

CHAPTER 1

GENERAL SUBDIVISION PROCEDURES

SECTION:

- 6-1-1: Title
- 6-1-2: Purpose
- 6-1-3: Application of Provisions
- 6-1-4: General Provisions
- 6-1-5: Interpretation
- 6-1-6: Severability

6-1-1: **TITLE:** This ordinance shall be known and may be cited and referred to as the "Subdivision Control Ordinance for the Village of Dakota, Illinois".

6-1-2: **PURPOSE:** While it is obvious that the regulations are needed to assure orderly extension of village streets, the other purposes of these regulations are:

- A. To insure sound, harmonious subdivision development and community growth, and to safeguard the interests of the home owner, the subdivider, the investor and the village.
- B. To provide permanent assets to the locality and to the village.
- 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 necessary protection against deterioration and obsolescence.
- E. To provide common grounds of understanding and a sound working relationship between the village and the subdivider.

6-1-3: **APPLICATION OF PROVISIONS:** No person shall subdivide any tract of land which is located within the village or in any unincorporated area which is located entirely or in part within one and one-half (1-1/2) miles of the nearest limits of the village, except in conformity with the provisions of this Ordinance. The subdivision plans and plats, proposed improvements to be installed and all procedures relating thereto shall in all respects be in full compliance with the regulations hereof.

6-1-4: **GENERAL PROVISIONS:**

A.

Whenever any subdivision of land shall hereafter be laid out within the incorporated limits of the village, or within contiguous unincorporated territory not more than one and one-half (1-1/2) miles beyond the incorporated boundaries of the village, the subdivider thereof, or his agent, shall submit both a preliminary and final subdivision plat to the village for its approval. The subdivision plats and all procedures relating thereto shall in all respects be in full compliance with these regulations.

B.

Until preliminary plats and plans for the subdivision are approved:

1. No land shall be subdivided, nor any street laid out, nor any improvement be made to the natural land.

2. No lot, tract or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale or option be made or given.

3. No improvements such as sidewalks, water supply, storm water drainage, sanitary sewerage facilities, gas service, electric service, lighting, grading, paving or surfacing of streets, shall hereafter be made by any owner or owners, or his or their agent, or by any public service corporation at the request of such owner or owners, or his or their agent.

4. Land Subject to Flooding or Poor Drainage: No plat will be approved for a subdivision which is subject to periodic flooding or which contains poor drainage facilities and which would make adequate drainage of the lots and streets impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the Village Engineer, make the area safe for occupancy and provide adequate lot and street drainage, the subdivision may then be approved.

C. All offerings or dedications of land to the village for use as streets, highways, alleys, schools, parks, playgrounds or other public uses shall be referred to the Village Board for review.

D. Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the village as a whole, the Village Board may, before approval, cause to be prepared a plan for the entire area or neighborhood, such plan to be used by the Village Board as an aid in judging the proposed plat.

The Village Engineer shall cooperate with the Village Board in the preparation of this plan and shall furnish such surveys and data as may be necessary.

6-1-5: **INTERPRETATION:**

A. In its interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements.

B. Where the conditions imposed by any provision hereof upon the use of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

C. This Ordinance is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement, this Ordinance shall govern.

6-1-6: **SEVERABILITY:** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.