

CHAPTER 34

SUBDIVISION CODE

ARTICLE I – GENERALLY

34-1-1 **TERRITORIAL LIMITS OF REGULATIONS.** The provisions of this Code shall apply to that land located within the corporate limits of the City.

34-1-2 **DEFINITIONS.** For the purposes of these regulations which shall be known as and may be cited as “Murphysboro, Illinois Subdivision Regulations”, certain words used herein are defined as follows:

(A) **Subdivision and Subdivider.**

(1) **Subdivision** means the division of a parcel of land into **four (4)** or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of **five (5) acres** or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

(2) **Subdivider.** The applicant seeking approval of a subdivision.

(B) **Streets and Alleys.** The term “street” means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated.

(1) **Arterial Thoroughfares** are those streets or highways which are used to carry the major flow of fast or heavy interregional traffic.

(2) **Primary Streets** are those streets or highways serving as connection points between the principle traffic generation points within the community and also between interior points of the surrounding area and between communities in the region.

(3) **Secondary Streets** are those which carry traffic from one neighborhood to another within the community, and deliver traffic to the primary and arterial systems.

- (4) **Collector Streets** provide access to individual properties and carry primarily intra-neighborhood traffic into or out of the other street systems.
- (5) **Marginal Access Roads** may be either a Primary, Secondary or Collector Street which is parallel to and adjacent to an Arterial Thoroughfare or Primary Street, providing access to adjoining properties without impeding the flow of the heavier traveled thoroughfare.
- (6) **Alleys** are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
- (7) **Half Street** is a street which is only **one-half (1/2)** as wide as it would be if the right-of-way were controlled in its entirety by the developer.

(C)

Lot Types.

- (1) **Corner Lot** defined as a lot located at the intersection of **two (2)** or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than **one hundred thirty-five degrees (135°)**.
- (2) **Interior Lot** defined as a lot other than a corner lot with only one frontage on a street.
- (3) **Through Lot** defined as a lot other than a corner lot with frontage on more than **one (1) street**, though lots abutting **two (2) streets** may be referred to as double frontage lots.

(D)

Plats.

- (1) **Pre-Application Plat.** Sketch plan showing limited information for informal discussion between subdivider, engineer, and/or surveyor and the Planning Commission.
- (2) **Preliminary Plat.** Subdivision plans submitted with request for conditional approval by Planning Commission indicating detailed information.
- (3) **Final Plat.** The Preliminary Plat as revised where necessary including certifications and approvals by public and private bodies concerned, ready for final approval by the Planning Commission and the City Council. After all approvals, plat may be recorded with County Recorder of Deeds, after which lots may be sold.

(E) **Comprehensive Plan.** A plan consisting of the following interrelated elements among others to guide the development of the City: Land Use Plan; Thoroughfare Plan; Community Facilities Plan. Such comprehensive plan has been adopted by the City Council in accordance with **Chapter 65** of the **Illinois Compiled Statutes**, as amended.

(F) **Thoroughfare Plan.** An integral part of the Comprehensive Plan. The Thoroughfare Plan is concerned primarily with the establishment of types and widths of streets and highways in the community. The Thoroughfare Plan is also concerned with the continuity and interrelationship of streets and highways to move vehicular traffic within and around the community in the most economical, efficient and safe manner possible.

(G) **Official Map.** A map legally adopted by the City precisely indicating the existing and proposed location of streets and community facilities such as: parks, playgrounds, schools, libraries, drainage systems, etc. These precise locations are designated more generally in the Thoroughfare Plan and the Community Facilities Plan of the Comprehensive Plan. The primary purpose of the Official Map is to prohibit improvements to such locations through their reservations for future public ownership. Lack of such prohibitions would therefore unnecessarily entail higher public expenditures at a later date. The Official Map may be amended from time to time reflecting any changes or extension of definite policy of the City.

(H) **Gross Acre and Net Acre.**

(1) **Gross Acre** means the total amount of land to be subdivided.

(2) **Net Acre** means the amount of land in the subdivision, exclusive of public rights-of-way, and other public ownership such as schools and parks.

(I) **Block.** Defines as the distance between street right-of-way lines.

ARTICLE II – PROCEDURES

34-2-1 **PRE-APPLICATION PROCEDURE.**

(A) **Submission of Information.** Previous to the filing of an application for conditional approval of the Preliminary Plat, the Subdivider shall submit to the Planning Commission plans and data as specified in **Article V**. This step does not require formal application, fee or filing of plat with the Planning Commission.

(B) **Time Constraints.** Within **thirty (30) days**, the Planning Commission shall inform the Subdivider that the plans and data as submitted or as modified do or do not meet the objectives of these regulations. When the Planning Commission finds the plans and data do not meet the objectives of these regulations, it shall express its reasons in writing therefore.

34-2-2 PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT.

(A) On reaching conclusions, informally as recommended in **Section 34-2-1** above, regarding his general program and objectives, the Subdivider shall cause to be prepared a Preliminary Plat, together with improvement plans and other supplementary material as specified in **Article V**.

(B) **Three (3) copies** of the Preliminary Plat and supplementary material specified shall be submitted to the Planning Commission with written application for conditional approval at least **ten (10) days** prior to the meeting at which it is to be considered.

(C) Following (a) review of the Preliminary Plat, and other material submitted for conformity thereof to these regulations, and (b) negotiations with the Subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Commission shall, within **thirty (30) days**, or the next regularly scheduled meeting of the Planning Commission, whichever is later, act thereon as submitted, or modified, and if approved, the Planning Commission shall express its approval as Conditional Approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore in writing.

(D) The action of the Planning Commission shall be noted on all copies of the Preliminary Plat, referenced and attached to any conditions determined. **Two (2) copies** shall be returned to the subdivider and the other retained by the Planning Commission.

(E) Conditional Approval of a Preliminary Plat shall not constitute approval of the Final Plat (Subdivision Plat). Rather, it shall be deemed an expression of approval to the layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat which will be submitted for approval of the Planning Commission and for recording upon fulfillment of the requirements of these regulations and the conditions of the Conditional Approval, if any.

(F) If such preliminary plat is approved, the City Council shall accept or reject said plat within **thirty (30) days** after its next regular stated meeting following action of the Plan Commission. A copy of the resolution on such action shall be filed in the City Clerk's Office.

34-2-3 PROCEDURE FOR APPROVAL OF FINAL PLAT.

(A) The Final Plat shall conform substantially to the Preliminary Plat as approved, and if desired by the Subdivider, it may constitute only that portion of the approved Preliminary Plat which he proposed to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

(B) Application for approval of the Final Plat shall be submitted in writing to the Planning Commission at least **ten (10) days** prior to the meeting at which it is to be considered.

(C) **Four (4) copies** of the Final Plat and other exhibits required for approval shall be prepared as specified in **Article V**, and shall be submitted to the Planning Commission within **twelve (12) months** after approval of the Preliminary Plat; otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission.

(D) Within **six (6) months** after the approval of the Final Plat by the Planning Commission and City Council, said Plat shall be filed with the County Recorder, and if not so filed, shall have no validity and shall not be recorded with recertification by the County Clerk and reapproval. All copies of plats, after being recorded, shall become the property of Jackson County. Approval by the Planning Commission shall be noted thereon together with the date of approval, and approval of the City Council shall be noted with the date thereon by the County Clerk with his official seal affixed thereto.

ARTICLE III – DESIGN STANDARDS

34-3-1 STREETS.

(A) **Location of Streets.** The arrangements, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan for the City and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(B) **Suitability of Layout.** Where such is not shown in the Comprehensive Plan of the City, the arrangement of the streets in a subdivision shall either:

- (1) Provide for the continuation of appropriate projection of existing principal streets in surrounding areas; or

- (2) Conform to a plan for the neighborhood approval or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

(C) **Through Traffic.** Collector streets shall be so laid out that their use by through traffic will be discouraged.

(D) Where a subdivision abuts or contains an existing or proposed Arterial Thoroughfare(s) or Primary Street(s), the Planning Commission may require marginal access streets, double frontage or through lots with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(E) **Reserve Strips Prohibited.** Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions approved by the Planning Commission.

(F) **Jogs.** Street jogs centerline offsets of less than **one hundred twenty-five (125) feet** will not be permitted, except under extreme terrain problems.

(G) **Tangents.** A tangent at least **one hundred (100) feet** long shall be introduced between reverse curves on Arterial Thoroughfares and Primary Streets.

(H) **Deflections.** When connecting street lines deflect from each other at any one point by more than **ten degrees (10°)**, they shall be connected by a curve with a radius adequate to insure sight distance of not less than **one hundred (100) feet** for Collector Streets; **two hundred fifty (250) feet** for Secondary Streets; and **three hundred fifty (350) feet** for Primary Streets, and of such greater radii as the Planning Commission shall determine for special cases.

(I) **Intersections.** Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than **sixty-five degrees (65°)**.

(J) **Corners.** Property lines at street intersections shall be rounded with a radius of **twenty-five (25) feet**, or of a greater radius where the Planning Commission may deem it necessary. The Planning Commission may permit comparable cut-offs or chords in place of rounded corners.

(K) Street right-of-way widths shall be as shown in the Comprehensive Plan of the City, and where not shown therein shall be not less than as follows:

<u>STREET TYPE</u>	<u>RIGHT-OF-WAY</u>
Arterial Thoroughfare	80 feet
Primary	70 feet
Secondary	60 feet
Collector	50 feet
Marginal Access	50 feet

(L) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street may be platted within such tract.

(M) Dead-end streets, designed to be so permanently, shall not be longer than **five hundred (500) feet**, and shall be provided at the closed end with a turn-around having an outside roadway diameter (edge of paved surface) of at least **eighty (80) feet**, and a street property line diameter of at least **one hundred (100) feet**.

(N) No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Planning Commission.

(O) Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

<u>STREET TYPE</u>	<u>RIGHT-OF-WAY</u>
Arterial Thoroughfare	6%
Primary	10%
Secondary	10%
Collector	15%
Marginal Access	15%

(P) No street grade shall be less than one-half of one percent.

34-3-2 **ALLEYS.**

(A) **Commercial Districts.** Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

(B) **Width.** The width of an alley shall be no less than **twenty (20) feet**.

(C) **Intersections.** Alley intersections and sharp changes in alignment will be discouraged, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

(D) **Dead-End.** Dead-end alleys will be discouraged, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Planning Commission.

34-3-3 EASEMENTS.

(A) **Across Lots.** Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least **ten (10) feet** wide.

(B) **Water Course.** Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

34-3-4 BLOCKS.

(A) **Lengths and Widths.** The lengths, widths and shapes of blocks shall be determined with due regard to:

- (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- (2) Zoning requirements as to lot sizes and dimensions.
- (3) Needs for convenient access, circulation, control and safety of street traffic.
- (4) Limitations and opportunities of topography.

(B) **Maximum Lengths.** Block lengths shall not exceed **twelve hundred (1,200) feet** and not be less than **two hundred fifty (250) feet**. Exceptions to the minimum and maximum lengths may be permitted if these limitations prove impractical due to terrain and other factors.

(C) **Pedestrian.** Pedestrian easement, not less than **ten (10) feet** wide, may be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

34-3-5 LOTS.

(A) **Size.** The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(B) **Dimensions.** Lot dimensions shall conform to the requirements of the Zoning Code, and

- (1) Lot sizes where not served by public sewer shall be as determined by Illinois Department of Health standards.
- (2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(C) **Corner Lots.** Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

(D) **Access.** The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.

(E) **Side Lots.** Side lot lines shall be substantially at right angles or radial to street lines.

34-3-6 PUBLIC SITES AND OPEN SPACES.

(A) **Parks, Playground, and Schools.** Where a proposed park, playground, school or other public use shown in the Comprehensive Plan for the City is located in whole or in part in a subdivision, the Planning Commission may require the dedication or reservation of such area within the subdivision in those cases in which the Planning Commission deems such requirements to be reasonable.

(B) **Developments.** Where deemed essential by the Planning Commission, upon consideration of the particular type of development, proposed in the subdivision, and especially in large-scale neighborhood unit developments not anticipated in the Comprehensive Plan, the Planning Commission may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks and other neighborhood purposes.

34-3-7 SIDEWALKS.

(A) **Width.** Sidewalks **eight (8) feet** in width shall be required along all business streets.

(B) **Submission of Plans.** When development plans are submitted to the Planning Commission for approval, the Commission will review the need and practical approach of sidewalk installation.

The Commission may require sidewalks in front of homes facing an arterial street. Such required sidewalks would be installed for each lot to coincide with home construction for occupancy.

The Commission may require that when **seventy-five percent (75%)** of the lots in any given block requiring sidewalks are developed and homes constructed that sidewalks will be installed on the balance of lots in that block.

Any requirements concerning sidewalks will have to be a part of the plat approval by the Commission.

ARTICLE IV – REQUIRED IMPROVEMENTS

34-4-1 **MONUMENTS.** **Thirty (30) to thirty-six (36) inch** concrete monuments, **four (4) inches square** shall be placed in subdivision corners. Interior angles, streets, plats and lots should be **three-fourths inch by thirty inch (3/4” x 30”)** steel rods.

34-4-2 **STREET IMPROVEMENTS.**

(A) **Required.** It is the intention of this Code that the subdivider shall be responsible for the installation and cost of all permanent streets within the limits of the land to be subdivided. It is further intended that such streets shall be constructed on the basis of foundation and structural analyses such as to provide a design adequate for a life expectancy of a minimum of **fifteen (15) years** (with proper and normal maintenance) from date of acceptance by the appropriate official. Typical cross sections of proposed street improvements shall be submitted to the Planning Commission prior to Final Plat approval. Street widths and right-of-way widths will vary in accordance with the Thoroughfare Plan for the City. Consequently, the City will assume a proportionate share of the costs of such streets over a pavement width of **twenty-eight (28) feet** plus curbs and gutters, and such costs that will be required to provide a base and surface for anticipated traffic loads heavier than would be required on a typical low density (**four (4)** dwelling units per net acre or less) residential streets, except: (1) in the case of proposed State Highway requirements, and (2) when wider streets are required within the proposed development, but not part of the Thoroughfare Plan.

(B) **Cost of Payments.** The City will assume the cost of pavement widths in excess of **thirty (30) feet**, as well as additional base and surface required, except for the aforementioned exceptions, by the following method:

- (1) Unit quantities and unit prices shall be determined and pro rata shares mutually agreed upon in writing which agreement shall be referred to in the subdivision to be recorded.
- (2) The City shall within **sixty (60) days** after acceptance of such streets, reimburse the subdivider for the amount indicated in the written agreement.

34-4-3 **GUTTERS AND/OR CURB AND GUTTERS.** Gutters shall be constructed in conjunction with street pavements. Where necessary to facilitate drainage, curb and gutters shall be constructed. Typical cross sections of proposed gutters and/or curbs and gutters shall be submitted to the Planning Commission prior to final plat approval.

34-4-4 **SIDEWALK IMPROVEMENTS.** Sidewalks shall be provided by the subdivider within the right-of-way to be dedicated in accordance with **Section 34-3-7** of this Code, and that such sidewalks shall be of portland cement concrete with a minimum thickness to conform with the City Code.

34-4-5 **ALLEY IMPROVEMENTS.** Where alleys are to be dedicated by the subdivider they shall be constructed on the basis of foundation and structural analyses such as to provide a design adequate for a life expectancy of a minimum of **fifteen (15) years** from date of acceptance by the appropriate official. Typical cross sections of proposed alley improvements shall be submitted to the Planning Commission prior to final plat approval.

34-4-6 **PUBLIC WATER IMPROVEMENTS.** All lots in any subdivision to be approved under the provisions of this Code shall be provided with a public water supply, therefore mains of a minimum of **six (6) inches** inside diameter shall be installed by the subdivider. The City will furnish water hydrants to provide adequate fire protection facilities. In any event, the public water supply to be provided shall be so designed that it may be eventually incorporated into a comprehensive water system. All plans shall be approved by the State of Illinois Environmental Protection Agency, Jackson County Health Department and the Planning Commission prior to final plat approval.

34-4-7 **SANITARY SEWER IMPROVEMENTS.** It is the intention of this Code that public sanitary sewage system be utilized when feasible. This may be done by: (1) connection to existing sanitary sewage systems; or (2) constructions of a complete sani-

tary sewage system including a treatment facility. In either case, the sewage system shall be designed that it may eventually be incorporated into a comprehensive sewage system.

If such public sanitary sewage system is demonstrated to be unfeasible, individual sewage disposal systems for each lot may be permitted.

Any proposed method of sanitary disposal shall be provided by the subdivider in accordance with standards established and approved by the State of Illinois Environmental Protection Agency. Such plans shall also be approved by the Jackson County Health Department and the Planning Commission.

34-4-8 STORM DRAINAGE AND STORM SEWER IMPROVEMENTS.

Adequate surface and subsurface drainageways for the removal of storm water shall be provided by the subdivider. The extent to which storm drainage facilities shall be required will be based upon an analysis of need proposed for the subdivider by a Registered Professional Engineer, and shall be so designed that it may be incorporated into a comprehensive drainage system. The analysis shall be based upon the rational method of computing stormwater runoff using the **one (1) hour** rainfall to be expected at a **five (5) year** frequency. Times of concentration, soil infiltration rates and other variable factors to be used in the analysis shall be discussed with and approved by the Planning Commission prior to final plat approval.

(A) **Separate Systems.** The storm water sewer system shall be separate and independent of the sanitary sewer system. Surface inlets shall be provided by the subdivider, wherever available evidence indicated such a system is necessary.

(B) **Requirements.** Materials required for storm sewer construction shall satisfy the current requirements of the standard specifications for road and bridge construction for the State of Illinois.

34-4-9 ELECTRICAL LINES, TELEPHONE AND GAS LINES AND STREET LIGHTS.

(A) **Easements.** Although these utilities will not be the responsibility of the subdivider, easements shall be provided and the location of these lines and proposed street lights shall be indicated on the plans to be submitted for approval of the Planning Commission, indicating entrances to the subdivision and to each lot. Gas mains shall be located within easements or public rights-of-way so as not to conflict with other utilities.

(B) **Telephone and Electric.** Where telephone and/or electric service lines are to be placed underground throughout the subdivision, the conduit or cables shall be located within easements or public right-of-way in a manner which will not conflict with other underground services. Furthermore, all transformers and terminal boxes shall be located so as not to be unsightly or hazardous to the public.

34-4-10 LANDSCAPE DEVELOPMENT.

(A) **Seeding or Sodding.** All unpaved or otherwise unimproved areas within the public right-of-way or public use areas shall be graded and either seeded or sodded. Sodding shall be provided in areas subject to extreme changes in grade.

(B) **Trees.** Trees may be provided within right-of-way by the subdivider. However, if trees are provided by the subdivider in rights-of-way, they shall be of a species suitable for local soil and climatic conditions, adapted to street use, and of at least **one and one-half (1 ½) inches** caliper or a height of **four and one-half (4 ½) feet** above the finished ground level. No tree shall be planted less than **twenty-five (25) feet** from any street intersection right-of-way line. Trees shall be planted **forty (40) to fifty (50) feet** apart. In informal street patterns, informal planting of trees in accordance with an approved landscape development plan may be permitted. Trees shall be located so as not to interfere with utilities, streets or sidewalks.

34-4-11 STREET NAME SIGNS. Appropriate street signs of suitable material, as specified by the City shall be installed by the subdivider at all street intersections. **Two (2)** such signs on diagonal corners shall be installed at all cross street intersections.

34-4-12 PRIVATELY DEVELOPED FACILITIES. Where the subdivision is to contain sewers, sewage treatment facilities, water supply system, park areas or other physical facilities which will not be maintained by existing public bodies or other legally constituted entity, provision shall be made by trust agreement which shall be part of the deed restrictions and which is acceptable to the proper public bodies for jurisdiction over the continuous maintenance, supervision, operation and reconstruction by the lot owners in the subdivision.

ARTICLE V – PLATS AND DATA

34-5-1 PRE-APPLICATION PLANS AND DATA.

(A) **General Subdivision Information** shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required below. This information may include data on existing covenants on land proposed for development, land characteristics, and available community facilities and utilities; and information describing the subdivision proposed such as number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, and other public areas, proposed protective covenants and proposed utilities and street improvements.

(B) **Location Map** shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it; include development name and location of main traffic arteries; public transportation lines, shopping centers, elementary and high schools, parks and playgrounds, principal places of employment, other community features such as railroad stations, airports, hospitals and churches, title of subdivision, scale, north arrow and date.

(C) **Sketch Plan** on topographic survey shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of the topographic survey. In any event, the sketch plan shall include either the existing topographic data listed in **Section 34-5-2(A)** below or such of these data as the Planning Commission determines is necessary for its consideration of the proposed sketch plan.

34-5-2 PLATS AND DATA FOR CONDITIONAL APPROVAL.

(A) **Topographic Data** required as a basis for the Preliminary Plat in **Section 34-5-2(B)** below, shall include existing conditions as follows, except when otherwise specified by the Planning Commission:

- (1) **Boundary Lines.** Bearings and distances.
- (2) **Easements.** Location, width and purpose.
- (3) **Streets On and Adjacent to the Tract.** Name and right-of-way width and location, type, width and elevation of surfacing; any walks, curbs, gutters, culverts, etc.
- (4) **Utilities On and Adjacent to the Tract.** Location, size, and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights; if water mains and sewers are

not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, showing invert elevation of sewers.

- (5) **Ground Elevations on the Tract.** Based on Mean Sea Level Datum Plane for land that slopes less than approximately **two percent (2%)** show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than **one hundred (100) feet** apart in all directions; for land that slopes more than approximately **two percent (2%)** either show contours with an interval of not more than **five (5) feet** if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than **two (2) feet** if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings.
- (6) **Subsurface Conditions on the Tract.** Location and results of soil percolation tests if individual sewage disposal systems are proposed. Plan for septic tanks or private disposal systems shall be approved by the Jackson County Health Department and State Department of Public Health.
- (7) **Other Conditions on the Tract.** Water courses, marshes, rock outcrop, wooded areas, isolated preservable trees **one (1) foot** or more in diameter, houses, barns, shacks, and other significant features.
- (8) **Other Conditions on Adjacent Land.** Approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land, refer to subdivision plat by name, recordation date, and number, and show approximate percent build-up, average lot size, and dwelling type. This information shall be indicated for that adjoining land no less than **one-fourth (1/4) mile** from boundaries of proposed subdivision.
- (9) **Photographs.** If required by the Planning Commission, camera location, directions of views and key numbers.
- (10) **Zoning** on and adjacent to the tract.

- (11) **Proposed Public Improvements.** Highways or other major improvements planned by public authorities for future construction on or near the tract.
- (12) **Key Plan** showing location of the tract.
- (13) **Title and Certificates.** Present tract designation according to official records in office of appropriate recorder; title under which proposed subdivision is to be recorded, with names and addresses of owners, notating stating acreage, scale, north arrow, datum, benchmarks, certification of Registered Land Surveyor, date of survey.

(B) **Preliminary Plat** shall be at a scale of **two hundred (200) feet to one (1) inch** or larger [preferred scale of **one hundred (100) feet to one (1) inch**]. It shall show all existing conditions required above in **Section 34-5-2(A)**, Topographic Data, and shall show all proposals including the following:

- (1) **Streets.** Names, right-of-way and roadway widths, approximate grades and gradients, similar data for alleys, if any.
- (2) **Other Rights-of-Way Easements.** Location, width and purpose.
- (3) **Location of Utilities,** if not shown on other exhibits.
- (4) Lot lines, lot numbers and block numbers.
- (5) Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single family dwellings.
- (6) Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.
- (7) Minimum building setback lines.
- (8) Site data, including number of residential lots, typical lot size and acres in parks, etc.
- (9) Title, scale, north arrow and date.

(C) **Other Preliminary Plans.** When required by the Planning Commission, the Preliminary Plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk; and preliminary plan of proposed sanitary and storm water sewers with grades and sizes indicated. All elevations shall be based on a Mean Sea Level Datum Plane.

(D) **Draft of Protective Covenants** whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

34-5-3 PLATS AND DATA FOR FINAL APPROVAL.

(A) **Final Plat** shall be a reproduction of the original tracings on acceptable, stable and durable material on sheets **twenty-four (24) inches** wide by **thirty-six (36) inches** long and shall be at a scale on **one hundred (100) feet to one (1) inch** or larger [preferred scale of **one hundred (100) feet to one (1) inch**]. Where necessary, the plat may be on several sheets, accompanied by an index sheet showing the entire subdivision. For larger subdivisions, the Final Plat may be submitted for approval progressively in contiguous sections satisfactory to the Planning Commission. The Final Plat shall show the following:

- (1) Primary control points or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- (2) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, angles and radii, arcs and central angles of all curves.
- (3) Name of right-of-way width of each street or other right-of-way.
- (4) Location, dimensions and purpose of any easements.
- (5) Number to identify each lot or site, and including dimensions of each lot.
- (6) Purpose for which sites, other than residential lots are dedicated or reserved.
- (7) Minimum building setback line on all lots and other sites.
- (8) Location and description of monuments.
- (9) Names of record owners of adjoining unplatted land.
- (10) Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.
- (11) Certification by Registered Land Surveyor certifying to accuracy of survey and plat.
- (12) Certification by applicant that he is the land owner.
- (13) Statement by owner dedicating streets, right-of-way and any sites for public uses.
- (14) Title, scale, north arrow and date.
- (15) Certification by County Clerk that taxes are paid.

(B) **Cross Sections and Profiles** of street showing grades and elevations shall be based on Mean Sea Level Datum Plane and shall be subject to the approval of the City Engineer.

(C) **A Certificate by a Registered Professional Engineer** certifying that the subdivider has complied with one of the following alternatives:

- (1) All improvements have been installed in accord with the requirements of these regulations and with the action of the Planning Commission, giving Conditional Approval of the Preliminary Plat, and that “as built” drawings have been furnished to the Planning Commission, or
 - (2) A bond, with corporate surety or certified check has been posted, with the appropriate official and in sufficient amount to assure such completion of all required improvements. Such bond, with corporate surety or certified check shall be renewed from year to year, or until improvements have been completed in accordance with the plat as recorded with the County Records, and that “as built” drawings have been furnished to the Planning Commission. Such bond or check will be for each progressive section recorded or as set forth in **Section 34-5-3(A). (Ord. No. 75-7; 07-08-75)**
- (D) **Protective Covenants** in form for recording.
- (E) **Other Data.** Such other certificates, affidavits, endorsements or deductions as may be required by the Planning Commission in the enforcement of these regulations.

ARTICLE VI – VARIANCES

34-6-1 **HARDSHIP.** Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan for the City or these regulations.

34-6-2 **LARGE SCALE DEVELOPMENT.** The standards and requirements of these regulations may be modified by the Planning Commission in the case of a plan and program for a new town, a complete community, or a neighborhood unit, which, in the judgment of the Planning Commission, provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provide such covenants or other legal provisions as will assure conformity to and achievement of the plan.

34-6-3 **CONDITIONS.** In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment secure substantially the objectives of the standards or requirements so varied or modified.

ARTICLE VII – PENALTIES AND AMENDMENTS

34-7-1 **PENALTY.** The sale or offer for sale of property based upon an unrecorded subdivision is illegal in accordance with state law, and therefore, any person, firm or corporation who shall sell or offer for sale, lease or offer for lease any lots, block or blocks within the jurisdiction indicated by this Code before all of the requirements of this Code have been complied with, shall be fined **One Hundred Dollars (\$100.00)** for each lot, block or part thereof so sold, offered for sale, leased or offered for lease. The Recorder of Deeds shall not record deeds or leases which attempt to convey property contrary to the provisions of this Code. In case of doubt, the Recorder may require the person presenting such deed or lease to give evidence of the legality of a conveyance from the provisions of this Code.

Any person, firm or corporation who shall construct any improvements or portion thereof in violation of the provisions of this Code shall be fined, upon conviction, **Twenty-Five Dollars (\$25.00)** for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

34-7-2 **AMENDMENTS.** The Plan Commission may recommend amendments to the City Council from time to time, dependent upon circumstances which may arise in the future, and which will be in the best interests of the people of the City.