

TITLE 7: SUBDIVISION

CHAPTER 2 - GENERAL PROVISIONS

- 7-2-1 Rules
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SECTION 7-2-1 RULES

The language set forth in this code shall be interpreted in accordance with the following rules of construction, unless the context clearly required a different construction:

- A. The singular includes the plural and the plural the singular;
- B. The present tense includes the past and the future and the future includes the present.
- C. The words “should” or “shall” are mandatory, while the word “may” is permissive.
- D. Terms connotating a particular gender include each and every other gender.
- E. Whenever a word or term defined hereinafter appears in the text of this Code, its meaning shall be construed as set forth in the definition thereof, and any word appearing in the parenthesis between a word and its definition shall be construed in the same sense as that word.
- F. All words and terms not defined herein shall be construed in their generally accepted meaning.

SECTION 7-2-2 DEFINITIONS

The following words and terms, whenever they occur in this Code, shall be interpreted as herein defined.

- **Abutting (Contiguous, Adjacent).** Abutting means have one or more common boundary lines or district lines.
- **Alley.** An alley is a public right-of-way, which affords a secondary means of access to abutting property. Frontage on an alley shall not be construed as satisfying the requirements related to frontage on a public street.
- **Area, Gross.** The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley right-of-way and for public uses.
- **Basement.** The story of a building which is partly below and partly above grade, and having at least one half (1/2) its height above grade.
- **Block.** A block is a tract of land bounded by streets, or by a street or streets and any combination of boundary lines of public or institutionally owned lands, railroad right-of-way, rivers and lakes and/or other lines of demarcation. A block may be located in part within an incorporated city or town.
- **Building.** Any structure used or intended for supporting or sheltering any use or occupancy.
- **Building Setback Line.** Is a line within a lot, or other parcel of land, so designated on the preliminary plat and the final plat, which denotes the area between such line and the adjacent street right-of-way line where an enclosed building, and other obstructions are prohibited, except those permitted obstructions as regulated by the West Peoria Zoning Code.
- **Cellar.** The story of a building which is partly below and partly above grade, and having at least one half (1/2) its height below grade.
- **City.** The City of West Peoria, Illinois.

- **City Clerk.** The City Clerk of West Peoria, Illinois, or his/her duly authorized representative.
- **City Engineer.** The term “City Engineer” shall mean a person designated to act in the capacity of City Engineer in the review of engineering data as outlined herein where the services of a City Engineer are specifically mentioned.
- **Collection Tile System.** A tile system-serving individual lots for the purpose of receiving water discharge from such as footing tiles.
- **Collector Street or Collector Road.** The terms “collector street” or “collector road” shall mean traffic ways which carry traffic between sections of the community or which serve as a connector between rural areas and the community, and designated on the Official Map herein, as “Collector”.
- **Comprehensive Plan.** The Official Comprehensive Plan is the composite of the functional and geographical elements of the Comprehensive Plan of the City of West Peoria, or any segment thereof in the form of plans, maps, charts, textual materials and the official map, as adopted by the City Council.
- **Developer.** (See “Owner”)
- **Development.** Development means both the act of changing a tract of land and the state of a tract of land after its function has been purposefully changed by man including, but not limited to, construction of structures on the land, and alterations to the land, except grading that does not alter the natural flow of storm water.
- **Dedicate.** Transfer of ownership of right-of way, parcel of land or improvement to this municipality or other public or quasi entity without compensation.
- **Double Frontage.** The term “double frontage” shall mean a condition whereby both fronts and rears of property face on streets.
- **Driveway.** A driveway is a private access way for motor vehicles between a public or private street and one or more structures or off-street parking areas.
- **Dwelling.** A dwelling is a building designed or used principally for residential occupancy, including, without limitation, single-family dwellings, two family dwellings and multiple-family dwellings.
- **Easement.** A quantity of land set aside over or under which a liberty, privilege, or advantage in land without profit, is dedicated and is distinct from ownership of the land. May be granted either to the public, a particular person, a utility company, or a combination thereof.
- **Engineer.** A licensed professional Engineer licensed by the State of Illinois.
- **Excavation.** Any act which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.
- **Escrow Deposit.** A deposit in cash or other approved securities to assure the completion of improvements within a subdivision or planned unit development.
- **Fill.** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.
- **Final Plat.** A map or plan of a subdivision and any accompanying material as described hereafter.
- **Flood.** A general or temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation or the runoff of surface waters from any source.
- **Frontage.** Frontage is the measure of lineal contiguity between a lot or portion thereof and another lot, public street, alley or public way.
- **Frontage Road.** A local street which is parallel to and either adjacent to or within the right-of-way of an arterial street.
- **Half Street.** The term “half street” shall mean a street dedicated to less than its full planned width.
- **Local Street or Local Road.** The terms “local street” or “local road” shall mean traffic ways which serve primarily for access to abutting property, and designated on the Official Map herein as “Local”.

- **Lot.** A quantity of land capable of being described with such certainties that its location and boundaries may be established and which is designated by its owner or developer as land to be converted, used or developed as a unit or which has been conveyed, used or developed as a unit, including any easements appurtenant thereto. Such lot shall have frontage on public or private street.
- **Lot Area.** The area of a horizontal plane bounded by the vertical planes through front, side, and rear lot lines.
- **Lot Depth.** Any distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- **Lot, corner.** 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 points of the side lot lines to the foremost point of the lot meet at an interior angle less than one hundred thirty-five (135) degrees.
- **Lot, Double Frontage.** A lot which has a pair of opposite lot lines along two substantially parallel streets.
- **Lot, Interior.** A lot which faces on one (1) street or with opposite sides on two (2) streets.
- **Lot of Record.** A lot which is part of a subdivision recorded in the office of the Peoria County Recorder of Deeds, or a lot or parcel described by metes and bounds, the description of which has been legally recorded.
- **Lot, Through.** A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.
- **Lot, Out.** A lot depicted on a preliminary plan or final plat which does not meet the requirements of this code for lots of record and which may not be used for construction of buildings or parking lots.
- **Major Street or Major Highway.** The terms “major street” or “major highway” shall mean traffic ways connecting communities or connecting to limited access traffic ways which in turn, connect to other communities, and designated on the Official Map herein as “Major”.
- **Median.** An area between opposite traffic lanes of a street or roadway or an area between two parallel streets or roadways.
- **Minor Arterial.** A street system that interconnects with and augments the urban principal arterial system and provides service to trips of moderate length and a lower level of travel mobility than principal arterials. This system contains facilities that place more emphasis on land access and a lower level of traffic mobility. Minor arterials may carry local bus routes and provide intra-community continuity, but ideally would not penetrate identifiable neighborhoods.
- **No-Access Strip.** An area at least three feet wide along a lot line within which no vehicular driveways shall be permitted.
- **Official Map.** The Official Map is the map adopted by the City Council as part of the Comprehensive Plan which is designated “Official Map” in that plan.
- **Official Zoning Map.** (See Zoning Map).
- **Outlot.** (See Lot, Out)
- **Owner.** Means any person, firm, association, partnership, private corporation, public or quasi-public corporation, or a combination of any of them, or other legal entity having sufficient proprietary interest in the land sought to be subdivided or developed to commence and maintain proceedings under the provisions of this code.
- **Parcel.** All contiguous land used or legally described and recorded as a single unit.
- **Parking Lot.** An area not on public right-of-way, exclusive of driveways, which is used for the parking of motor vehicles.

For purposes of computing the number of parking space in a lot, all areas used for parking under unified control on the same or contiguous parcels of land shall be considered as one (1) lot.

- **Parking Space/Pad.** A parking pad is an off-street area adjacent to a driveway which provides parking for a single motor vehicle.
- **Parkway.** The area of land within a street right-of-way which is located between the back of the curb and the right-of-way line.
- **Pavement.** The portion of a street designated for vehicular use measured from face of curb to face of curb or edge to edge of paved street surface where there are no curbs.
- **Pedestrian Way.** A right-of-way or easement across or within a block designated for pedestrian use.
- **Planning Commission.** The Planning Commission of the City of West Peoria, Illinois.
- **Plat Officer.** The term “Plat Officer” shall mean the person appointed to occupy the office created herein, in which office is vested the chief administrative and enforcement duties as outlined herein.
- **Preliminary Plat.** A tentative map or plan of a proposed subdivision as described in this Chapter of the Municipal Code.
- **Project.** All of the various parts of proposed construction submitted to the City for approval.
- **Property Line.** The lines bounding a lot or parcel and delineating the land in individual ownership.
- **Public Improvements.** Public improvements include streets, sidewalks, public utilities and other structures, fixtures or land appurtenances which are or are intended to be dedicated to the City of West Peoria and the public generally.
- **Reserve.** To set aside a parcel of land in anticipation of its acquisition by this municipality (or other government entity) for public purposes.
- **Reserve Strip.** The term “reserve strip” shall mean a narrow strip of land between a street adjacent to the property line and the adjacent property, the strip being retained in private ownership to prevent access of neighboring property to an improved and dedicated street.
- **Right-of-Way.** A strip of land dedicated to or used by the public for vehicular and/or pedestrian passage; storm, surface or ground water drainage; or public utility placement.
- **Roadway.** A portion of a right-of-way designated for motorized vehicular use.
- **Setback.** The minimum longitudinal distance between the building line or structure and the related front, side or rear property line.
- **Setback Line.** A line shown on a plat delineating the setback.
- **Sidewalk.** A portion of a right-of-way used or intended principally for pedestrian passage, which meets or exceeds the design standards for public sidewalks.
- **Story.** A portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A basement shall be counted as a story and a cellar shall not be counted as a story.
- **Story Height.** The vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces, and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, where there is not a ceiling, to the top of the roof rafters.
- **Street, Road or Alley.** The terms “street”, “road” or “alley” shall mean rights of way dedicated to and for the public use and affording principal means of access to abutting property.
- **Street.** A street is that portion of a right-of-way used and maintained as principal means of access to adjacent lots of record or property and meets the design and construction standards for the classification it holds.
- **Street, Cul-de-sac.** A local street with one outlet which ends with a turn around.
- **Street, Public.** A street owned and maintained by the public.
- **Street, Private.** A street owned and maintained by private entity.
- **Street, Exterior.** A street on the perimeter of a subdivision.
- **Street, Interior.** A street entirely within the confines of a subdivision.

- **Structure.** Anything that is built or constructed, including but not limited to, any usable, permanent, in place device or appliance outside the building setback line within the lot making a projection of six (6) inches or more above grade and having a base greater than twelve (12) square feet. This does not, however, exclude such underground or surface structures such as tunnels, future foundations, or swimming pools in whole or in part below grade.
- **Subdivide.** To subdivide means (1) the division of land into two or more lots, parcels, or tracts; (2) the dedication of streets, ways, or other areas for use of the public; (3) any development of property which according to City codes necessitates the extension of public utilities to such property by main or by service connection; (4) any development of property which requires that a new street be constructed; (5) long term land lease for new development.
- **Subdivision.** Subdivision means the configuration of lots of record, outlots, public right-of-way and public improvements which result from subdividing land in accordance with the procedures, requirements and standards of this Code.
- **Trail.** A trail is that portion of right-of-way physically separated from motorized vehicles and intended for non-motorized transportation and recreational uses.
- **Use.** The use of property is the purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the regulations of the Zoning Code.
- **Vacate.** To terminate the legal existence of right-of-way or easement or subdivision, and to so note on the final plat recorded with the Peoria County Recorder of Deeds.
- **Waiver.** Deviation, relaxation, adjustment or modification of a requirement of this Title.