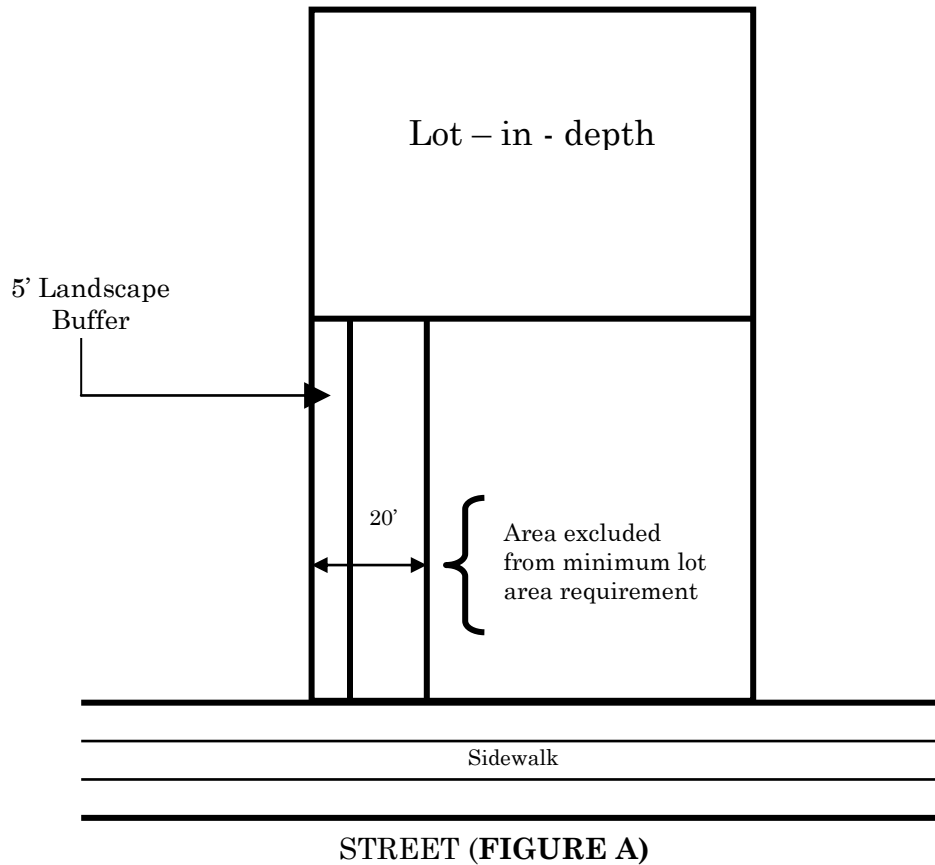
(1) In the "R1", "R2", "R3", "R4" and "R5" single family residential districts, whenever a proposed subdivision provides for the division of an existing parcel of land, one lot-in-depth per subdivision may be permitted provided: (a) dividing the parcel in question into conventional lots, each having full frontage upon a public street, is impossible because of lot configuration or natural features located on the land within the proposed subdivision (such as watercourses, steep slopes, ravines, or bodies of water) or because of the desire to preserve nationally or locally registered historical structures; (b) the lot-in-depth proposed to be created is in an area where there is little or no possibility of creation of any other lot-in-depth in the area; and (c) all other lots in the proposed subdivision have full frontage upon a dedicated public street equal to the minimum width required for lots in the applicable zoning district. (Ord. 18-88, J. 17, p. 588-589, passed 3/28/88; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95)

(2) Provided the proposed subdivision meets the above requirements, a lot-in-depth must conform to the following additional requirements:

(a) The lot-in-depth shall have frontage upon an existing public street by means of its stem, which shall be at least twenty (20) feet wide.

(b) Five foot wide landscape buffers shall be provided: (i) adjacent to adjoining properties not in the proposed subdivision, and (ii) within the stem of the lot-in-depth as depicted in Figure A. Prior to the issuance of an occupancy certificate by the City for structures on the lot-in-depth, within each five foot landscape buffer the owner of the lot-in-depth shall provide a shrub screen and groundcover plantings meeting the visual clearance requirements of the Zoning Ordinance.

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(c) No building or other structure shall be placed or constructed upon any part of the stem.

(d) Exclusive of the entire area of the Stem, the entire remaining area included within any permitted lot-in-depth shall contain 115% of the minimum lot area for conventional lots in any such zoning district and at least 115% of the average lot width required by the applicable zoning district. (Ord. 50-97, J. 24, p. 300-301, passed 8/25/97)

(e) Upon its review of a plat containing a lot-in-depth, the Plan Commission shall require building setback lines to be installed upon the platted area of the lot-in-depth. The minimum required building setback lines of a lot-in-depth shall be dependent upon the required zoning yards of any other lots adjacent to such lot-in-depth. Where a lot-in-depth abuts a front or rear yard, the required building setback lines shall be equal to 120% of the required abutting front or rear yard. Where a lot-in-depth abuts a side yard, the required building setback lines shall be equal to a 200% of the required abutting side yard. (Ord. 50-97, J. 24, p. 300-301, passed 8/25/97)

(f) Lots-in-depth shall conform to all other applicable regulations of this Subdivision Code. (Ord. 48-78, J. 13, p. 2095, passed 10/9/78; Ord. 18-88,

J. 17, p. 588-589, passed 3/28/88; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95; Ord. 50-97, J. 24, p. 300-301, passed 8/25/97)

(F) Unbuildable Parcels. A subdivision shall not create "outlots" or unsubdivided parcels. In addition, no subdivision shall include a portion of a lot of record, without including the entire lot of record unless, prior to the date of adoption of this ordinance the portion of the lot of record not included in the subject subdivision has been under separate ownership from the portion of the lot of record included in the subject subdivision.

Sec. 151.005 Submission and Review of Plats for Minor Subdivisions.

Expedited procedures are available for one-lot subdivisions (lot consolidations) and two-lot subdivisions which require no bonded improvements, require no variations from the Subdivision or Zoning regulations, and which meet all other requirements of this Section. Such applications shall comply with the requirements outlined below:

(A) Preparation Requirements for Minor Subdivision Plats.

(1) Scale. Each minor subdivision plat shall be drawn to a scale no smaller than one inch equals 50 feet.

(2) Property boundaries and features. The plat shall show the boundaries of the property to be subdivided and (if any) the adjacent section, half section and quarter section lines, existing streets, water courses, and One Hundred Year Flood Plain, as well as other existing features pertinent to proper subdivision. In addition, all plats wholly or partially within a Steep Slope Risk Zone are subject to the Bluff and Ravine Steep Slope regulations of Chapter 155 of this Municipal Code.

(3) Municipal boundaries. All corporate boundary lines within or adjacent to the proposed subdivision shall be so designated.

(4) Lots, blocks, and existing building lines. All lot lines shall be shown, with lots and blocks numbered or lettered. Dimensions of lots and blocks, and existing building setback lines, shall be shown.

(5) Dimensions. All necessary dimensions, both linear and angular, shall be shown. Linear dimensions shall be shown in feet and decimals of a foot, and all deflection angles, radii, arcs and central angles of all corners on property lines adjacent to each street shall be shown in degrees, minutes and seconds.

(6) Names. The name of the proposed subdivision with the name of the owner, trustees or sponsor shall be shown.

(7) Existing utilities, easements, and dedications. The plat shall indicate location of existing dedications of easements for utilities, including but not limited to water mains, telephone and electric and natural gas lines, sanitary sewer trunk lines and storm sewer mains, if any. All easements shall be indicated on the plat and copies of all proposed and existing easement agreements affecting any lot or involving adjacent land shall accompany the same.

(8) Date. The date of preparation and a proper north sign shall be shown.

(9) Legal description. A legal description of the property shall be given which includes reference to the section, township and range. Government section lines and corners, half-section lines, the location and dimension of all streets (with their names), alleys and all other lands to be dedicated to public uses; and the lines and dimension of abutting roads and streets (with their names) and alleys shall be shown. State plane coordinates shall be indicated for all lot corners when the subdivision is of two or more acres.

(10) Monuments. The description and location of all survey monuments erected in the subdivision shall be shown. Permanent monuments shall be erected at all lot corners, street corners, at all points where street lines intersect the exterior boundaries of the subdivision and angle points and points of curve in each street. Such monuments shall be either non-corrosive iron pipe or rod, 3/4 inch in diameter and 30 inches long, or stone or concrete not less than four inches in diameter and 24 inches long.

(11) Building set back lines. Front yard set back lines may be inserted where they are equal to or exceed the requirements of the Zoning Ordinance provided that such platted set back lines shall not control when in conflict with a greater set back line established by any amendments to the Zoning Ordinance.

(12) Certificates, etc. All proper certificates, seals and signatures as required by law shall be shown.

(B) Filing Fee. At the time original application is made for subdivision, resubdivision or consolidation of a parcel or parcels of property within the City, the applicant shall pay such fees to the City Collector in the amounts thereof established by resolution of the City Council from time to time. A current copy of such resolution shall be maintained in the office of the Secretary. No application for subdivision shall be accepted by the Secretary until all such fees have been paid. (Ord. 463, J. 4, p. 463, passed 4/25/49; Ord. 838, J. 4, p. 838, passed 9/6/55; Ord. 942, J. 4, p. 942, passed 4/22/57; Ord. 26-78, J. 13, p. 2067, passed 7/24/78; Ord. 1-93, J. 20, p. 001-002, passed 1/11/93; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95; Ord. 29-97 J. 24, p. 98-102, passed 5/12/97)

(C) Filing Requirements. No application for subdivision shall be accepted unless accompanied by a completed application form, the filing requirements listed herein below, and any other documents requested by the Secretary. There must be adherence to all filing requirements at least 21 days prior to the date of Plan Commission review. The following documents must accompany the filing of such application:

(1) Plat of subdivision. A plat of subdivision prepared and sealed by a land surveyor duly licensed by the State of Illinois (five full-size copies on standard sheets not larger than 24 x 36 inches and drawn to a scale not less than one inch equals 50 feet and one 11 x 17 inch reduced copy).

(2) Plat of survey. A current plat of survey (five full-size copies and one 11 x 17 inch reduced copy) prepared and sealed by a land surveyor duly licensed by the State of Illinois.

(3) Tree survey. A tree survey (five full-size copies and one 11 x 17 inch reduced copy) of the lot shall be drawn on a scale of not less than 1"=30' and shall show trees with a DBH (as such term is defined in this Code) of six inches (6") or greater and include a listing of the species of each such tree which will be impacted by construction activity caused by the subdivision. For sites on which development is to occur on less than the entirety of the site, the Secretary may provide that the tree survey exclude those portions of the site which he determines will not be affected by any development activities caused by the Subdivision. (Ord. 29-97, J. 24, p. 98-102, passed 5/12/97)

(4) Title policy. A copy of title policy.

(5) Affidavit of title. An executed affidavit of title for the period of time from the effective date of the title policy to the date of application for subdivision.

(6) Wetlands delineation report. A wetlands delineation report is required whenever a site contains wetlands.

(7) Topographical survey. A topographical survey showing contour lines at one foot intervals and the proposed location and dimensions of all proposed buildings or construction is required when a subdivision will result in the creation of a lot with less than 80% tableland. (Ord. 463, J. 4, p. 463, passed 4/25/49; Ord. 838, J. 4, p. 838, passed 9/6/55; Ord. 60-21, J. 5, p. 233, passed 4/25/60; Ord. 60-29, J. 5, p. 267, passed 5/9/60; Ord. 55-61, J. 5, p. 487, passed 10/23/61; par. (O) added Ord. 48-72, J. 9, p. 615, passed 9/11/72; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95)

(8) Site context plan. The boundaries of the site shall be clearly delineated on an aerial photograph which reveals the site and all property within a 1000 foot radius (as measured from the outside boundaries of the site) and all public rights-of-way within and adjacent to the site at a scale of not less than one inch equals 100 feet. For adjacent properties, such site context plan shall indicate existing rear, front, and side yard setbacks.

(D) Posting and Notice Requirements.

(1) As an accommodation to neighbors and other persons, not less than 15 days prior to the meeting of the City Council at which the proposed subdivision is to be considered, the Secretary may cause one or more signs to be posted on the property which is the subject of the subdivision. (Ord. 29-97, J. 24, p. 98-102, passed 5/12/97)

(a) The appearance, number and location of such sign(s) shall be determined by the Secretary.

(b) The sign shall contain the City office address and telephone number of the Secretary and shall state that the subdivision of the subject property will be considered at a forthcoming meeting of the City Council, and that

interested members of the general public may call the office of the Secretary for further information concerning date, time, place, and subject matter of the said meeting.

(c) The Secretary shall cause the removal of the sign or signs from the subject property within 15 days of the conclusion of the final meeting dealing with the proposed subdivision.

(2) Upon receipt of an application for a minor subdivision, the Secretary shall send a postage paid notice by United States Mail to each owner of real property abutting the property contained in the proposed subdivisions, which notice shall explain that the Secretary shall be reviewing the proposed subdivision and preparing a report to the City Council concerning approval of the same. The notice shall also list the date, time, and place of the City Council meeting where the consideration of the subdivision is to take place, the applicant's name, the address of the subject property, and a brief description of the proposed subdivision, including the number and area (in square feet) of the lots to be created. (Ord. 52-92, J. 19, p. 214, passed 11/9/92; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95; Ord 29-97, J. 24, p. 98-102, passed 5/12/97)

(E) Action on Minor Subdivision Plat.

(1) Plan Commission recommendation.

(a) Following a review of the plat of each such Minor Subdivision by the Secretary and Chairman of the Plan Commission, the Chairman will make a written recommendation regarding the plat to the City Council within 45 days. The failure of the Chairman to provide a recommendation within such 45 day period, or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the approval of the minor subdivision plat. (Ord. 29-97, J. 24, p. 98-102, passed 5/12/97, Ord. 19-04, J. 30, p. 55-58, passed 3/8/04)

(b) NOTE: If, by reason of the general character or topography of the property to be subdivided, or of any lot to be created by such subdivision, it appears likely to the Secretary and Chairman of the Plan Commission that a variation from the application of the Zoning Ordinance or the Highland Park Building Code will be sought after approval of the plat for recording as submitted, then the Chairman of the Plan Commission shall reject the entire plat of subdivision, or may direct that such lots as to which it appears likely that a variation will be sought be excluded therefrom; provided, however, that no rejection or exclusion shall be made if the owner of the legal and equitable titles to the tract to be subdivided enters into a written covenant running with the land, and binding upon his heirs, successors, administrators, and assigns, that no such variations will be requested.

(2) City Council consideration. Upon its receipt of a written recommendation from the Chairman of the Plan Commission, such minor subdivision plat shall be acted upon by the City Council. (Ord. 29-97, J. 24, p. 98-102, passed 5/12/97)

Sec. 151.006 Submission and Review of Plats for Major Subdivisions.

(A) Preparation Requirements -- Preliminary Plats of Major Subdivisions. Preliminary plats for major subdivisions shall be prepared containing the material

indicated for minor subdivisions in Subsection (A) of Section 151.005 of this Chapter, as well as the following:

(1) Streets and public ways. All streets shall be named in conformity with the street naming plan of the City and all street names shall be shown. The width and location of roads, streets, alleys, and public ways shall be shown. The full widths of streets bounding the proposed subdivision (with their names), and the widths and names of intersecting streets in the property immediately adjacent, shall be shown.

(2) If applicable, the plat shall have lettered upon it a statement of dedication properly conveying all lands dedicated for public use, public schools, parks or any other public use.

(B) Filing Fee. At the time original application is made for a major subdivision, resubdivision or consolidation of a parcel or parcels of property within the City, the applicant shall pay the required fees to the City in the amounts set forth in the Annual Fee Resolution. No application for subdivision shall be considered or scheduled for review until all such fees have been paid. (Ord. 463, J. 4, p. 463, passed 4/25/49; Ord. 838, J. 4, p. 838, passed 9/6/55; Ord. 942, J. 4, p. 942, passed 4/22/57; Ord. 26-78, J. 13, p. 2067, passed 7/24/78; Ord. 1-93, J. 20, p. 001-002, passed 1/11/93; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95; **Ord. 25-10, J. 36, p. 052-058, passed 3/8/10**)

(C) Filing Requirements for Preliminary Plat of Major Subdivision. No application for approval of a preliminary plat of subdivision shall be accepted unless accompanied by a completed application form, the filing requirements listed herein, and any other documents requested by the Plan Commission. There must be adherence to all filing requirements at least 21 days prior to the date of Plan Commission review. The following documents must accompany the filing of such application:

(1) Preliminary plat of subdivision prepared and sealed by a land surveyor duly licensed by the State of Illinois (five full-size copies on standard sheets not larger than 24 x 36 inches and drawn to a scale of not less than one inch equals 50 feet and one 11 x 17 inch reduced copy).

(2) The filing requirements contained in Subsection (C) of Section 151.005 of this Chapter, except that the above preliminary plat of subdivision shall suffice for the plat of subdivision.

(3) Tree preservation plan. An approved tree preservation plan, as more specifically described elsewhere in this Municipal Code, is required whenever there will be construction of bonded improvements, demolition activity, earth moving, or other construction activity related to the subdivision. When no such activity is related to the proposed subdivision, a statement signed by the applicant indicating that no trees will be removed prior to issuance of a building permit may be submitted instead of a tree preservation plan. (Ord. 65-93, J. 20, p. 205-212, passed 12/13/93; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95; Ord. 18-98, J. 24, p. 498-502, passed 2/23/98)

(D) Posting and Notice Requirements. Posting and notice requirements for major subdivisions shall be identical to those for minor subdivisions as set forth in

Subsection (D) of Section 151.005 of this Chapter, except that notice by mail shall be sent to all owners of real property within 250 feet (exclusive of public right-of-way) of the property perimeter of the proposed major subdivision.

(E) Action on Preliminary Plat.

(1) Plan Commission recommendation.

(a) The Plan Commission shall make a written recommendation regarding the preliminary plat to the City Council within 45 days after its review of the preliminary plat. The failure of the Plan Commission to provide a recommendation within such 45 day period, or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the approval of the preliminary plat. (Ord. 19-04, J. 30, p. 55-58, passed 3/8/04)

(b) NOTE: If, by reason of the general character or topography of the property to be subdivided, or of any lot to be created by such subdivision, it appears likely to the Plan Commission that a variation from the application of the Zoning Ordinance or the Highland Park Building Code will be sought after approval of the final plat for recording as submitted, then the Plan Commission may reject the entire preliminary plat of subdivision, or may direct that such lots as to which it appears likely that a variation will be sought be excluded therefrom; provided, however, that no rejection or exclusion shall be made if the owner of the legal and equitable titles to the tract to be subdivided enters into a written covenant running with the land, and binding upon his heirs, successors, administrators, and assigns, that no such variations will be requested.

(2) City Council consideration. Upon its receipt of a written recommendation from the Plan Commission, such preliminary plat shall be acted upon by the City Council.

(F) Major Subdivision, Final Plat Procedure.

(1) Filing deadline. Within 90 days after the date of the approval of the preliminary plat by the City Council, the subdivider shall submit to the Plan Commission the final plat of a Major Subdivision for approval and recording as described herein below.

(a) Time extensions. Upon the application of the subdivider made within 80 days after the date of the approval of the preliminary plat as aforesaid, and for good cause shown, the Plan Commission may extend the time for submitting the final plat for approval for an additional 90 days, provided that only one such extension may be granted with respect to any given subdivision proposal.

(b) Revocation of preliminary plat approval. The subdivider's failure to submit a final plat to the Plan Commission for approval within the time or extension thereof as set forth above shall operate as an automatic revocation of the approval of the preliminary plat, and the subsequent subdivision of the same property shall proceed only upon application to the City as set forth herein for original applications.

(2) Filing Requirements for final plat of major subdivision. These requirements are cumulative to and augment the filing requirements for a preliminary plat of a major subdivision. At the time of filing of final plat of major subdivision, the subdivider shall submit an engineering, drainage and grading plan containing detailed plans and specifications, theretofore approved by the City Engineer, for the installation, construction and design of all Bonded Improvements, including but not limited to street pavements, curbs, gutters, sidewalks and pathways, fire hydrants, water mains, sanitary sewers, storm sewers and storm water storage facilities, street lights and other bonded improvements detailing the existing centerline elevations of all streets and alleys in the proposed subdivision and the centerline elevations of proposed pavements [Elevations shall refer to U.S.G.S. datum]. Profiles shall be drawn to a horizontal scale of not more than one inch equals 50 feet and vertical scale of not less than one inch equals five feet, which plans and profiles shall be prepared by an engineer licensed by the State of Illinois in accord with all applicable Codes and ordinances of the City as well as with the more detailed regulations contained below:

(a) All proper certificates and seals as required by law shall be shown on the subdivision plat including the signature and seal of the Illinois registered land surveyor who prepared the plat.

(b) No engineering, drainage, and grading plan shall be deemed approved unless the certificate of the City Engineer is reflected thereon, certifying that the bonded improvements described thereon in the owner/subdivider statement and the plan meet the minimum requirements of this Chapter and all other applicable ordinances of the City, which certificate shall include the City Engineer's estimate of the cost of such improvements, as well as the costs of engineering and inspection. (Ord. 463, J. 4, p. 463, passed 4/25/49; Ord. 838, J. 4, p. 838, passed 9/6/55; Ord. 60-21, J. 5, p. 233, passed 4/25/60; Ord. 35-66, J. 6, p. 334, passed 8/8/66; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95)

(G) Plan Commission Recommendation. Provided the final plat meets the conditions (if any) set forth upon which the preliminary plat had been approved and is otherwise in accord with the preliminary plat and with all applicable regulations of this Subdivision Code, the Plan Commission will make its written recommendation to the City Council within 45 days after the submission of the final plat. The failure of the Plan Commission to provide a recommendation within such 45 day period, or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the approval of the final plat. (Ord. 19-04, J. 30, p. 55-58, passed 3/8/04)

(H) Subdivider's Agreement. At the time of the approval of any final plat of a major subdivision, the City Council shall be in receipt of the subdivider's written agreement in form approved by the Corporation Counsel wherein the subdivider agrees to install and construct all bonded improvements in accord with all applicable Codes and ordinances of the City; to pay all required fees, and to make all required donations and financial guarantees, in accordance with the requirements of the ordinances of the City. While a subdivider's agreement may be amended (by mutual agreement of the subdivider and the City Council) to extend the time for commencing and completing bonded improvements, the subdivider's agreement shall contain the approximate date when installation of bonded improvements will commence and a reasonable date for completion of said bonded improvements, subject to the condition that the improvements shall be

completed within two (2) years of the date of the City Council's approval of the final major subdivision plat. This agreement shall include but not be limited to statements acknowledging:

(1) That the subdivider may freely assign, transfer or convey property within a platted subdivision, but such assignment, transfer or conveyance shall not affect the principal obligation of the subdivider to perform the obligations under this Chapter as well as the subdivider's agreement, which shall bind the assignees and successors in interest of the subdivider;

(2) That bonded improvements associated with building permits for model homes must be constructed and installed in accordance with the applicable ordinance of the City;

(3) That no building permit associated with a lot in a major subdivision shall be issued until the following bonded improvements are constructed and approved for use: Street pavement systems, including curbs and gutters, bituminous base, asphalt binder course, and street inlets; storm sewers and detention systems; and sanitary sewers and water systems;

(4) That no partial certificate of occupancy associated with a lot in a major subdivision shall be issued until grading of the street parkways across the frontage of the subject lot and final grading and installation of top soil, seeding/sod, and landscaping of the common areas in the entire major subdivision have been completed and sidewalks across the frontage of the subject lot and street lights and surface course of all street pavement throughout the major subdivision have been installed.

(5) That the bonded improvements proposed to be made in the subdivision shall be constructed and installed, and public improvements accepted by the City Council, prior to the occupancy of any building constructed upon the subdivided lots therein; and

(6) That no utilities located within the subdivision shall be connected to the sewer and water utilities belonging to the City except in accordance with the applicable provisions of the Municipal Code and upon payment of the connection fees required therein.

(J) City Council Consideration. Upon receipt of a recommendation from the Plan Commission, such final plat of major subdivision shall be acted upon by the City Council. If approved by the City Council it is understood that such approval is conditioned upon the owner/subdivider depositing the financial guarantee and executing the subdivider's agreement in the form approved by the Corporation Counsel, unless noted to the contrary by the City Council.

(K) Financial Guarantee. Within fifteen (15) days of City Council approval of any final plat of subdivision, the owner/subdivider must deposit a suitable financial surety with the City to guarantee completion of all bonded improvements as determined by the City Engineer in accordance with the subdivider's agreement and the ordinances of the City, together with all other commitments made by the subdivider, by submitting a surety in the form of either a letter of credit (in a form to be approved by the

Corporation Counsel), or subdivision bond, or cash. Any such letter of credit must be irrevocable and made by a sound and reputable bank whereby a sum of money is set aside and restricted as payment for the performance of specific obligations by the subdivider. (Ord. 45-76, J. 12, p. 1589, passed 6/29/76; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95)

(1) The surety submitted in accordance with this Subsection to guarantee the completion of bonded improvements shall be in an amount equal to one hundred fifteen percent (115%) of the City Engineer's estimated cost of installing and constructing said bonded improvements and shall provide as follows:

(a) An expiration date not less than one year from the date of issuance or an express provision that such surety will not expire prior to completion and acceptance of said bonded improvements by the City Council;

(b) That the financial or insurance company issuing the surety shall give written notice by certified or registered mail to the City Clerk not less than sixty (60) days before the expiration of the surety, which surety shall not expire absent such notice;

(c) That failure of the subdivider to complete the bonded improvements secured by such surety prior to the scheduled completion date shall be considered a default by the subdivider and the issuing institution;

(d) That failure of the subdivider to submit a successor surety in accordance with this Subsection to be effective upon expiration of the subject surety shall be considered a default by the subdivider and the issuing institution;

(e) That the surety shall be irrevocable;

(f) That (in the case of payout instrument) the principal amount of the instrument will not be discharged or reduced by the issuer except upon written certificate of the City Manager that such surety may be discharged or reduced in a specified amount in accordance with Paragraph (3) below; and

(g) That the issuer will pay all attorney's fees and other costs incurred by the City in enforcing collection of such surety in the event that the issuer fails to honor the City's demand for payment under the terms of such surety.

(2) Notwithstanding the foregoing, a standby surety submitted in accordance with this Subsection to guarantee the completion of bonded improvements may be reduced or partially discharged prior to completion and acceptance of such bonded improvements in the sole discretion of the City Council as follows:

(a) Provided he approves of the installation of any given improvement, following his inspection and review of the installation of the bonded improvements and usual and customary waivers of lien attendant thereto, the City Engineer shall recommend reduction of the surety to the City Council; and

(b) Upon its receipt of the recommendation of the City Engineer, the said City Council may authorize the reduction of said surety -- it being understood in any event that fifteen percent (15%) of one hundred percent (100%) of the cost of such bonded improvements shall be retained in the surety, as and for the maintenance guarantee to be held by the City for the two year period following approval and acceptance of the improvements by the City Council.

(3) In the event the surety submitted in accordance with this Subsection to guarantee the completion of the bonded improvement is a "pay-out" instrument, it is understood that such surety shall be reduced periodically to reflect payment by the subdivider for the bonded improvements as follows:

(a) Provided he approves of the installation of any given bonded improvement, the City Engineer, following his inspection and review of the installation of the bonded improvements and usual and customary waivers of lien attendant thereto, shall recommend reduction of the surety to the City Manager; and

(b) Upon his receipt of the recommendation of the City Engineer, the said City Manager may authorize the reduction of said surety -- it being understood in any event that fifteen percent (15%) of one hundred percent (100%) of the cost of such bonded improvements shall be retained in the surety, as and for the maintenance guarantee to be held by the City for two years following the acceptance of the bonded improvements by the City Council.

(4) In the event a surety submitted in accordance with this Subsection shall be discharged upon acceptance by the City Council of all bonded improvements for which said surety or bond was submitted, a maintenance guarantee (in form of cash, bond, or letter or credit) guaranteeing said improvements against defects in materials or workmanship in the amount of fifteen percent (15%) of the actual costs of said improvements shall be deposited with the City by the owner/subdivider to be effective for a period of two years from the date of such acceptance of said bonded improvements.

Sec. 151.007 Enforcement and Recording of Plats.

(A) No plat of any subdivision of land within the corporate limits of the City of Highland Park shall be entitled to recordation by the Lake County Recorder of Deeds or have any validity until it shall have been approved in the manner prescribed by law and this Subdivision Code.

(B) Within nine (9) months after the date of final approval of such plat by the City Council, and provided that all fees and costs have theretofore been paid, the City shall cause such plat to be recorded in the office of the Recorder of Deeds of Lake County, Illinois, and thereafter shall retain the original plat in and as part of the official records of the City. In the event such final plat of subdivision is not so recorded within said nine (9) month period from and after the final approval thereof by the City Council, the said City Council approval thereof shall be deemed null and void, and of no further force and effect; and in such case any subsequent attempt to record such plat shall proceed only upon a new application for subdivision in the manner set forth in this Chapter.

(C) Recordation of an approved plat shall constitute acceptance by the City Council of ownership of all land shown thereon as provided for or dedicated to public use, unless otherwise indicated. (Ord. 463, J. 4, 463, passed 4/25/49; Ord. 24-63, J. 5, p. 704, passed 7/1/63; Ord. 25-63, J. 4, p. 705, passed 7/1/63; Ord. 26-78, J. 13, p. 2066, passed 7/24/78; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95)

Sec. 151.008 Installation Requirements and Construction Methods -- Bonded Improvements.

(A) Plans and Specifications To Be Approved. All plans and specifications for the improvements required by this Chapter shall be approved by the City, if at all, before construction of such improvements commences. (Ord. 463, J. 4, p. 463, passed 4/25/49; Ord. 838, J. 4, p. 838, passed 9/6/55; Ord. 38-69, J. 7, p. 373, passed 6/9/69)

(B) All Construction To Be Approved. It shall be unlawful to install and/or construct any bonded improvement in a manner inconsistent with applicable regulations of the Municipal Code, including but not limited to the following:

(1) Sidewalks. In conformity with the provisions of Chapter 93 ("Streets and Sidewalks") of this Municipal Code, concrete sidewalks shall be installed on both sides of every street including the existing street adjacent to the and abutting the subdivision. However, when the Plan Commission has recommended approval of an application for subdivision in a residential zoning district, and where no conflict with the Master Plan exists, the installation of sidewalks on only one side of minor arterial and minor streets (instead of on both sides thereof) may be permitted by the City Council, or payment in lieu of installation of sidewalks may be accepted by the City Council to be used by the City to construct sidewalks or other pathways servicing the site. (Ord. 463, J. 4, p. 463, passed 4/25/49; Ord. 838, J. 4, p. 838, passed 9/6/55; Ord. 45-63, J. 5, p. 762, passed 8/26/63; Ord. 24-67, passed 6/26/67; Ord. 69-73, J. 10, p. 885, passed 10/8/73)

(2) Pavements. No street shall be paved unless provisions are made for the concurrent installation of curbs, gutters, and storm sewers herein required. (Ord. 463, J. 4, p. 463, passed 4/25/49; Ord. 838, J. 4, p. 838, passed 9/6/55; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95)

(3) Fire hydrants. In the event no existing fire hydrant is located within 400 feet (measured along the extended ingress to and egress from a lot-in-depth and thence along the center line of the previously existing public street upon which said lot-in-depth has frontage) of the buildable area of any proposed lot-in-depth, fire hydrants shall be installed at such locations(s) as are designated by the City Engineer, one of which hydrants shall be located within the said 400 foot distance. All such fire hydrants shall be connected by a minimum six inch diameter water main constructed from an existing main having not less than a six inch diameter. (Ord. 463, J. 4, p. 463, passed 4/25/49; Ord. 838, J. 4, p. 838, passed 9/6/55; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95)

(4) Storm water facilities.

(a) A storm sewer system shall be constructed throughout the entire subdivision which shall be separate and independent of the sanitary sewer system and which shall provide an efficient outlet for storm water after collection thereof. Storm sewers shall be installed and constructed on both sides of a street or on one side of the street with services stubbed to the other side and no street shall be paved unless provision is made for the concurrent installation and construction of storm sewers for the full length of the street pavement. Only storm sewers located within the public right-of-way or within an easement in favor of the City shall be public storm sewers. (Ord. 463, J. 4, p. 463, passed 4/25/49; Ord. 838, J. 4, p. 838, passed 9/6/55; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95)

(b) Private storm sewers. In the event the City Engineer shall determine that storm drainage to a public storm sewer is required for a lot-in-depth or privately maintained street because of the topography of the land in and around the parcel being subdivided, private storm sewers shall be installed within the subdivision pursuant to plans approved by the City. (Ord. 18-88, J. 17, p. 588-589, passed 3/28/88; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95)

(c) Private maintenance of storm water detention areas. Storm water detention areas (including basins and below ground detention structures) required to comply with the City's Storm Water Management Ordinance will be sited in common area specifically set aside for such use. The responsibility for operation and maintenance of the detention area shall be that of a homeowners' association or other private entity pursuant to a declaration of covenants required as part of the subdivision approval.

(5) Street signs. Metallic street name signs shall be erected on metallic posts at each intersection. The type of sign, its location and its erection shall be determined by the City Engineer, who shall be guided by the provisions of the current edition of the "State Manual for Uniform Traffic Control Devices", to the extent applicable. (Ord. 27-67, passed 6/26/67; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95)

(6) Street Lights. Standard street lights shall be installed, however, the subdivider may request use of an ornamental/decorative street light other than the standard street lights approved for installation by Commonwealth Edison. Such ornamental/decorative street lighting system shall be approved by the City Engineer. The maintenance, repair, and replacement of such ornamental/decorative street lighting system shall be that of a homeowners' association or other private entity pursuant to a declaration of covenants required as part of the subdivision approval. Electrical energy charges for such lights placed in the public right-of-way shall be the responsibility of the City. (Ord. 38-69, J. 7, p. 373, passed 6/9/69; Ord. 52-69, J. 7, p. 448, passed 8/11/69; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95; Ord. 81-00, J. 26, p. 369-371, passed 11/27/00)

(7) Burial of Utility Lines.

(a) Except as otherwise provided, all utility distribution lines for telephone, gas, electric, telecommunications, internet, or cable television services

(collectively referred to in this Section as “Utility Lines”) to be newly installed, or to be reinstalled from existing overhead facilities, shall be placed underground within easements or dedicated public rights-of-way. Specifically, and without limitation of the foregoing, all overhead Utility Lines located on property that is the subject of an application for subdivision approval pursuant to this Subdivision Code, or on a public right-of-way adjacent to such property, shall, as a condition of such subdivision approval, be placed underground within a dedicated easement or a public right-of-way. No Utility Lines shall be constructed within a storm or sanitary sewer easement, except for crossings, without the advance written approval of the City Engineer. (Ord. 81-00, J. 26, p. 369-371, passed 11/27/00)

(b) The City Engineer or the Mayor and City Council may, upon receipt of a written request therefore, waive the burial requirement only in, and with respect to, the following circumstances:

(i) Electric distribution transformers, switchgear, meter pedestals, and telephone pedestals, in accordance with accepted utility practices for underground distribution.

(ii) Temporary overhead Utility Lines used in connection with construction, but only during periods of construction.

(iii) Service connections, meters, and similar equipment normally attached to the outside wall of the premises that they serve. (Ord. 81-00, J. 26, p. 369-371, passed 11/27/00)

(c) The underground installation of utility lines may also be waived by the Mayor and the City Council upon payment by the developer or owner of a fee in lieu of such installation. The fee amount shall be deposited in a Utility Line Fund to be used for the burial or relocation of overhead Utility Lines at such locations throughout the City as the Mayor and City Council shall direct from time to time. There shall be no time limit for the expenditure of such funds, and no rebate or return of funds to the party making the payment shall be allowed. (Ord. 81-00, J. 26, p. 369-371, passed 11/27/00)

(C) Inspection at Subdivider's Expense. All improvements proposed to be made under provisions of this Chapter shall be inspected during the course of construction by the City Engineer or his duly designated agent. All fees and costs established by the City Council from time to time hereafter in connection with such inspection shall be reimbursed to the City by the subdivider. (Ord. 463, J. 4, p. 463, passed 4/25/94; Ord. 838, J. 4, p. 838, passed 9/6/55; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95)

(D) Maintenance and Service of Private Roads, Sewers, Common Areas, and/or Detention/retention Ponds. Private roads and easements shall be serviced and maintained by the owners thereof; no officer, agent or employee of the City shall at any time service or maintain or offer or agree to service or maintain any private road or easement or any part thereof except in accordance with Section 93.346 of this Code. When

a subdivision includes a private road, common area, sewer, and/or a detention/retention pond, a covenant shall be recorded requiring the establishment of a homeowners' association to provide for the maintenance of such private road, common area, sewer, and/or detention/retention pond. (Ord. 58-01, J. 27, p. 287-289, passed 10/8/01)

Sec. 151.009 Variations and Exceptions.

Variations from these regulations shall not be granted as a right. However, the Plan Commission may recommend and the City Council may grant variations from the regulations contained in this Subdivision Code in specific cases which do not affect the general plan or the spirit of the Subdivision Code. Such recommendations shall be communicated to the City Council in writing. (Ord. 463, J. 4, p. 463, 4/25/49)

Section 151.010 Definitions.

(A) The language in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- (1) The singular number includes the plural number, and the plural the singular;
- (2) The word "shall" is mandatory; the word "may" is permissive;
- (3) The masculine gender includes the feminine and neuter.

(B) Whenever hereafter in this Chapter the following words and phrases are used, they shall, for the purposes of this Chapter, have the meanings respectively ascribed to them in this Subsection, except when the context otherwise indicates.

- (1) "Bonded Improvements" Privately owned improvements (e.g. retention ponds and other improvements which the City Engineer determines are nevertheless necessary for the public good and all public improvements.
- (2) "City" The City of Highland Park, Lake County, Illinois.
- (3) "City Clerk" The City Clerk of the City of Highland Park.
- (4) "City Council" The City Council of the City of Highland Park.
- (5) "City Engineer" The City Engineer of the City of Highland Park.
- (6) "City Manager" The City Manager of the City of Highland Park.
- (7) "Corporation Counsel" The Corporation Counsel of the City of Highland Park.
- (8) "Cul-de-sac" The area intended for vehicle turnaround located at the termination of a dead-end street.

(9) "Director" or "Secretary" The Director of Community Development of the City, who acts ex officio as the Secretary of the Plan Commission. (Ord. 29-97, J. 24, p. 98-102, passed 5/12/97)

(10) "Highland Park Building Code" Chapter 170 of "The Highland Park Code of 1968", as amended.

(11) "Lot Area" The total land and water area of a lot, excluding any streets. (Added by Ord. 73-06, J. 32, p 345-348, passed 11/13/06)

(12) "Lot, Corner" A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty five (135) degrees or less. On a corner lot all lot lines adjacent to a street shall be deemed front lot lines. (Added by Ord. 73-06, J. 32, p 345-348, passed 11/13/06)

(13) "Lot Depth" The average distance between the front lot line and the rear lot line. In the case of a corner lot, the lot depth is the greater of the two distances between the front lot lines and the respective lot line opposite each. For a lot-in-depth, lot depth shall be the average distance between the front lot line and the non-stem portion of lot line opposite and most parallel to the front lot line. (Ord. 73-06, J. 32, p 345-348, passed 11/13/06)

(14) "Lot-in-Depth" A lot of record, most of which is adjacent to and located behind another lot of record and derives its only access to a public street by a Stem. (Ord. 463, J. 4, p. 463, passed 4/25/49; Ord. 838, J. 4, p. 838, passed 9/6/55; Ord. 26-63, J. 5, p. 706, passed 7/8/63; Ord. 48-78, J. 13, p. 2095, passed 10/9/78; Ord. 18-88, J. 17, p. 588-589, passed 3/28/88; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95)

(15) "Lot Line, Front" The line separating the lot from the street.

(16) "Lot Line, Rear" The line which most nearly qualifies as the line most distant and opposite from the front lot line; where the line is irregularly shaped, a line perpendicular to the mean direction of the side lot lines, and at least ten feet within the lot.

(17) "Lot Line, Side" Any lot line other than a front lot line or a rear lot line.

(18) "Lot of Record" A portion of platted land and territory which is measured, set apart, shown, numbered and delineated upon a duly approved plat of subdivision or resubdivision recorded with the Recorder of Deeds of Lake County, Illinois. (Ord. 18-88, J. 17, p. 588-589, passed 3/28/88; Ord. 18-95, J. 22, p. 048-067, passed 3/13/95)

(19) "Lot Width" Measured parallel to the street adjacent to the front lot line, the distance between the side lot lines most perpendicular to the front lot line measured at the mid-point of the lot depth. When a lot has more than one front lot line, the

required lot width shall be measured parallel to the shortest front lot line. (Added by Ord. 73-06, J. 32, p 345-348, passed 11/13/06)

(20) "Major Street Plan" The major street plan of the City of "The Official Plan of Highland Park" dated May 8, 1958, as the same may be amended from time to time. 151.005(I)]

(21) "Major Subdivision" Any subdivision which involves installation and/or construction of bonded improvements.

(22) "Master Plan" The official Comprehensive Master Plan of the City of Highland Park of 1977, as amended.

(23) "Minor Subdivision" Any subdivision which does not involve the installation and/or construction of bonded improvements.

(24) "Municipal Code" "The Highland Park Code of 1968", as amended.

(25) "Official City Standards" Those standards of installation, construction and design on file for public inspection in the office of the City Engineer, as the same may be adopted and amended from time to time by the City Council.

(26) "Plan Commission" The Plan Commission of the City.

(27) "Private Street" Other than a Public Street, the entire right-of-way of every roadway thoroughfare or other place conveyed and/or reserved by dedication as a roadway and/or driveway.

(28) "Public Improvements" Those improvements which shall be dedicated to use by the general public and/or the ownership of which shall be conveyed to the City.

(29) "Public Street" The entire right-of-way or width of every road, way, thoroughfare, or place conveyed and/or dedicated by prescription or plat for use by the general public that is or that may be open to the use of the public for the primary purpose of vehicular traffic but shall not be deemed to include any such right-of-way 20 feet or less in width.

(a) "Arterial street" A street that provides or that will provide for traffic with a high degree of continuity.

(i) "Major arterial street" An arterial street that provides or that will provide for fast or heavy traffic of considerable continuity and that will be used primarily as a traffic artery for intercommunication between large areas in and near the City, and shall include those streets designated or that may be designated "arterial street", by the State of Illinois and those streets shown or that may be shown as "major street", on the Major Street Plan.

(ii) "Minor arterial street" An arterial street that carries or that will carry traffic from minor streets to arterial streets, and shall include the principal entrance streets of a subdivision development and the primary circulating streets therein.

(b) "Minor Street" A street in a residential area that is or that will be used primarily for access to abutting residential properties.

(30) "Sidewalk Ordinance" Section 93.100, et seq. of "The Highland Park Code of 1968", as amended, as the same may be amended from time to time.

(31) "Stem" The extended portion of a lot-in-depth which provides access to a public street. For purposes of this Subdivision Code, a stem of a lot-in-depth is considered the lot's principal street frontage. No portion of a stem shall be considered a yard. In the case of lots-in-depth created by subdivision approved prior to January 1, 1997, the extended portion of a lot-in-depth may consist of an easement providing access to a street. (Ord. 50-97, J. 24, p. 300-301, passed 8/25/97)

(32) "Subdivision" Any change or rearrangement in the boundaries or division lines of any lot, parcel, piece or tract of land, or the division of such lot, parcel, piece or tract of land into two or more parts, pieces, tracts, parcels or lots.

(33) "Tableland" Land where the cross slope in any direction does not exceed 10 percent.

(34) "Through Lot" A Lot, other than a corner lot, which has frontage on two streets.

(35) "Zoning Ordinance" Chapter 150 of "The Highland Park Code of 1968", as amended.

(36) "Zoning Ordinance District Map" The official "Zoning Ordinance District Map" of the "Highland Park Zoning Ordinance of 1978", as amended, and as the same may be amended from time to time.

Sec. 151.011 Penalty.

Any applicant who violates any of the provisions of this Chapter shall be fined not more than \$1,000 for each violation thereof. (Ord. 463, J. 4, p. 463, passed 4/25/49)

Sec. 151.012 Cost Recovery Fees.

(A) Fee Established. Every application for a subdivision filed and processed pursuant to this Chapter that requires the City to incur third party costs or expenses, including, without limitation, legal fees incurred by the office of Corporation Counsel or any attorney or firm retained by the City, shall be subject to the cost recovery fee and escrow provisions set forth in this Section. The cost recovery fee shall be in addition to any and all other filing fees and other charges established pursuant to this Chapter.

(B) Responsibility for Payment. The owner of the property that is the subject of the application and, if different, that applicant, shall be jointly and severally liable for (1) the payment of the cost recovery fee, and (2) the establishment of the cost recovery escrow. By signing the application, the owner or applicant, as the case may be, shall be deemed to have agreed to pay, and to have consented to, the cost recovery fee, plus any costs of collection, that have not been paid within 30 days following the mailing of a written demand for payment to the owner or applicant at the address set forth on the application, including any additional cost recover fees assessed under Subsection 151.012(D)(3) of this Chapter. Any lien filed pursuant to this Subsection 151.012(B) may be foreclosed in the manner provided for mortgages or mechanics liens under Illinois law.

(C) Recoverable Costs. For purposes of calculating the cost recovery fee, the costs incurred by the City with respect to the following items shall be deemed to be the “actual costs” incurred by the City in processing an application:

- (1) Publication of notices;
- (2) Court reporter;
- (3) Professional and technical consultant services;
- (4) Corporation Counsel, or other City-retained attorney or law firm, consultation, meeting attendance, document preparation, and review;
- (5) Copy reproduction; and
- (6) Document recordation.

(D) Cost Recovery Fee Payment and Cost Recovery Escrow.

(1) Initial Payment and Cost Recovery Escrow. Every application shall be accompanied by the required application fee plus an advance estimate of the cost recovery fee, to be deposited in the cost recovery escrow account established by the City. The advance estimate shall be in an amount established and adjusted from time to time by administrative order of the City Manager. No interest shall be payable on any funds retained in such escrow account.

(2) Charges Against Cost Recovery Escrow. From the date of filing of any application, the City shall maintain an accurate record of the actual costs of processing the application. The City Manager or his designee shall, from time to time, draw funds from the cost recovery escrow account established for the application to pay such actual costs and shall transfer the funds to the appropriate City accounts. The City Manager or his designee shall maintain an accurate record of all the drawings from the cost recovery escrow account.

(3) Additional Cost Recovery Escrow Deposits. Should the City Manager or his designee at any time determine that the cost recovery escrow account established in connection with any application is, or likely to become, insufficient to pay the actual costs of processing the application, the City Manager or his designee shall provide notice of the

insufficiency to the owner or applicant and demand an additional deposit in an amount deemed by the City Manager or his designee to be sufficient to cover current and foreseeable additional costs. If the additional deposit is not provided to the City Manager or his designee within 30 days of the mailing of notice and demand to the owner or applicant, the City Manager or his designee may direct that processing of the application be suspended or terminated.

(4) Final Settlement. As soon as reasonably feasible following final action on a application, the City Manager or his designee shall cause a final accounting to be made of the cost recovery escrow deposits made in connection with the application and of the actual cost of processing the application and shall make a final charge of the actual costs against the cost recovery escrow deposits. A copy of the accounting shall be provided to the owner and the applicant.

(5) Insufficient Amounts; Reimbursement. If the amount in the cost recovery escrow account is insufficient to pay the total actual costs, a written demand for payment of the balance due shall be mailed to the owner and the applicant. Any remaining funds in the cost recovery escrow account after payment of the total actual costs due pursuant to this Section shall be returned to the owner or applicant, as applicable.

(E) Condition of All Applications and Approvals. No application filed pursuant to this Chapter shall be considered complete unless and until all fees and deposits due pursuant to this Section have been paid. Every approval granted issued pursuant to this Chapter shall, whether or not expressly so conditioned, be deemed to be conditioned upon payment of cost recovery fees as required by this Section.

(F) Tolling of Time Periods. Where this Chapter provides that the passage of time without decision or action shall be deemed an approval or a recommendation for approval, time periods shall be tolled during any period of non-payment of the cost recovery fees and deposits due pursuant to this Section, but shall otherwise continue to run.

(G) Failure to Pay Cost Recovery Fees. The failure to pay in full when due any cost recovery fee or deposit required under this Section shall be grounds for refusing to process an application and for denying or revoking any approval sought or issued with respect to the land or development to which the unpaid cost recovery fee or deposit relates.

(H) Specified Public Bodies Exempt. The provisions of this Section 151.012 shall not apply to, and no cost recovery fee shall be required of, any public body or agency deriving the majority of its revenues from taxes levied within the City. (Section 150.012 added by Ord. 22-07, J. 33, p. 165-167, passed 2/26/07)

Sec. 151.112 Pending Land Use Application Disclosure Notice.

(A) Notice Required. A disclosure notice in the form and content set forth in this Section shall be required in connection with all applications seeking approval of a plat of subdivision pursuant to this Chapter.

(B) Notice Location and Form. The applicant shall cause a disclosure notice, on a form to be provided by the City, of a pending application for subdivision

approval to be attached to (1) any contract for the sale of any portion of the real property that is the subject of the pending application; (2) all promotional, sales, and advertising literature; and (3) all information packets distributed to prospective purchasers; provided, however, that no disclosure notice shall be required to be attached to, or made part of, advertisements in newspapers, magazines, and other similar forms of print media

(C) Notice Content. The disclosure notice shall, at a minimum, include the following information:

- (1) The existing zoning classification of the real property;
- (2) The name of, and contact information for, the applicant;
- (3) A brief description of the nature of the land use relief requested; and

(4) The following statement: *“This property is the subject of an application for land use relief initially filed with the City of Highland Park on [DATE]. Unless and until the application is approved by the City of Highland Park, in accordance with its applicable codes and ordinances, the land use relief requested in the application shall not be allowed.”*

(D) Demonstration of Compliance. Prior to the approval by the City Council of any plat of subdivision, the applicant shall provide evidence of compliance with the requirements set forth in this Section to the City Director of Community Development.

(E) Responsibility for Compliance. The obligation set forth in this Section shall be the sole responsibility of the applicant for the requested relief. Nothing herein shall be deemed or interpreted as imposing upon the City any responsibility to satisfy the disclosure requirements set forth in this Section. (Section 151.112 added by Ord. 18-07, J. 33, p. 069-072, passed 2/12/07)

(Chapter 151 amended in toto by Ord. 18-95, J. 22, p. 048-067, passed 3/13/95)