

Title 16 - Subdivisions and Land Improvement

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16.02 – General Provisions

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16.02.010 – Purpose

The purpose of this Title and subsequent regulation is as follows:

- A. To provide one of several means for carrying out the intent of the Comprehensive Plan, thus helping to insure sound, harmonious subdivision development and community growth, and to safeguard the interest of the homeowner, the Subdivider, the investor, and the City.
 - B. To provide permanent assets to the City.
 - C. To prevent scattered development beyond existing public utilities and prevent excessive development costs.
 - D. To assure the development of land for optimum use with the highest possible standards of design and necessary protection against deterioration and obsolescence.
 - E. To assure the orderly development of all land within the City.
 - F. To limit and control the pollution of the environment that can be caused by inadequate or incomplete urban development.
 - G. To provide common grounds of understanding and a sound working relationship between the City and the Subdivider.
 - H. To lessen congestion of streets and highways.
 - I. To provide for adequate light and air.
 - J. To facilitate adequate provisions for transportation, water, storm water management, sewerage, schools, and other public necessities.
 - K. To ensure proper legal description and proper monumenting of subdivided land.
 - L. To coordinate new subdivision design within the design of the City as a whole.
- (2018-M-29 : § 1)

16.02.020 – Validity & Applicability

- A. No plat of any subdivision shall be entitled to record in the recorder's office, or have any validity, until it has been approved in the manner prescribed in this Title.

- B. No parcel of land may be conveyed for the purpose of creating a new residential dwelling lot without said parcel being established as a lot pursuant to approval of a plat of subdivision in the manner prescribed in this Title, unless said parcel was previously subdivided, pursuant to a Subdivision Plat approved by the City of St. Charles and recorded with the County Recorder of Deeds.

- C. Lots of Record that were lawfully conveyed prior to September 17, 2012 that meet the minimum lot width and area requirements of the applicable zoning district in which it is located shall be considered valid lots for purposes of this title...

- D. Parcels of land may be conveyed for the purpose of modifying lot size or configuration, provided the conveyance does not create a greater number of buildable residential lots, based on the applicable zoning district in which it is located, than currently exist within the boundary of the subdivision (either as existing subdivided lots or valid Lots of Record under Item C. above.)
(2018-M-29 : § 1)

16.02.030 – Comprehensive Plan

- A. Adopted.
An official Comprehensive Plan, containing an official map, dated September 3, 2013 has been adopted by the City, pursuant to the powers granted by the Illinois Municipal Code, and shall be known as "the Comprehensive Plan of the City of St. Charles, Illinois." The comprehensive plan may be amended from time to time, pursuant to 65 ILCS 5/11-12-7.B.

- B. Copies Available Upon Payment of Fee.
Said official Comprehensive Plan shall be made available to all interested parties on the City website. A printed copy may be purchased for the cost of printing the document.
(2018-M-29 : § 1; 2012-M-45 : § 2)

16.02.040 – Applicability

The provisions hereof shall be applicable to all subdivisions in the City of St. Charles and within all unincorporated areas lying within one and one-half miles of the corporate limits of the City of St. Charles, to the extent permitted by law. Subdivisions located within the future planning area jurisdiction of another municipality, pursuant to a Boundary Line Agreement with the City of St. Charles, shall not be subject to the provisions hereof.
(2018-M-29 : § 1)

16.04 – Procedures

Sections

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- 16.04.050 – Pre-application meeting
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- 16.04.100 – Guarantee for completion of land improvements and monuments/benchmarks
- 16.04.110 – Construction of land improvements
- 16.04.120 – Timing of land improvements
- 16.04.130 – Acceptance of land improvements
- 16.04.140 – Building permits, occupancy permits, and maintenance prior to completion and acceptance of land improvements
- 16.04.150 – Release of guarantee for completion

16.04.010 – Applicability

The provisions hereof shall be applicable to all subdivisions in the City of St. Charles and within all unincorporated areas lying within one and one-half miles of the corporate limits of the City of St. Charles, to the extent permitted by law.

16.04.020 – General procedures for applications

- A. Who is authorized to apply- The record owner of the subject property, or a lessee, agent, or contract purchaser with specific written authorization from the record owner, may file an application for approval of a Concept Plan, Preliminary Plat of Subdivision, or Final Plat of Subdivision.
- B. Filing of applications- Applications shall be submitted on forms provided by the City and shall be filed as the instructions provide. Applications shall include the information and plans specified in Chapter 16.06, “Plan Submittal Requirements”. Additional information may be required by the Director of Community Development or designee.
- C. Payment by Subdivider- The Subdivider shall pay all filing, review and inspection fees and shall execute a reimbursement of fees agreement, providing for reimbursement to the City for staff time and the direct costs of engineering and other consultants, City Attorney’s review, and other direct costs, in accordance with the schedule of fees as established herein. Fees and reimbursements shall be paid regardless of whether the application or petition filed is approved, disapproved or withdrawn.
 - 1. Filing fees
 - a. All filing fees shall be paid at the time of application submittal.
 - b. Filing Fees are intended to cover the cost of providing information to the public about an application, distributing plans to City departments and other agencies, preparing agenda packets and minutes for the Plan Commission, City Council, and other applicable review bodies, and other administrative tasks.
 - c. The Subdivider shall pay the full filing fee for each category of petition or plan submitted as set forth in Appendix A. The filing fees shall be in addition to fees payable under any other provision of the St. Charles Municipal Code, as amended.
 - 2. Reimbursement of costs and fees; deposit required
 - a. In addition to the filing fees provided for herein, each Subdivider shall enter into a reimbursement of fees agreement with the City. The reimbursement of fees agreement shall encompass all applications or petitions pending with the City. The reimbursement of fees agreement shall be in the form specified in Appendix B of Title 17, “Zoning” of the St. Charles Municipal Code.

- b. At the time the Subdivider submits an application or petition to the City requesting action from the City, he shall deposit the amounts specified in Appendix B of Title 17 "Zoning" of the St. Charles Municipal Code with the City to collateralize his obligation for reimbursement of costs for City staff review, outside consultant services, and miscellaneous expenses, as described herein.
 - c. A Subdivider who withdraws their petition or application may apply in writing to the Director of Community Development for a refund of his initial deposit. The City Administrator may, at their sole discretion, approve such refund less any actual fees and costs which the City has already paid or incurred relative to the petition or application.
 3. Reimbursement for City staff review of petitions and applications - The Subdivider shall reimburse the City for the cost per productive work hour for the time spent by each City staff member to participate in meetings, visit the site, review plans, prepare reports, conduct inspections and participate in any other activity pertaining to review of the petition or application.
 4. Reimbursement for outside consultant services - The Subdivider shall reimburse the City for the cost of the following:
 - a. Fees for landscape architect's review and consultation in connection with review of the petition or application, and inspection of construction, including meetings and associated tasks.
 - b. Fees for engineering studies (i.e. traffic, utility, etc.) performed by a Licensed Professional Engineer and approved by the Director of Community Development or designee, when such study and analysis is requested by the City.
 - c. Fees for City Attorney's review and negotiations in connection with the petition or application.
 - d. Fees for Licensed Professional Engineer's review of plans and documents, including meetings and associated tasks.
 - e. Fees for planning consultant's review and consultation in connection with review of the petition or application, including meetings and associated tasks.
 - f. Fees for other professional consultants as may be necessary to review and evaluate the proposed applications, plans and documents.
 5. Reimbursement for miscellaneous expenses - The Subdivider shall reimburse the City for miscellaneous costs incurred relative to any application or petition including, but not limited to:
 - a. Publication of legal notices.
 - b. Court reporter and transcript fees.
 - c. Mailing (postage) costs.
 - d. Recording fees.
 6. Reimbursement for engineering inspection of construction - The cost of any inspection of any Land Improvement shall be paid by the Subdivider to the City. The Subdivider shall reimburse the City for the cost per work hour of all City staff members or consultants involved in land improvement construction, inspections, plan review, studies, meetings, change order, pay requests, utility coordination, third party permit compliance coordination, and associated tasks relative to inspection of construction of land improvements. Additionally, an administrative processing fee of fifty (\$50) dollars must be paid prior to scheduling of any re-inspection and all future inspections of a previously failed inspection. The testing of concrete, asphalt, soil, or other materials, and/or workmanship shall be done at the direction of the City, and at the expense of the Subdivider.
 7. Exemption for governmental agencies - Notwithstanding anything to the contrary in this Section 16.04.020, any unit of federal, state, or local government that files a petition or application pursuant to this Title shall only be responsible for reimbursing the City for outside consultant services and miscellaneous expenses, as described above.
- D. Completeness- The Director of Community Development, or designee, shall determine whether all submitted applications are complete and the required fees have been paid in accordance with Appendix A, and shall notify the Subdivider of any deficiencies. The City is under no obligation to conduct a full application review or to place the application on a public meeting agenda until all required submittal items, including filing fees, have been received. Once an application is deemed complete, the application shall be reviewed and scheduled for consideration by the appropriate staff and review bodies.
- E. Withdrawal of application- An Subdivider shall have the right to withdraw an application at any time prior to the decision on the application by a City Official, City Council, Commission or Board. Such withdrawal shall be in writing. There will be no refund of fees unless the withdrawal is made prior to the time the City has determined the application is complete and prior to scheduling of public meetings and/or commencement of formal review of the application.
- F. Successive applications- Within one (1) year of the date of denial of an application, a subsequent application for the same property that makes the same request shall not be reviewed or heard unless there is substantial new evidence available, the restriction that prevented its approval has been amended, or if a significant mistake of law or fact affected the prior denial. Such subsequent application shall include a

detailed statement of the grounds justifying its consideration. The Director of Community Development shall make a determination as to whether the subsequent application is making essentially the same request. If the Director of Community Development finds that there are no grounds for consideration of the subsequent application, he/she shall summarily, and without hearing, deny the request.

16.04.030 – Variances

The Plan Commission may recommend and the City Council may approve variances from the requirements of Chapter 16.08, "Subdivision Standards and Specifications" when the Plan Commission finds that there is compliance with the following standards:

- A. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
- B. Because of the shape, topography, or other physical conditions of the proposed subdivision or its surroundings, a) a hardship or practical difficulty would be caused by strict compliance with these requirements, and/or b) the purposes of these requirements would be served to a greater extent by an alternative design;
- C. The conditions upon which the variance request is based are unique to the proposed subdivision and are not generally applicable to other property;
- D. The variance granted is the minimum adjustment necessary for the reasonable use of the land;
- E. The Director of Community Development has determined that the proposed variance, while not specifically complying with this Title, follows sound engineering practices.

16.04.040 – Special subdivision procedures

A. Combined Preliminary-Final Review Process

At the Subdivider's request, the City will conduct a simultaneous review of both the Preliminary Plat of Subdivision and Final Plat of Subdivision applications. The Subdivider will not be required to submit separate plans for the two applications. The Subdivider needs only to submit the number of plans required for the Final Plat of Subdivision application, but shall submit all required information and fees as detailed in the Preliminary Plat of Subdivision, Preliminary Engineering Plan, Final Plat of Subdivision, and Final Engineering Plan application checklists. The Subdivider shall submit such request to the City in a written letter.

B. Minor Subdivision

A Minor Subdivision shall not require submittal of a Preliminary Plat of Subdivision application prior to submittal of a Final Plat of Subdivision application, nor shall it require the submittal of Preliminary or Final Engineering Plans. A subdivision meeting all of the following criteria shall be considered a Minor Subdivision:

1. The subdivision fully conforms to the requirements of Chapter 16.08, "Subdivision Standards and Specifications".
2. The subdivision will create no more than four (4) lots.
3. No extension/creation of public improvements is required to serve the subdivision, including streets/rights-of-way or utilities.
4. All lots in the subdivision have frontage on a public street and can be readily serviced by existing public utilities located in and adjacent to the right-of-way, or at another location on each lot.
5. No on-site or offsite stormwater detention/retention facilities are required to serve the subdivision.
6. All lots meet the minimum size and dimension requirements of the applicable zoning district contained in Title 17, "Zoning" of the St. Charles Municipal Code.

16.04.050 – Pre-application meeting

- A. The pre-application meeting provides an opportunity for Subdividers to informally discuss the concept of the proposed development, and to receive preliminary nonbinding feedback regarding proposed zoning, possible variations/variances from zoning and subdivision requirements, utilities and drainage, traffic and parking, building and fire prevention code requirements, building aesthetics, landscaping, review procedures, and the information and studies that will be needed to evaluate the project. The pre-application meeting does not require a formal application or filing fee. A pre-application meeting is optional but encouraged for all applications.
- B. The purpose of the pre-application meeting is to help Subdividers to determine:
 - 1. Whether the proposed development generally appears to be in compliance with the provisions of this Title and other applicable ordinances.
 - 2. Whether any zoning amendment, variation, special use or other application may be required in connection with the proposed development.
 - 3. Whether the proposed development will be in conformity with the Comprehensive Plan and other adopted goals and policies of the City for development.

16.04.060 – Concept plan

- A. Application
The Subdivider may request review of a Concept Plan by submitting an application to the Director of Community Development.
- B. Purpose
The purpose of the Concept Plan Review is to enable the Subdivider to obtain informal guidance from the Plan Commission and City Council Committee at an early stage, before preparing more detailed preliminary and final plans.
- C. Review
Because the information submitted for a Concept Plan is not complete enough to determine compliance with all applicable requirements, the Plan Commission and City Council Committee shall not vote to recommend approval or denial. Affirmative comments shall not bind the City to approve a Preliminary or Final Plat of Subdivision submitted at a later stage, nor shall negative comments prevent the Subdivider from submitting applications for approval of Preliminary and Final Plat of Subdivision.

16.04.070 – Preliminary plat of subdivision

- A. Application- The Subdivider shall file the Preliminary Plat of Subdivision application with the Director of Community Development. If the Subdivider intends to develop the property in phases, the Subdivider shall identify and label each phase in the order they are to be recorded on the proposed Preliminary Plat of Subdivision.
- B. Plan Commission Review
 - 1. Review and Action
The Plan Commission shall review the Preliminary Plat of Subdivision for conformance with the Comprehensive Plan, the provisions hereof, and all other applicable City ordinances. The Plan Commission shall disapprove or recommend approval of the Preliminary Plat of Subdivision within 90 days from the date of filing of the last item of required supporting data. Such time may be extended by mutual consent of the Subdivider and the Plan Commission.
 - 2. Disapproval
Plan Commission disapproval of a Preliminary Plat of Subdivision shall be in the form of a Resolution and shall state the reasons therefore and how the proposed Preliminary Plat of Subdivision fails to conform to the Comprehensive Plan, the provisions hereof, and other applicable City ordinances.
 - 3. Approval
Plan Commission recommendation of approval of a Preliminary Plat of Subdivision shall be in the form of a Resolution passed by the Plan Commission, and may include conditions for such approval. These conditions shall be consistent with the requirements set forth herein. A copy of the recommendations and any conditions shall be forwarded to the City Council.
- C. City Council Review
 - 1. Action
The City Council shall approve or disapprove the Preliminary Plat of Subdivision not later than 30 days after the next regular City Council meeting following the date of the Plan Commission's approval, unless such time is extended by mutual consent of the City Council and Subdivider.
 - 2. Disapproval
City Council disapproval of a Preliminary Plat of Subdivision shall be by Ordinance and shall state the reasons therefore and how the proposed Preliminary Plat of Subdivision fails to conform to the Comprehensive Plan, the provisions hereof, and other applicable City ordinances.
 - 3. Approval
City Council approval of a Preliminary Plat of Subdivision shall be by Ordinance and may include conditions for such approval, which conditions shall be consistent with the requirements set forth herein.
 - 4. Period of Validity
A Preliminary Plat of Subdivision shall remain valid for a period of two years from the date of City Council approval. At the end of the two year period the City Council, at its discretion and for good cause, may be extended, for up to one (1) year at a time. If a Final Plat of Subdivision is approved and recorded encompassing all or any phase of the land included on the Preliminary Plat of Subdivision, the Preliminary Plat of Subdivision as to the balance shall remain valid for a period of five years from the date of its initial approval.

(2012-M-45 : § 2; 1987-M-45 : § 4)

16.04.080 – Final plat of subdivision

- A. Application
The Subdivider shall file the Final Plat of Subdivision application with the Director of Community Development. The Final Plat of Subdivision shall substantially conform to the Preliminary Plat of Subdivision with respect to all items specifically shown on the Preliminary Plat of Subdivision. The Final Plat of Subdivision shall include substantially the same geographic area as the Preliminary Plat of Subdivision. In instances in which a phasing plan was approved as part of the Preliminary Plan, the Final Plat of Subdivision shall include substantially the same geographic area for the corresponding phase shown on the Preliminary Plat of Subdivision.
- B. Conformance with Statutory Provisions
Drawing Specifications- The Final Plat of Subdivision shall conform to all statutory provisions pertaining to plats. All information required shall be shown accurately, drawn with ink on mylar, or equal, in a manner that clear and legible contact prints or photostatic copies may be made.

C. Plan Commission Review

1. Action

The Plan Commission shall recommend approval or disapproval of the Final Plat of Subdivision following the filing of the last required document, unless such time is extended by mutual consent of the City Council and Subdivider.

- a. For a proposed Subdivision that has received approval of a Preliminary Plat of Subdivision from the City Council, the application for approval of a Final Plat of Subdivision will not need to be reviewed by the Plan Commission provided that the proposed Final Plat of Subdivision is in substantial conformance with the approved Preliminary Plat of Subdivision and is filed within sixty (60) days of the approval of the Preliminary Plat of Subdivision.
- b. If the Subdivider has requested a Combined Preliminary-Final Review Process per Section 16.04.040.A, then the Plan Commission will conduct a simultaneous review of both the Preliminary and Final Plats of Subdivision.

2. Disapproval

A recommendation of disapproval by the Plan Commission shall be in the form of a Resolution and shall state how the proposed Final Plat of Subdivision fails to conform to the approved preliminary plan, the provisions hereof, and other applicable City ordinances.

3. Approval

A Plan Commission recommendation of approval of the Final Plat of Subdivision shall be in the form of a Resolution and may include conditions for such approval, which conditions shall be consistent with the requirements set forth herein.

D. City Council Review

1. Action

The City Council shall approve or disapprove the Final Plat of Subdivision within sixty (60) days following the filing of the last required document, unless such time is extended by mutual consent of the City Council and Subdivider. Prior to the approval of a Final Plat of Subdivision the City Council shall have the right to designate which easements, dedications, and Land Improvements will be accepted by the City.

2. Disapproval

City Council disapproval of a Final Plat of Subdivision shall be by Ordinance that states how the proposed Final Plat of Subdivision fails to conform to the approved preliminary plan, the provisions hereof, and other applicable City ordinances.

3. Approval

City Council approval of the Final Plat of Subdivision shall be by Ordinance and may include conditions for such approval, which conditions shall be consistent with the requirements set forth herein. The Final Plat of Subdivision submitted to the City Council shall be accompanied by the following:

- a. A copy of any and all applications to third party permits including, but not limited to, IDOT, KCDOT, USACE, IDNR and IEPA.
- b. A certified estimate of cost of all Land Improvements prepared by a registered engineer and approved by the City.
- c. A draft or description of the proposed guarantee for the payment and completion of the Land Improvements to be installed.

E. Recording Requirements

The City shall record the Final Plat of Subdivision at the Kane or DuPage County recorder's office within 30 days of receipt by the City of the last item herein required to be submitted prior to recording. In the event such recording has not occurred within two (2) years of the date of City Council approval, the Final Plat of Subdivision and accompanying documents shall be reviewed by the Director of Community Development and Director of Public Works to determine continued conformity with then-existing law and ordinance. The results of such review and recommendation shall be referred to the City Council for revocation or extension of the Final Plat of Subdivision approval, with such conditions as the City Council may approve.

16.04.090 – Approval of final engineering plans

All Final Engineering Plans shall be reviewed by the Development Engineering Division Manager or designee and shall be approved if they are in substantial conformance with the requirements of this Title, all other applicable titles of the City of St. Charles Municipal Code and the approved Preliminary Engineering Plans and Final Plat of Subdivision.

16.04.100 – Guarantee for completion of land improvements and monuments/benchmarks

The Subdivider shall submit a guarantee for completion of the Land Improvements and/or Monumentation/Benchmarks prior to approval and signature of the Final Plat of Subdivision by the Director of Community Development or designee for issuance of any required permits. As a condition of recording of a Final Plat of Subdivision, any partial guarantee for completion shall be replaced by a full guarantee.

The guarantee shall be in one of the following formats, with the form, amount and provider being subject to approval by the Development Engineering Division Manager or designee.

- A. Cash in the amount of 115% of the estimated cost of the Land Improvements remaining to be completed.
- B. A performance letter of credit, in substantially the form attached as Appendix C, in the amount of 115% of the estimated cost of the Land Improvements remaining to be completed, issued by a sound reputable banking institution authorized to do business in the state of Illinois and meeting the criteria set forth below.
- C. A surety bond in the amount of 115% of the estimated cost of the Land Improvements remaining to be completed, issued by a surety company authorized to do business in Illinois and meeting the criteria set forth below.

The form, amount and provider of the guarantee for completion shall be subject to the approval of the Director of Community Development, Development Engineering Division Manager or their designee, and shall meet the following criteria:

- A. Banks (for letters of credit): Each letter of credit shall be drawn on an institution 1) acceptable to the Director of Finance; 2) having assets of at least \$10 million; 3) having an office in the Chicago Metropolitan Area; and 4) that is a member of the Federal Deposit Insurance Corporation; or
- B. Insurance Companies (for surety bonds): Must have an A.M. Best Company rating of Superior (A++ and A+), Excellent (A and A-) or Very Good (B++ and B+) (or equivalent).

Completed Land Improvements may be omitted from the amount of the guarantee. For purposes of this section, completed Land Improvements shall be those Land Improvements which have been previously accepted by the City Council, and, if applicable, conveyed to the City via a bill of sale substantially in the form set forth in Appendix C pursuant to the terms and conditions of the Land Improvement Agreement

The guarantee shall be accompanied by a Land Improvement Agreement in substantially the form set forth in Appendix D. The Mayor is authorized to execute a Land Improvement Agreement and authorization from the City Council is not required.

16.04.110 – Construction of land improvements

- A. The Subdivider shall not commence construction of any Land Improvements until the following conditions have been met:
 - 1. The Final Plat of Subdivision for, at a minimum, the first phase of the subdivision has been recorded.
 - 2. Final Engineering Plans have been approved in accordance with Section 16.04.090.
 - 3. A Guarantee for Completion of Land Improvements and Monuments/Benchmarks has been provided and a Land Improvement Agreement has been executed per Section 16.04.100.
- B. No sanitary sewer or public water main construction shall commence until a permit is issued from the Illinois Environmental Protection Agency and a copy is filed with the City.
- C. The Subdivider shall take care to avoid disturbance of lot and block corners and other survey points. Any such corners or points removed or disturbed shall be reestablished in their correct position and location before application is made for acceptance by the City.
- D. No deviations from approved plans and specifications shall be made without prior approval of the Development Engineering Divisions Manager or designee.

16.04.120 – Timing of land improvements

- A. All Land Improvements shall be installed and completed within a period of two years after recording of the Final Plat of Subdivision, unless prior to the expiration of the two-year period and extension of time is requested by the Subdivider and approved by the Director of Community Development or designee. Failure to complete all of said Land Improvements within such two-year period or any extension thereof shall permit the City to utilize the guarantee to complete the Land Improvements. In the event of an extension of time, the Subdivider shall provide that the guarantee be in effect for the extended completion period. The amount of the guarantee shall be equal to the original amount (as reduced for completed Land Improvements pursuant to its terms and conditions, if applicable) plus an additional amount equal to the percentage increase in the ENR: Engineering News-Record 20 Cities Construction Cost Index, published weekly by McGraw Hill Information Systems Co., from the date of the original guarantee to the date of the extension approved by the City. In the event said index is no longer published, then the Consumer Price Index of the U.S. Department of Labor-Transportation Group, Chicago-Gary-Kenosha shall be used to calculate the increased amount. It shall be the Subdivider's responsibility to provide the appropriate documentation to the City regarding the index statistics.
- B. In the event building permits have been issued for more than fifty percent of the lots, no extension of the time period shall be granted, except that the City Council may provide a time extension for completion of sidewalk; tree planting, and parkway restoration improvements.
- C. In the event of failure to complete the Land Improvements in the required period, or any extension thereof, in addition to any other remedy the City may have, the City Council may direct that no further building permits be issued for property in such subdivision until acceptance or acknowledgement of completion by the City Council of the Land Improvements.

16.04.130 – Acceptance of land improvements

All Land Improvements to be installed under the provisions of this Title and per the approved Final Engineering Plans shall be checked during the course of construction by, or at the direction of, the Development Engineering Division Manager or designee. Once all Land Improvements are approved, the Subdivider shall submit an executed bill of sale per Appendix C and, if applicable, a deed, for acceptance by the City Council. The City Council shall accept the Land Improvements via resolution. Approval of any Preliminary or Final Plat of Subdivision or Preliminary or Final Engineering Plans shall not constitute an acceptance by the City of any Land Improvement.

16.04.140 – Building permits, occupancy permits, and maintenance prior to completion and acceptance of land improvements

- A. The Subdivider shall be responsible for maintenance of all Land Improvements until final acceptance of the completed improvements by the City, as specified in the Land Improvement Agreement set forth in Appendix D.
- B. No building permits within the subdivision shall be issued prior to: (1) approval of Final Engineering Plans and Final Plat and recording of the Final Plat for the phase or unit in which the permit is requested; (2) the establishment of paved access sufficient to provide access by emergency and inspection vehicles; and (3) the water system and fire hydrants being operable within the development to provide adequate fire flow. Determination of compliance with items (2) and (3) shall be made by the Director of Public Works, Director of Community Development and the Fire Chief.
- C. No occupancy permit shall be issued for any building until: (1) the streets serving the lot(s) have been constructed to a minimum of a binder paving course and (2) all required land improvements serving the lot (including but not limited to water, sewer, storm sewer and stormwater facilities) have been installed and all public land improvements have been accepted by the City; however, public sidewalks, street trees, street lighting, and parkway seeding need not be completed prior to issuance of an occupancy permit, provided a guarantee for completion of these remaining improvements has been provided.

16.04.150 – Release of guarantee for completion

The guarantee for completion of the Land Improvements shall be released only upon fulfillment of the following conditions:

- A. The completion of the Land Improvements;
- B. The submission of one (1) set of reproducible (mylar) as-built drawings of the Land Improvements;
- C. A Bill of Sale for all Land Improvements that has been accepted by the City Council;
- D. The acceptance of the Director of Community Development or Development Engineering Division Manager or designee of a guarantee for maintenance of Land Improvements (See Appendix C). The guarantee shall be in one of the following formats:
 - 1. Cash in the amount of 15% of the estimated cost or actual construction costs of the Land Improvements to be accepted or acknowledged as complete by the City.
 - 2. A maintenance guarantee in the amount of 15% of the estimated cost or actual construction costs of the Land Improvements to be accepted or acknowledged as complete by the City, issued by a sound and reputable banking authorized to do business in the State of Illinois and meeting the criteria set forth below.
 - 3. A surety bond in the amount of 15% of the estimated cost or actual construction costs of the Land Improvements to be accepted or acknowledged as complete by the city, issued by a surety company authorized to do business in the State of Illinois and meeting the criteria set forth below.
- E. The form, amount and provider of the guarantee shall be subject to the approval of the Director of Community Development or Development Engineering Division Manager or designee and shall meet the following criteria:
 - 1. Banks (for letters of credit): Each letter of credit shall be drawn on an institution a) acceptable to the Director of Finance; b) having assets of at least \$10 million; c) having an office in the Chicago Metropolitan Area; and d) that is a member of the Federal Deposit Insurance Corporation; or
 - 2. Insurance Companies (for surety bonds): Must have an A.M. Best Company rating of Superior (A++ and A+), Excellent (A and A-), or Very Good (B++ and B+) (or equivalent).
- F. Acceptance of the Land Improvements by the City Council, as set forth in Section 16.04.130.

(2012-M-45 : § 2)

16.06 – Plan Submittal Requirements

Sections

- 16.06.010 – Concept plan
- 16.06.020 – Preliminary plat
- 16.06.030 – Preliminary engineering plans
- 16.06.040 – Final plat of subdivision
- 16.06.050 – Final engineering plans

16.06.010 – Concept plan

The Subdivider shall submit the following information for a Concept Plan:

- A. Name of Subdivider & Plan Preparer;
- B. Name of proposed subdivision is shown;
- C. North direction;
- D. Date of preparation and/or date of revision;
- E. Location map;
- F. Total approximate acreage is shown;
- G. Existing zoning classification;
- H. Proposed Conditions:
 - 1. Block layout
 - 2. Proposed lots – dimensions and area
 - 3. Building locations
 - 4. Building setback, in compliance with underlying or proposed zoning district
 - 5. Sidewalks and pedestrian paths
 - 6. Natural features to remain
 - 7. Public areas, parks, school sites, natural spaces
 - 8. Boundary lines of proposed subdivision.

16.06.020 – Preliminary plat

A. General Requirements

1. All engineering and specifications shall be prepared by a Licensed Professional Engineer, and shall bear the engineer's signature and seal.
2. All plans shall describe an adequate number of benchmarks, with elevations referenced to mean sea level and the City's Geodetic Control Station Network, so that elevations may be checked at any point without more than one setup of a surveyor's level.

B. Required Information

The Subdivider shall submit the following information to be clearly identified on the Preliminary Plat:

1. Name of proposed subdivision;
2. Location given by town, range, section, or other legal description;
3. Name and address of owner, trust, corporation or Subdivider having control of project;
4. Name and address of the designer;
5. North direction;
6. Date of preparation and/or date of revision;
7. Location map;
8. Total approximate acreage;
9. Existing zoning classification;
10. Boundary lines of proposed subdivision including all section and corporate lines;
11. Proposed Conditions:
 - a. Block layout
 - b. Proposed lots – dimensions and area
 - c. Rights-of-way
 - d. Proposed easements and easement provision language including, utility, drainage, stormwater
 - e. Chart listed on the plat clearly identifying the number of the easement and the areas in square feet of each easement
 - f. Building locations
 - g. Building setback, in compliance with underlying or proposed zoning district
 - h. Sidewalks and pedestrian paths
 - i. Natural features to remain
 - j. Public areas, parks, school sites, natural spaces
 - k. Proposed land use for each lot, parcel, or tract shall be indicated.

C. Supplementary Materials- In addition to the preliminary plat, the following supplementary materials shall be provided:

1. Plat of Survey clearly delineated the existing conditions on the proposed property including:
 - a. Existing buildings and structures constructed on the property;
 - b. Previously platted streets and other rights-of-way including, streets, railroads, utilities, and all easements located within boundaries of the proposed subdivision and located 100' or less outside the boundaries;
 - c. Location of existing utilities including: water, sanitary, storm sewers, and culverts;
 - d. Watercourses including streams, floodway, flood plains, and wetlands;
 - e. Name and seal of registered land surveyor who prepared and monumented the survey and bench marks;
 - f. Natural features.
2. Preliminary engineering plans as described in Section 16.06.030, "Preliminary Engineering Plans".
3. Traffic Study, unless it is determined by the Director of Community Development or Director of Public Works that a traffic study is not warranted.
4. Utility Capacity Study, unless it is determined by the Director of Community Development or Director of Public works that a utility capacity study is not warranted.
5. A copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-DuPage Soil and Water conservation District.
6. Outline of protective covenants, including provisions for maintenance of common space and open areas including stormwater management basins and landscaped areas.
7. A copy of the Endangered Species Consultation Agency Action (EcoCAT) to be filed with the Illinois Department of Natural Resources.
8. Any additional materials that the Community Development Director may, at his or her discretion, require.

16.06.030 – Preliminary engineering plans

A. General Requirements

1. All engineering and specifications shall be prepared by a Licensed Professional Engineer, and shall bear the engineers signature and seal.
2. All plans shall describe an adequate number of benchmarks, with elevations referenced to mean sea level and the City's Geodetic Control Station Network, so that elevations may be checked at any point without more than one setup of a surveyor's level.

B. Required Information

The Preliminary Engineering Plans shall contain the following information:

1. Existing Conditions:
 - a. The following existing items, if within the boundaries of the subdivision, or located 100' or less outside the boundaries are shown:
 - b. Boundary lines of proposed subdivision, section and corporate lines;
 - c. Previously platted streets and other rights-of-way, with improvements including location, widths, names, railroad rights-of-way, utility rights-of-way, and all easements;
 - d. Existing improvements such as, permanent buildings and structures, parks and other open spaces, sanitary sewers, water mains, culverts, storm sewers, pavements, etc.;
 - e. Topographic data is given in feet above mean sea level within the tract and to a distance of 100' beyond, watercourses, wetlands and existing contours at vertical levels of not more than 2';
 - f. Survey Information – monuments and survey markers, bench mark;
 - g. Natural features including watercourses, streams, swales, wetlands, floodplain, floodways and forested areas;
 - h. Soil data.
2. Proposed Conditions:
 - a. Streets, street types, and street names;
 - b. Name;
 - c. Block layout;
 - d. Proposed lots – dimensions and area;
 - e. Rights-of-way;
 - f. All utility easements and purposes;
 - g. Building locations;
 - h. Building setback, in compliance with underlying or proposed zoning district;
 - i. Sidewalks and pedestrian paths;
 - j. Natural features to remain;
 - k. Public areas, parks, school sites, natural spaces;
 - l. Location of utilities:
 - i. Water main layout;
 - ii. Sanitary sewer layout;
 - iii. Storm sewer layout;
 - iv. Electric system.
 - m. Source of domestic water supply;
 - n. Provision for sewage disposal;
 - o. Locations and typical street light detail, and Photometric Plan;
 - p. Proposed topographic information (minimum one foot vertical), indicating:
 - i. Changes in elevation;
 - ii. Stormwater storage facilities normal water level, high water level, emergency overflow elevation, storage volumes, and overflow routes;
 - iii. Retaining wall-extent, height, type and materials.
 - q. Preliminary Stormwater Management Analysis and calculations;
3. All other items listed in the Preliminary Engineering Plan Checklist set forth in Appendix E.

16.06.040 – Final plat of subdivision

A. General Requirements

1. All plats shall be prepared by a professional land surveyor licensed by the State of Illinois, and shall bear the surveyor's signature and seal.

2. All plans shall describe an adequate number of benchmarks, with elevations referenced to mean sea level and the City's Geodetic Control Station Network so that elevations may be checked at any point without more than one setup of a surveyor's level.

B. Required Information

The Final Plat of Subdivision shall be in substantial conformance with the Preliminary Plat of Subdivision, shall show the information as stated in Section 16.06.020, and shall include the following:

1. North direction;
2. Scale (minimum one inch equals 100 feet);
3. Section corners and section lines, tied into subdivision by distances and angles;
4. Official survey monuments shown and dimensioned;
5. All necessary easements shown and dimensioned;
6. An accurate legal description of the entire area receiving Final Plat of Subdivision approval;
7. Location and dimensions of the building lots, common permanent open space, existing permanent buildings, easements and rights-of-way;
8. An open space easement on the common area assuring that the open space shall remain open for perpetuity;
9. Building setback lines shown and dimensioned;
10. Lot areas;
11. Street names;
12. Areas to be dedicated or reserved for public use, which shall be described and the purpose designated;
13. Protective covenants lettered on the plat or appropriately referenced;
14. Required certificates, substantially in the form set forth in Appendix B:
 - a. Surveyor's certificates (including signature and seal);
 - b. Owner's certificate (including signature);
 - c. Notary certificate (including signature and seal);
 - d. County Clerk certificate (including signature);
 - e. Certificate as to special assessments (including signature);
 - f. Certificate of County Engineer, if applicable (including signature);
 - g. Plan Commission certificate (including signature);
 - h. Director of Community Development or designee certificate (including signature);
 - i. City Council certificate (including signature);
 - j. Special Flood Hazard Area certificate (including signature);
 - k. Mortgagee certificate (as required);
 - l. IDOT certificate (if applicable).
15. Final engineering plans per Section 16.06.060, "Final Engineering Plans."

C. Additional Delineation

Additional delineation shall be required on a Final Plat of Subdivision as follows:

1. Accurate angular and lineal dimensions for all lines, angles, and curvatures with functions used to describe all boundaries including perimeter survey of tract, streets, easements, areas to be reserved for public use, and other important features. Error of closure of boundary line surveys shall not exceed one in ten thousand (one foot for each ten thousand (one foot for each ten thousand feet of perimeter survey). Lot lines to show dimensions in feet and hundredths, and when an angle occurs in any lot line between lot corners the measurement of the angle shall be shown.
2. An identification system for all lots and blocks.
3. True angles and distances to the nearest established street lines and official monuments (not less than two), which shall be accurately described in the plat by location, size and elevation.
4. Municipal, township, county, or section lines and section corners accurately tied to lines of the subdivision by distances and angles; if the section lines or corner lie within the subdivision.
5. Accurate locations of permanent monuments for any plats of subdivision, resubdivision or rededications shall be as follows:
 - a. Pipes of three-fourths-inch diameter or steel rods of one-half-inch diameter, by eighteen-inch lengths, shall be placed at the corners of each lot and block, at angle points, and at the ends and suitable intervals along curves.
 - b. A minimum of two (2) 2nd order Class II, Berntsen, or approved equal, permanent benchmarks shall be established at opposite extremities of the property, or as designated by the Director of Community Development or designee. The benchmark shall include:
 - i. 6 inch x 3 foot Schedule 40 PVC
 - ii. Access cover – screw lock
 - iii. ¾ inch aluminum rod – driven till refusal

- iv. 3 foot top security sleeve
- v. Rod magnet
- vi. Spiral point
- vii. Benchmark cap provided by the City of St. Charles
- viii. Completion and submittal of City of St. Charles datasheet
- c. All U.S., state, county, City, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.

16.06.050 – Final engineering plans

A. General Requirements

- 1. All plans and specifications shall be prepared by a Licensed Professional Engineer, and shall bear the engineer's signature and seal.
- 2. All plans shall describe an adequate number of benchmarks, with elevations referenced to Mean Sea Level and the City's Geodetic Control Station Network, so that elevations may be checked at any point without more than one setup of a surveyor's level.

B. Required Information- The Final Engineering Plans shall include the following in addition to the information required in the Section 16.08.030, "Preliminary Engineering Plans."

1. Title Sheet:

- a. Plans to be on 24-inch by 36-inch sheets
- b. A title sheet shall be included with each set of plans and includes:
 - i. Name of the subdivision and unit number
 - ii. Type of work covered
 - iii. Location map showing relation of area to be improved to streets
 - iv. An index of sheets
 - v. A summary of quantities
 - vi. Name, address, and seal of Licensed Professional Engineer preparing the plans
 - vii. Date of preparation and revisions, if any
- c. Plan and profiles of proposed roadways and utilities as required by the Development Engineering Division Manager.
- d. Horizontal scale shall be no less than 1 inch to 50 feet.
- e. Vertical scale shall be no less than 1 inch to 5 feet.
- f. Cross sections as required by the Development Engineering Division Manager.
 - i. Horizontal and vertical scales are no less than 1 inch to 10 feet.
 - ii. North direction is shown for each separate plan view.
- g. An adequate number of bench marks shown with elevations referenced to Mean Sea Level and the City's Geodetic Control Network, to facilitate checking of elevations without more than one setup of a surveyor's level.
- h. Delineation shown of all easements necessary to serve all lots with underground and overhead utilities, and to allow for perpetual maintenance of these facilities.

2. Sanitary Sewer Improvements

- a. An authorized Illinois Environmental Protection Agency permit for the public sanitary sewer extensions or sewer connections as required by the IEPA shall accompany the plans.
- b. Sanitary sewer calculations, plans and specifications, including all standard details, shall be complete and conform to the minimum standards as set forth in Section 16.08.070.C, "Sanitary Sewer General Requirements" and the Engineering Design and Inspection Policy Manual.

3. Water Main Improvements

- a. An authorized Illinois Environmental Protection Agency permit for the public water main installation shall accompany the plans.
- b. Water distribution calculations, plans and specifications, including all standard details, shall be complete and conform to the minimum standards as set forth in Section 16.08.070.D, "Water Supply General Requirements" and the Engineering Design and Inspection Policy Manual

4. Roadway, Storm Sewer, & Grading Improvements

- a. Street plans, specifications, and calculations including storm sewers, shall be complete and conform to the standards listed in Section 16.08.020, "Streets and Right-of-Ways" and the minimum standards set forth in the Engineering Design and Inspection Policy Manual
- b. The location of streets and width of pavements shall conform to those indicated on the approved preliminary plan

- i. Street plans shall show all horizontal and vertical alignment. Curve data for horizontal and vertical curves shall be included on the plan sheets
 - c. Plan shows curb, gutter, and sidewalk locations
 - d. Cross sections shall be submitted as necessary to indicate feasibility of proposed street elevations in relation to adjacent lot elevations, and include sidewalk location
 - e. Profiles shall be submitted for all paving centerlines and storm sewers per the standards set forth in the Engineering Design and Inspection Policy Manual. Profiles for sanitary sewer and water main shall be provided as required by the Development Engineering Division Manager
 - f. Storm sewer system, designed to comply with the standards set forth in the Engineering Design and Inspection Policy Manual
 - g. Storm sewer design calculations shall be submitted with the plans
 - h. Final Stormwater report and supporting calculations in compliance with Title 18, "Stormwater Management" of the City of St. Charles Municipal Code
 - i. Street signs shall be shown at all street intersections and meet the standards as set forth in the Engineering Design and Inspection Policy Manual
 - j. Soil erosion and sediment control measures consistent with NPDES requirements, the City of St. Charles Engineering Design and Inspection Policy Manual, and the Kane County Stormwater Ordinance as adopted by the City on November 13, 2008, as amended from time to time
 - k. Landscaping and Tree Planting Plans depicting clearances from all utilities and appurtenances
5. All other items listed in the Final Engineering Plans checklist set forth in Appendix E.

(2012-M-45 : § 2)

16.08 – Subdivision Design Standards and Specifications

Sections

- 16.08.010 – Purpose
- 16.08.020 – Streets and rights-of-way
- 16.08.030 – Block standards
- 16.08.040 – Lot standards
- 16.08.050 – Parks and other public areas
- 16.08.060 – Easements
- 16.08.070 – Public utilities

16.08.010 – Purpose

The following standards and specifications set forth in this chapter outline the manner in which land shall be subdivided and developed and the minimum required Land Improvements to provide orderly and consistent development within the City of St. Charles.

16.08.020 – Streets and rights-of-way

- A. Rights-of-way, Streets and associated improvements shall conform to the requirements established in Title 12, Chapter 12.30, “Street Improvements” of the St. Charles Municipal Code and the City’s Engineering Design and Inspection Policy Manual.
- B. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan and shall be considered in relation to existing and planned streets, to reasonable circulation of traffic within the subdivision and adjoining lands, to topographical conditions, to runoff of stormwater, to public convenience and safety, and in their appropriate relations to the proposed uses of the area to be served.
- C. Every street shall be dedicated as a public street.
- D. No half width street improvements shall be permitted.

16.08.030 – Block standards

- A. The maximum lengths of blocks shall be one thousand two hundred feet (1,200’).
- B. Blocks over nine hundred feet (900’) long may require pedestrian ways at their approximate centers. Additional access ways to schools, parks, or other destinations may be required.
- C. The shape of the blocks must fit readily into the overall plan of the subdivision and their design must consider topographical conditions, lot layout, traffic flow, and public open space areas.

16.08.040 – Lot standards

- A. In general, lots should be as nearly rectangular in shape as practicable.
- B. Sidelines of lots shall be at right angles or radial to the street line, or substantially so.
- C. The minimum lot size and width dimensions shall comply with the requirements of Title 17, “Zoning” of the St. Charles Municipal Code.
- D. Double frontage lots are not permitted except:
 - 1. Where lots back upon an arterial street, and vehicular and pedestrian access between lots and the arterial street is prohibited; and
 - 2. Where such lots shall have additional depth to allow for a protective screen planting along the arterial frontage.
- E. Lots abutting upon a watercourse, drainage way, channel, wetland, or stream shall be of an additional depth or width to provide an acceptable building site.

16.08.050 – Parks and other public areas

Any area that is specifically designated in the Comprehensive Plan for a public park, playground, school or other public use, shall be reserved for such use on all subdivision plans and plats.

16.08.060 – Easements

- A. A minimum 10' wide perimeter utility and drainage easement shall be provided around each lot in a subdivision. Easements shall be provided for all overhead or underground utility services or surface water drainage where necessary. Where the side lot line of a detached single-family residential lot abuts the side lot line of another detached, single-family residential lot, the minimum easement width may be reduced to 5' on each lot so that the total easement width along the common lot line is 10' provided no utilities exist or are planned along the side lot line.
- B. A drainage easement shall be provided where a watercourse, drainage way, channel or stream traverses a subdivision or where a wetland exists. The easement shall include an additional area at least fifteen feet (15') wide adjoining both edges of the area that has been affected by floodwaters or containing wetland conditions.
- C. Easements shall be provided to protect existing drainage and utility installations that traverse the property.
- D. All easement language on plats shall be as specified in Appendix B.

16.08.070 – Public utilities

A. Oversizing of Utilities

All public utilities shall be designed and located in a manner to serve all of the proposed development and any future development of the subject property or adjacent properties. If the City determines that over-sized water mains or any related appurtenances will be required to adequately service the proposed subdivision or development and future adjacent subdivision or development, it may require such over sizing, and all related appurtenances.

B. Electric General Requirements

1. Electric service lines shall be of adequate size to serve the entire proposed development.
2. Electric plans and installations, including all appurtenances thereto, shall conform to the standards and specifications established by the St. Charles Municipal Electric Utility and as set forth in the Engineering Design and Inspection Policy Manual.
3. Electric facilities and lines shall be installed to serve all properties in the subdivision.
4. The layout of all electric utilities shall comply with the City's system-wide plans for location and size.

C. Sanitary Sewers General Requirements

1. Sewers shall be of adequate size to serve the entire proposed development.
2. All sanitary sewer plans and installations, including all appurtenances thereto, shall conform to the standards and specifications set forth in the Engineering Design and Inspection Policy Manual.
3. Sanitary sewer lines shall be installed to serve all properties in the subdivision.
4. Main sewers shall be of adequate size to serve the entire subdivision, or the maximum capacity of any proposed lift station, whichever is greater.
5. The layout of trunk sewer lines shall comply with the City's system-wide plans for location and size.
6. Sanitary sewer service laterals shall be provided for each lot, parcel, tract, or building. The lateral shall extend to the right-of-way line.

D. Water Supply General Requirements

1. All water main plans and installations, including all appurtenances thereto, shall conform to the standards and specifications of the City as set forth in the Engineering Design and Inspection Policy Manual.
2. Water distribution facilities including all pipe, fittings, hydrants, valves, vaults, et cetera, shall be installed to serve all properties within the subdivision.
3. The layout of main water lines shall comply with the City's system-wide plans for location and size.
4. Water main pipe shall have a minimum diameter to satisfy fire flow requirements.
5. Provisions shall be made to provide service connections for each lot, property, tract, or building, and each connection shall extend to the right-of-way line.
6. Landscape plantings shall not interfere with operations and maintenance of water appurtenances. Trees shall not be planted within ten feet (10') of all hydrants, valve vaults, or curb boxes. Bushes and shrubs shall be maintained five feet (5') from water appurtenances. All other landscape plantings shall conform to the standards and specifications set forth in the Engineering Design and Inspection Policy Manual.

E. Storm Sewer

1. A complete storm drainage system including appropriate stormwater retention and detention facilities shall be constructed throughout the subdivision. The design of which shall comply with the standards established in Title 18, "Stormwater Management" of the St. Charles Municipal Code.
2. The stormwater drainage system shall be separate and independent of the sanitary sewer system.
3. Surface water drainage patterns shall be shown for each and every individual lot and block and shall conform to the standards and specifications of the City as set forth in the Engineering Design and Inspection Policy Manual.

(2012-M-45 : § 2)

16.10 – Dedications

Sections

- 16.10.010 – Applicability
- 16.10.020 – Amendments to preliminary plat
- 16.10.030 – Indemnification of City required by school and park district
- 16.10.040 – Payment - Expenses
- 16.10.050 – Dedication of park lands and school sites, or contribution of fees in lieu thereof required
- 16.10.060 – Requirements for park land dedications
- 16.10.070 – Requirements for school site dedication
- 16.10.080 – Criteria for requiring a cash contribution in lieu of park and school land
- 16.10.090 – Amount of cash contribution
- 16.10.100 – Criteria for requiring land and cash
- 16.10.110 – Calculation of estimated population
- 16.10.120 – Reservation of land
- 16.10.130 – Condition of park and school sites
- 16.10.140 – Time of conveyance
- 16.10.150 – Payment of general real estate taxes and agricultural rollback taxes
- 16.10.160 – Real estate conveyance requirements
- 16.10.170 – Sale of Public Land

16.10.010 – Applicability

If any subdivision subject to the terms hereof is located outside of the corporate limits of the City of St. Charles, Illinois, and if the county in which the property is located has an ordinance which is more restrictive, or which would require a greater dedication or contribution than this chapter, as determined by the City, the ordinance of the county in which the property is located shall prevail where inconsistent with the less restrictive provisions hereof.

(2018-M-29 : § 2)

16.10.020 – Amendments to preliminary plat

When a Preliminary Plat of a subdivision is amended, the required contribution of land or cash shall be recalculated for that portion of the subdivision which is amended, based on the estimated ultimate population thereof.

(2018-M-29 : § 2)

16.10.030 – Indemnification of City required by school and park district

By their acceptance of land or cash, or both, pursuant to the provisions hereof, the School District and the Park District as the case may be shall indemnify the City against any loss, cost or expense, including reasonable attorney's fees, arising out of, or on account of, any land or payments designated for said School District or Park District under the provisions of this chapter. Prior to the actual transfer of land or funds, the School District and the Park District each shall make the foregoing indemnity to the City in writing.

(2018-M-29 : § 2)

16.10.040 – Payment - Expenses

By acceptance of land or cash, or both, pursuant to the provisions hereof, the School District or Park District as the case may be shall reimburse the City for all costs and expenses it incurs in connection with obtaining the land or cash required by this chapter. Payment of said amount shall be made to the City within 30 days of the park or School District's a) receipt of the land or cash as provided herein, or b) the receipt of an invoice from the City, whichever occurs later.

(2018-M-29 : § 2)

16.10.050 – Dedication of park lands and school sites, or contribution of fees in lieu thereof required

The Subdivider shall dedicate land for park and school sites on the Final Plat of Subdivision, or shall contribute cash in lieu of actual land dedications, or a combination of both at the option of the City, and School District or Park District, as applicable, in accordance with the requirements hereof.

(2018-M-29 : § 2)

16.10.060 – Requirements for park land dedications

A. Calculation of Requirement

The estimated ultimate population of a proposed subdivision shall bear directly upon the amount of land required to be dedicated for park purposes. The minimum requirement shall be ten (10) acres of land per one thousand (1,000) of ultimate population in accordance with the standards hereinafter set forth.

B. Park Site Size and Location Standards

Types of Park Sites	Minimum Desirable Site Area	Minimum Acreage per 1,000
Mini-Parks	1.0 acre	0.5 acres
Neighborhood Parks	5.0 to 10.0 acres	2.0 acres
Community Parks	25 acres or more	7.5 acres
	TOTAL	10.0 acres

The size, location and shape of the park land to be dedicated shall be subject to the approval of the City Council as part of the Preliminary Plat. Prior to City Council approval of the Preliminary Plat, the City shall have received a letter from the Park District board approving the location and acreage of any park land to be dedicated. The suitability of land to be dedicated for park sites shall be evaluated by the Plan Commission and City Council according to the following standards:

1. The site should be essentially regular in shape to facilitate maintenance and to provide the optimum opportunity for recreational use.
2. The site should not be located on a major road when such a location would present a traffic hazard to park users.
3. The site should not include storm water retention or detention facilities except those provided to serve the park site and shall not be subject to frequent flooding.
4. The site should have soil and topographic conditions suitable to accommodate the anticipated facilities, including but not limited to parking areas, play fields, tennis courts, playground equipment, or other recreational facilities.
5. The site should be located in the approximate center of the residential area to be served wherever possible, and adjacent to a school site where consistent with the school site requirements hereof.

(2018-M-29 : § 2)

16.10.070 – Requirements for school site dedication

A. Calculation of Requirement

The estimated ultimate student population for grades K through 12 of the proposed subdivision shall bear directly on the amount of land required to be dedicated for school sites. The minimum requirement shall be .025 acres of land per elementary student, .0389 acres of land per middle school student, and .072 acres of land per high school student in accordance with the standards hereinafter set forth.

B. School Site Size and Location Standards

Type of School Site	Maximum Students per School Site	Minimum Acres/Site
Elementary K-5	600	15 acres
Middle School	900	35 acres
High School	1500	108 acres

The location and shape of the school land to be dedicated shall be subject to the approval of the City Council as part of the Preliminary Plat. Prior to City Council approval of the Preliminary Plat, the City shall have received a letter from the School District board of education approving the location and acreage of any school land to be dedicated. The suitability of land to be dedicated for school sites shall be evaluated by the Plan Commission and City Council according to the following standards:

1. The site should be essentially regular in shape, to allow the proper design of the school building, playgrounds, and parking areas.
2. The site should not be located on a major road when such a location would present a traffic hazard to school children.
3. The site should not include storm water retention or detention facilities except those provided to serve the school site and shall not be subject to frequent flooding.
4. The site should have suitable soil and topographic conditions for the construction of a school building, parking lot, and other necessary facilities.
5. The site should be located in the approximate center of the residential area to be served wherever possible.

(2018-M-29 : § 2)

16.10.080 – Criteria for requiring a cash contribution in lieu of park and school land

A. When Cash Contribution Required

When the subdivision is small and the resulting site is too small to be practical, or when available land is inappropriate for park or school sites, or when park or school sites have already been provided, the City Council may require the payment of cash contributions in lieu of the required land. The City Council shall determine whether land or cash will be required when it approves the Preliminary Plat, and shall consider the recommendation of the appropriate Park or School District in making such determinations. The Park or School District may refuse a land donation based upon the following criteria:

1. The land is not needed in the proposed location for the type of dedication site being proposed.
2. The configuration of the site, location within the development, size of the site, or function of the property (wetland, rolling topography, detention, retention) is not appropriate, based on the district’s needs for site or facilities in the area of the subdivision.
3. Access to the site is not conducive to use of the site as public land.

When the Park District or School District has refused a land contribution based on these criteria, the City Council shall require a cash contribution.

B. Payment of Park Contribution

For subdivisions platted in multiple phases, the per dwelling unit cash contribution in lieu of, or in addition to, park land, as may be applicable, shall be paid for the entire phase to be developed, prior to issuance of the first building permit for the applicable phase. For subdivisions platted in a single phase, the per dwelling unit cash contribution in lieu of, or in addition to, park land, as may be applicable, shall be paid for the entire subdivision prior to issuance of the first building permit. The applicable per dwelling unit cash contribution shall be paid directly to the Park District and held in a segregated account. All such payments made to the Park District under this Section are to be spent solely in accordance with paragraph 3 below. The City shall not issue a building permit until it receives an original receipt of payment executed by the treasurer of the Park District.

C. Use of Contribution by Park District

1. The cash contribution in lieu of park land shall be used solely for the acquisition of park land which will serve the immediate or future needs of the residents of the subdivision for which the contribution was received, or the improvement of existing park land which will serve such needs; provided, however, any expenditure of funds for land or improvements shall satisfy all applicable statutory criteria.

2. For subdivisions for which a combination of land dedication and cash contribution has been received, the Park District shall spend a portion of the cash contribution to improve the land dedication site within the subdivision, with the improvements to be determined by the Park District. For subdivisions platted within the City limits, the Park District shall spend one hundred percent (100%) of the contribution within the City limits; for subdivision platted outside the City limits but within the planning jurisdiction of the City, the Park District shall spend one hundred percent (100%) of the contribution within the planning jurisdiction of the City. The City Council may vary the requirements of this paragraph 2 if it finds that, based upon facts presented by the Park District, such variance will result in park facilities which will serve the immediate or future needs of the residents of the subdivision from which the contribution was received.

D. Payment of School Contribution

For subdivisions platted in multiple phases, the per dwelling unit cash contribution in lieu of, or in addition to, school land, as may be applicable, shall be paid for the entire phase to be developed, prior to issuance of the first building permit for the applicable phase. For subdivisions platted in a single phase, the per dwelling unit cash contribution in lieu of, or in addition to, school land, as may be applicable, shall be paid for the entire subdivision prior to issuance of the first building permit. The applicable per dwelling unit cash contribution shall be paid directly to the School District and held in a segregated account. All such payments made to the School District under this Section are to be spent solely in accordance with paragraph 5 below. The City shall not issue a building permit until it receives an original receipt of payment executed by the treasurer of the School District.

E. Use of Contribution by School District The cash contribution in lieu of school land shall be used solely for the acquisition of land for a school site to serve the immediate or future needs of the residents from the subdivision for which the contribution was received, or for the improvement of any existing school site which will serve such needs provided, however, any expenditure of funds for school sites or improvements shall satisfy all applicable statutory criteria.

F. Return of Contribution if not Expended

If any portion of a cash contribution in lieu of park or school site land is not expended for the purposes set forth herein within ten (10) years from the date of receipt, it shall be refunded, together with accrued interest thereon, to the owners of record of all lots, except public land, in the subdivision for which such contribution is made. The refund shall be paid to the person who is the owner of record on the day which is the tenth anniversary of the receipt of such contribution. The amount of the refund due to each lot owner shall be equal to the amount of the original contribution, together with accrued interest thereon, divided by the total number of lots in the subdivision (excluding public land) for which the contribution

was made. The City Council may permit one- year extensions of the ten-year restriction if the Park District or School District demonstrates that such funds have been allocated for an acquisition or improvement allowed herein, but have not been spent due to additional funds being necessary to complete such acquisition or improvement.

G. Amount Applicable at Payment

All building permits issued shall be subject to the cash contributions applicable pursuant to Title 16 at the time of payment of the cash contributions, unless otherwise previously granted by the City Council through a planned unit development or annexation agreement. Any amendment to an approved Preliminary Plat, Final Plat of Subdivision, or Planned Unit Development shall require compliance with the then applicable cash in-lieu fees, to the extent that such amendment results in the calculation of a greater cash payment to the Park District and School District.

(2018-M-29 : § 2)

16.10.090 – Amount of cash contribution

The cash contribution in lieu of land shall be based on the fair market value of improved land within the subdivision, which shall be defined as the value of land with roads, curbs, gutters, sidewalks, storm and sanitary sewer, water and other utilities. The fair market value of improved land for subdivisions to be developed within the City is hereby determined to be two hundred forty thousand five hundred dollars (\$240,500.00) per acre, which shall be used in the calculation of the required cash contributions, except as follows:

1. The fair market value for subdivisions to be developed outside the corporate limits of the City of St. Charles but within the City's 1 1/2 mile jurisdictional area is hereby determined to be one hundred seventy-five thousand dollars (\$175,000).
2. If the Subdivider files a written objection to the use of the per acre value established herein, he shall submit an appraisal. Such appraisal shall show the fair market value of improved land in the area of the subdivision. The City shall notify the School District and the Park District of any objection and shall provide the School District and the Park District at least ninety (90) days to file their own appraisal or other response as they determine appropriate.
3. If the City Council determines that the specifics of the subdivision so warrant, it may require an appraisal. Final determination of the fair market value per acre of land shall be made by the City Council, based upon the appraisal or appraisals, and upon other information which may be submitted by the Park District, School District, or others. The Subdivider shall pay all appraisal fees.
4. At least once every five (5) years, but not more often than every three (3) years, the City, in cooperation with the Park District and School District shall obtain an appraisal and review and if appropriate, adjust the value of land under this Ordinance. The City shall notify the School District and the Park District at the commencement of the process. In determining whether it is appropriate to adjust the value of land under this ordinance, the City shall consider whether the land value is within the range of values set by other area municipalities, including those municipalities served by the Park and School Districts.
5. Any appraisal submitted under this section shall be prepared by a licensed Illinois State Real Estate Appraiser and shall be in the form of a report that conforms to the applicable requirements of the Uniform Standards of Professional Practice.

(2018-M-29 : § 2)

16.10.100 – Criteria for requiring land and cash

There may be situations when a combination of land and a cash contribution in lieu of land are both necessary. At the time of Preliminary Plat approval, the City Council may require a combination of land and cash in any of the following situations:

- A. When a previously designated park or school site lies partly within and partly outside of a proposed subdivision and the acreage of the designated park or school site within the subdivision is less than the park or school site acreage required herein, the subdivider shall contribute all of the designated park or school site lying within the proposed subdivision, and cash in lieu of the additional acreage needed to fulfill the requirements hereof.
- B. When part of a designated park or school site has already been acquired, and the land needed to complete it is less than the land required from the subdivision, then the subdivider shall contribute the amount of land needed from the subdivision to complete the park or school site and cash in lieu of the additional acreage needed to fulfill the requirements hereof.
- C. When the subdivider will be contributing certain park or school sites, and the balance of the required park or school site acreage would be too small or otherwise unsuitable for park or school sites, then the subdivider shall contribute cash in lieu of the balance of the required school or park site acreage.

(2018-M-29 : § 2)

16.10.110 – Calculation of estimated population

1. Calculation of Requirement

Table of Estimated Ultimate Population Per Dwelling Unit				
Type of Unit	Elementary Grades K-5 5 – 10 years	Middle Grades 6 – 8 11 – 13 years	High School Grades 9 – 12 14 – 17 years	Total Population
Detached Single Family				
• 2 bedroom	0.136	0.048	0.020	2.017
• 3 bedroom	0.369	0.173	0.184	2.899
• 4 bedroom	0.530	0.298	0.360	3.764
• 5 bedroom	0.345	0.248	0.300	3.770
Attached Single Family (Townhomes)				

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• 1 bedroom	0.000	0.000	0.000	1.193
• 2 bedroom	0.088	0.048	0.038	1.990
• 3 bedroom	0.234	0.058	0.059	2.392
• 4 bedroom	0.322	0.154	0.173	3.145
Multi Family (Condo/Apartment)				
• Efficiency	0.000	0.000	0.000	1.294
• 2 bedroom	0.002	0.001	0.001	1.758
• 3 bedroom	0.086	0.042	0.046	1.914
• 4 bedroom	0.234	0.123	0.118	3.053
Source: Illinois School Consulting Service/Associated Municipal Consultants Inc., 1996				

The "Table of Estimated Ultimate Population Per Dwelling Unit" shall be used to calculate the amount of required park and school site land and cash contributions in lieu thereof. It is recognized that population density, age distribution, and local conditions change over time, and that, therefore, the table is subject to periodic review and amendment as necessary.

B. Objection

A written objection to "The Table of Estimated Ultimate Population Per Dwelling Unit" may be filed by the Subdivider, or by the School or Park District, prior to City Council approval of the Preliminary Plat. The City shall notify the School District and the Park District of any objection and shall provide the School District and Park District at least ninety (90) days to file their own response. Such objection shall include a demographic study showing the estimated ultimate population to be generated by the subdivision. Final determination of the estimated ultimate population shall be made by the City

Council at the time of Preliminary Plat approval.

C. Credit for Existing Lots and Dwellings

A credit to the estimated population shall be granted as follows:

1. Existing Subdivided Lots: Lots previously subdivided for residential use, pursuant to a Subdivision Plat previously approved by the City of St. Charles and previously recorded with the County Recorder of Deeds, shall receive a credit calculated as a reduction of one residential unit per existing subdivided lot located wholly within the proposed subdivision.
2. Existing Lots of Record: Portions of previously subdivided lots that were lawfully conveyed as Lots of Record prior to September 17, 2012, provided said Lots of Record meet the minimum lot width and area requirements of the applicable zoning district in which it is located, shall receive a credit calculated as a reduction of one residential unit per existing Lot of Record located wholly within the proposed subdivision.

3. Existing Residential Dwellings: Existing residential dwellings shall receive a credit calculated as a reduction of the estimated population for the dwelling based upon the formulas within this chapter. A credit shall not be granted under sections 1 and 2 above for any lot receiving a credit for an existing dwelling under this section.

D. Institutional Uses

A "Nursing Home" or "Assisted Living Facility", as defined in Title 17 of the City Code, and similar institutional uses, shall not be considered residential dwellings, and therefore units or rooms within such facilities shall not be included in the calculation of estimated population.

(2018-M-29 : § 2)

16.10.120 – Reservation of land

A. Park or school dedication sites shall be considered public land for purposes of this chapter. All dedication sites shall be designated as a lot on the Final Plat of Subdivision. The lot shall be identified as a park or school site, with a notation that the property is to be conveyed as public land in accordance with this Title.

B. Whenever the St. Charles Comprehensive Plan, or the standards of the City, School District, or Park District call for a school or park site within a subdivision larger than the required land contribution, the land needed in addition to the required contribution shall be reserved on the final plat for subsequent purchase by the City, Park District, or School District. The City, Park District, or School District shall acquire the land so designated by purchase or commence proceedings to acquire such land by condemnation within one year from the date of recording of the final plat; if the land is not so acquired or condemnation proceedings are not so commenced within said one year period, the land so designated may then be used by the owners thereof in any other manner consistent with the St. Charles Municipal Code and compatible with said subdivision.

(2018-M-29 : § 2)

16.10.130 – Condition of park and school sites

Land Improvements within the subdivision adjoining park and school sites shall be provided and paid for by the Subdivider. In addition, park and school sites shall be fine graded, provided with a minimum of six (6) inches of topsoil, and seeded as part of the required land improvements, unless otherwise permitted by the City Council. All land improvements within the boundaries of park and school sites shall be completed prior to conveyance of the site. Installation of adjacent parkway improvements (including sidewalks, parkway trees, and street lighting) may be deferred until construction of the adjacent street is completed.

(2018-M-29 : § 2)

16.10.140 – Time of conveyance

The park and school sites required herein shall be conveyed to the appropriate park or School District grantee following the recording of the Final Plat of Subdivision. The timing of the conveyance shall be mutually agreed to by the City, School or Park District, and the Subdivider, with due consideration for the project phasing and construction activity to occur on properties adjacent to the school or park site. In the event the Subdivider has not conveyed the school or park site in accordance with the agreed to timing of conveyance, the City may withhold the issuance of building permits for residential units within the subdivision.

(2019-M-29 : § 2)

16.10.150 – Payment of general real estate taxes and agricultural rollback taxes

General real estate taxes and agricultural rollback taxes levied or which become due because of any conveyance, against the park or school site which is conveyed, shall be the responsibility and obligation of the grantor. Grantor shall furnish evidence of payment of these taxes or deposit the amount of those taxes in escrow with the title company furnishing the preliminary report of title, requiring payment of the taxes when they become due. After payment of the taxes, evidence of such payment shall be furnished to the grantee. The amount of any general real estate taxes and/or agricultural rollback taxes for the year of conveyance shall be pro-rated to the date of the delivery of deed. The amount of the general real estate and agricultural rollback taxes shall be based on the assessor's latest known rate, value, and equalizer, if any, for the land being conveyed.

(2018-M-29 : § 2)

16.10.160 – Real estate conveyance requirements

All real estate conveyed to the School District or Park District pursuant to the provisions of this chapter is hereby designated "public land". The Subdivider shall furnish the grantee with a survey of the public land to be conveyed and a commitment for title insurance from a title company licensed to do business in the state of Illinois, in the amount of the fair market value of such public land. If within thirty (30) days of receipt of the commitment, the grantee objects in writing to defects in the title, the Subdivider shall have thirty (30) additional days from the date of delivery of such written objections to cure such defects. All deeds of conveyance pursuant to this ordinance shall be recorded, at the Subdivider's sole expense, in the office of the recorder of deeds of the county in question. All conveyances pursuant to this chapter shall

be accompanied by an appropriate affidavit of title, and shall be by warranty or trustee's deed subject only to the following:

- A. Acts done or suffered by or judgments against the grantee, its successors and assigns;
- B. General taxes for the year of conveyance, and subsequent years;
- C. Zoning and building laws and/or ordinances;
- D. Public and utility easements of record which are reasonably acceptable to City and grantee;
- E. Conditions and covenants of record as contained only in plats of subdivision approved by the City;
- F. Rights-of-way for drainage ditches, feeders, laterals, and underground tile, pipe or other conduit;
- G. Such other exceptions to title that grantee shall find acceptable.

(2018-M-29 : § 2)

16.10.170 – Sale of Public Land

A. In the event either the School District or Park District desires to sell any public land obtained under the provisions hereof, it shall first direct written notice, certified mail, return receipt requested, to the non-selling district and City. The written notice shall contain a legal description and plat of the public land and statement that the owner thereof desires to sell the public land described. Upon receipt of the written notice, the following options are provided and granted:

1. The non-selling district shall have the exclusive option to purchase the public land described, for the thirty-day period next following receipt of the notice.

2. In the event the non-selling district fails to exercise its option within the thirty-day time period, the City shall have exclusive option to purchase the public land described, at no cost, for the thirty-day period next following expiration of the initial thirty-day period.

B. Any option shall be exercised by directing written notice to the owner of the public land, certified mail, return receipt requested. In the event both the non-selling district and the City fail to exercise their options, the owner of the public land may, for a one year period thereafter, sell the public land described in the written notice to any third party, subject to the requirements of law.

C. In the event any public land is sold to a third party pursuant to the terms of this chapter, the property shall thereafter not be designated as "public land".

D. The cash received by the School District as a result of the sale of public land shall be held

in a separate account, and shall be used solely in accordance with the provisions Section 16.08 above.

E. The cash received by the Park District as a result of the sale of public land shall be held in a separate account, and shall be used solely in accordance with the provisions of Section 16.08 above.

(2018-M-29 : § 2)

16.12 – Rules and Definitions

Sections

16.12.010 – Rules of construction

16.12.020 – Definitions

16.12.010 – Rules of construction

The language set forth in the text of this Title shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural and the plural singular;
- B. The present tense includes the past and future tenses, and the future the present;
- C. The word "shall" is mandatory, while the word "may" is permissive; the masculine gender includes the feminine and neuter;
- D. Whenever a word or term defined hereinafter appears in the text of this Title, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parenthesis, directly after a word herein defined, shall be construed in the same sense as that word;
- E. All measured distances, expressed in feet, tenths, and hundredths.

16.12.020 – Definitions

The words and terms set out in Title 16, wherever they occur, shall be construed and defined as follows:

Block Any tract of land bounded by streets or by a combination of streets and public land, parks, cemeteries, railroad, rights-of-way, shoreline or waterway, boundary lines of a municipality or any other barrier to the continuity of development.

Building Permit Written permission issued by the City of St. Charles Department of Community Development for the construction repair, alteration, or addition to a structure.

Building Setback Line A line within a lot or other parcel of land, so designated on the preliminary plan, between which line and the adjacent street the erection of an enclosed structure is prohibited.

Checklist A list of all necessary data and information required to be shown on or submitted along with each application, as appropriate.

City The City of St. Charles, Kane and DuPage Counties, Illinois.

Comprehensive Plan The official Comprehensive Plan for the City of St. Charles.

Concept Plan Any and all information adequately delineating the concept of any proposed development as described in 16.04.060, "Concept Plan".

Contractor See Section 12.30.030, Definitions A. "Contractor"

Cul-de-sac A minor street having one open end and being permanently terminated at the other by a vehicular turnaround.

Dedication The conveyance of a property by its owner to another party.

Demographic Study A study of the estimated ultimate population expected to be generated by a proposed development, based upon empirical historical data from similar developments. Such a study shall take into consideration demographic changes over time, dwelling types, number of bedrooms, and the number of pre-school children, school age (grades K-12) children, and adults.

Designee A Staff member or person designated by the person with authority to carry out duties in their place.

Development Engineering Division Manager Designee of the Director of Community Development.

Director of Community Development The Director of Community Development as defined in Title 2, "Administration and Personnel" Chapter 2.10, "Appointive Offices" of the St. Charles Municipal Code.

Director of Public Works The Director of Public Works of the City as defined in Title 2, "Administration and Personnel" Chapter 2.10, "Appointive Offices" of the St. Charles Municipal Code.

Easement A grant by a property owner of the specific use of land by others.

Engineering Design and Inspection Policy Manual The official design and inspection manual for all publicly owned, sanitary, water utilities, street and stormwater facilities providing public benefit, as approved by the City Council and amended from time to time.

Estate Streets Streets located in areas zoned "Residential Estate" per Title 17, "Zoning" of the St. Charles Municipal Code. Roadways in areas zoned "Residential Estate" may be constructed without combination curb and gutter provided the flow velocity of water in the ditches will not exceed four feet per second.

Final Engineering Plan A set of plans, specifications, and calculations prepared by a registered engineer, showing in detail all data required in Section 16.06.060, "Final Engineering Plans" to construct land improvements.

Final Plat of Subdivision A surveyor's plat of a proposed subdivision as described in Section 16.06.050, "Final Plat of Subdivision".

Improved Land Land located within a development which has been improved by installation of the required land improvements.

Land Improvements Any sanitary sewer, storm sewer and water systems, including all appurtenances thereto, retention and detention basins, grading and surface drainage ways and facilities, curbs, paving, streets, street lighting, sidewalks, street signs, seeding, and tree plantings.

Land Improvement Agreement An acknowledgement executed by the Subdivider/Applicant accepting the responsibility for the installation of the Land Improvements as shown on the approved engineering plans and specifications and agreeing to furnish qualified field supervision of the installation of all Land Improvements in the person of a registered engineer approved by the City.

Licensed Professional Engineer A person holding a current license to provide professional engineering services in the State of Illinois.

Lot A portion of a subdivision or other parcel of land intended as a unit for the purpose whether immediate or future, of transfer or ownership or for building development.

Owner Any individual, firm, association, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Title.

Park District The St. Charles Park District, Kane and DuPage Counties, Illinois, or any public Park District within which a development or part of a development is located.

Person Any individual, firm, association, partnership, corporation, trust, or any other legal entity.

Plan Commission The Plan Commission of the City, as defined in Title 2, "Administration and Personnel" Chapter 2.28, "Plan Commission" of the St. Charles Municipal Code.

Planned Unit Development (PUD) A unified development of one or more tracts of contiguous land in single or unified ownership where the specific requirements of a given zoning district may be modified if the application is processed and approved under the Planned Unit Development procedure in Title 17, "Zoning".

Preliminary Plat A surveyor's plat of a proposed subdivision (and related documents) as described in Chapter 16.06.030, "Preliminary Plat".

Preliminary Engineering Plan A set of plans, specifications, and calculations prepared by a registered engineer, showing in detail all data required in Section 16.06.040, "Preliminary Engineering Plans".

Title 16 - Subdivisions and Land Improvement

Protective Covenants Contracts entered into between private parties and constitute a restriction on the use of all private property within a subdivision for the benefit of property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Public Land Real estate to be conveyed pursuant to the provisions hereof and to be utilized by the City, School District, and/or Park District for uses including, but not limited to, parks, recreational sites, lakes, storm water retention and detention areas, public forest areas, municipal service areas, public utility substations, storage areas and well sites, public natural resource areas, public golf course areas, school building sites, playgrounds and other similar uses.

Right-Of-Way See Section 12.30.030. Definitions H. "Right-Of-Way".

School District Community Unit School District No. 303, Kane and DuPage Counties, Illinois, or any public School District within which a development or part of a development is located.

Soil and Water Conservation District The Kane-DuPage Soil and Water Conservation District.

Street, Arterials Any streets primarily for through traffic, usually on a continuous route moving large volumes of traffic. Arterials should remain free flowing with limited access.

Street, Collector Streets serving the internal traffic movement within and between neighborhoods of the City, and connecting Local Street with the arterials system.

Street, Local Streets primarily for access to residences, businesses, residential lots, or other abutting property.

Street Width The shortest distance between lines delineating the right-of-way of a street.

Subdivider and/or Applicant A record owner of the subject property, or a lessee, agent or contract purchaser with specific written authorization from the record owner, who commences proceedings under this Title.

Subdivision 1) A described tract of land which has been or is to be divided into two (2) or more lots, parcels, or tracts, for the purpose of, either immediate or future transfer of ownership, lease, or building development, including a re-subdivision for any such purpose, and 2) A planned unit development involving one or more parcels of land.

Traffic Study An engineering study that evaluates the impact of a subdivision proposal upon the existing and proposed transportation network. This study shall be performed by a Licensed Professional Engineer. The study typically contains documentation of existing and proposed conditions, evaluation of impacts and recommendations to mitigate impacts.

Utility Capacity Study An engineering study that evaluates the impact of a subdivision proposal upon the existing and proposed utility networks. This study shall be performed by a Licensed Professional Engineer. The study typically contains documentation of existing and proposed conditions, evaluation of impacts and recommendations to mitigate impacts.

Utility Public improvements intended for the transference of public services such as water and sanitary sewers. (2012-M-45 : § 2)

Title 16 - Subdivisions and Land Improvement Footnotes

1. (2012-M-45 : § 5)