

City of Moline
Subdivision Ordinance Update
Issue Identification and Project Direction Memo

May 30, 2014

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1. Introduction

1.1 The Project

The City of Moline has initiated a project that will culminate in a comprehensive update of the city's subdivision regulations. This memorandum, which has been prepared by Duncan Associates, is the first work product of that effort.

1.2 Work To-Date

The beginning stage of the subdivision ordinance update project has been spent listening and learning. The consultants have participated in a project kick-off meeting with staff from the city's planning and development and public works (engineering) departments and have toured the city to gain an understanding of existing development patterns. They have also reviewed relevant plans and existing regulations, including all or parts of the following:

- Moline Code Chapter 29 (Subdivisions)
- Moline Code Chapter 35 (Zoning and Land Development)
- Moline Code Chapter 34 (Water and Sewers)
- Moline Code Chapter 28 (Streets and Sidewalks)
- Moline Code Chapter 13 (Flood Hazard Protection)
- Quad Cities 2040 Long-Range Transportation Plan
- Supplemental Specifications (2012)
- Comprehensive Plan (2001)

1.3 General Project Goals

The city's subdivision ordinance was last updated in 1991. Now approaching 25 years of age, it reflects a time when the vast majority of new development occurred on previously undeveloped "greenfield" land. Moline in 2014 has different needs. Aside from significant greenfield areas south of the airport, the city has relatively little raw land available for new development. Consequently, one of the key goals of this project is to recognize and respond to the increasing role that infill and *redevelopment* will play in the future vibrancy and prosperity of the city. Other objectives include:

- Addressing missing or outdated infrastructure and public facility standards, including those governing off-site improvements and required upgrades to substandard facilities;
- Removing redundant provisions and eliminating conflicts that may exist among code provisions;
- Clarifying provisions governing required financial guarantees for installation and maintenance of public improvements;
- Streamlining procedures for development/subdivision review and approval; and
- Making the updated ordinance as clear, well-organized and user-friendly as possible.

1.4 The Report

This report provides an initial high-level assessment of the city’s current subdivision regulations and recommends a conceptual framework for preparation of revised regulations. The intent of the report is to obtain general consensus on the direction of the ordinance update. By its nature, it is general and conceptual in nature. The actual draft regulations will be prepared as the next step of the ordinance update project.

1.5 Basis of Observations and Recommendations

The findings of this report are based on the consultant team’s reading of existing ordinance provisions, which may not always be an accurate portrayal of how they are interpreted and administered in practice. Moreover, the report focuses on how the regulations might be improved rather than extolling their positive features. It would be a mistake for readers to interpret that Moline faces an imminent regulatory crisis or that the city’s regulations are not as “good” as other communities. No such judgment is made or implied here. On the other hand, we do believe that significant improvements can be made.

2 General

One of the central goals for the project is to ensure that Moline’s new subdivision regulations are easier to use and understand than their present day counterparts. Substantive regulations should be clear, comprehensive and internally consistent. Administrative and procedural provisions should be streamlined, consistent and easy to understand.

Given the important role development regulations play, the new ordinances should be logically organized, well-formatted and easy to use. The provisions should be laid out in a way that people can find the information they need and written so that information can be understood once it is located within the document.

This section of the report recommends several ways in which Moline’s new regulations can be made easier to navigate, use and understand.

2.1 Consolidate Zoning, Subdivision and Development Regulations

Moline, like many cities, currently maintains a separate subdivision ordinance and zoning and development ordinance in addition to other city code chapters dealing with development-related matters.

The city should consider consolidating all development-related regulations into a unified development ordinance framework in order to enhance usability, comprehension, administration and

enforcement. This type of

unified development ordinance structure can better reflect the overall process or developing land, offer greater regulatory consistency and serve as a single reference source for land development-related regulations. A unified ordinance structure may also make it easier to apply general development regulations to projects that do not require approval of a subdivision plat.

Among other possible benefits, a unified development ordinance may make it easier to apply general development regulations to projects that do not require the filing of a subdivision plat.

At a minimum, the following sections of the city code would be appropriate for inclusion in a unified development ordinance:

- Chapter 35 (Zoning and Land Development)
- Chapter 29 (Subdivisions)
- Chapter 13 (Flood Hazard Protection)
- Selected provisions from Chapter 34 (Water and Sewers), such as those governing grading, drainage and stormwater
- Selected provisions from Chapter 28 (Streets and Sidewalks), such as those governing driveway (curb cuts) and sidewalk construction

Committee Response to 2.1: General agreement with idea of UDO, but will require additional consideration. Noted that sign and historic preservation regulations are also candidates for inclusion in UDO.

2.2 Clarify Applicability of Infrastructure and Public Improvement Standards

Article III of the subdivision ordinance (Design and Improvement Standards) contains the following applicability statement:

No land within the subdivision jurisdiction of the City of Moline -- other than land that is specifically exempted from the requirements of the Illinois Plats Act (765 ILCS 205/1(b)) -- shall be subdivided or developed except in compliance with the regulations of this article and the applicable provisions of state law.

As mentioned in the recommendation 2.1 above, some regulations that have historically been viewed as “subdivision” requirements need to be applied to development projects that may not require platting. An infill or redevelopment project on an existing lot, for example, should be required to install a missing section of sidewalk or dedicate needed right-of-way for a local street regardless of whether platting is required. Whether or not the city elects to pursue a unified development ordinance structure, this “applicability” issue needs to be expressly addressed through new or expanded provisions clarifying that infrastructure and public improvement requirements (e.g., streets, sidewalks, street lights, etc.) are applicable to all significant development projects regardless of whether such projects are exempt from platting.

Committee Response to 2.2: General agreement.

2.3 Eliminate Conflicts and Redundancies

The subdivision ordinance update provides an opportunity to identify and eliminate redundancies and conflicts that exist among different ordinances and regulatory documents...and to clarify what the requirements actually are. Subdivision ordinance section 29-3115, for example, states that streets must be graded, curbed, and surfaced in accordance with Illinois Department of Transportation (IDOT) construction specifications. Following sections of the ordinance go on to provide specific curb and gutter and paving requirements for certain minor streets.

The pavement provisions of section 29-3117 include the option of using “asphaltic concrete” pavement construction meeting Department of Transportation specifications and “satisfactorily meeting City of Moline specifications.” Unfortunately, the ordinance contains no definitive reference to what actually constitutes “City of Moline Specifications.” Regular users of the ordinance may know that these specifications are actually included in a document titled “Supplemental Specifications.” This document is maintained by the public works department and sets forth a series of local amendments to IDOT’s *Standard Specifications for Road and Bridge Construction*.

While is a customary and good practice to include engineering and technical specifications *outside* the codified development ordinance, care needs to be taken during the ordinance update effort to ensure that different ordinances and manuals do not repeat the same standards or certainly that they are not in conflict. Outmoded terms such as “asphaltic concrete” will also need to be brought into alignment with modern practice.

Committee Response to 2.3: Support recommendation.

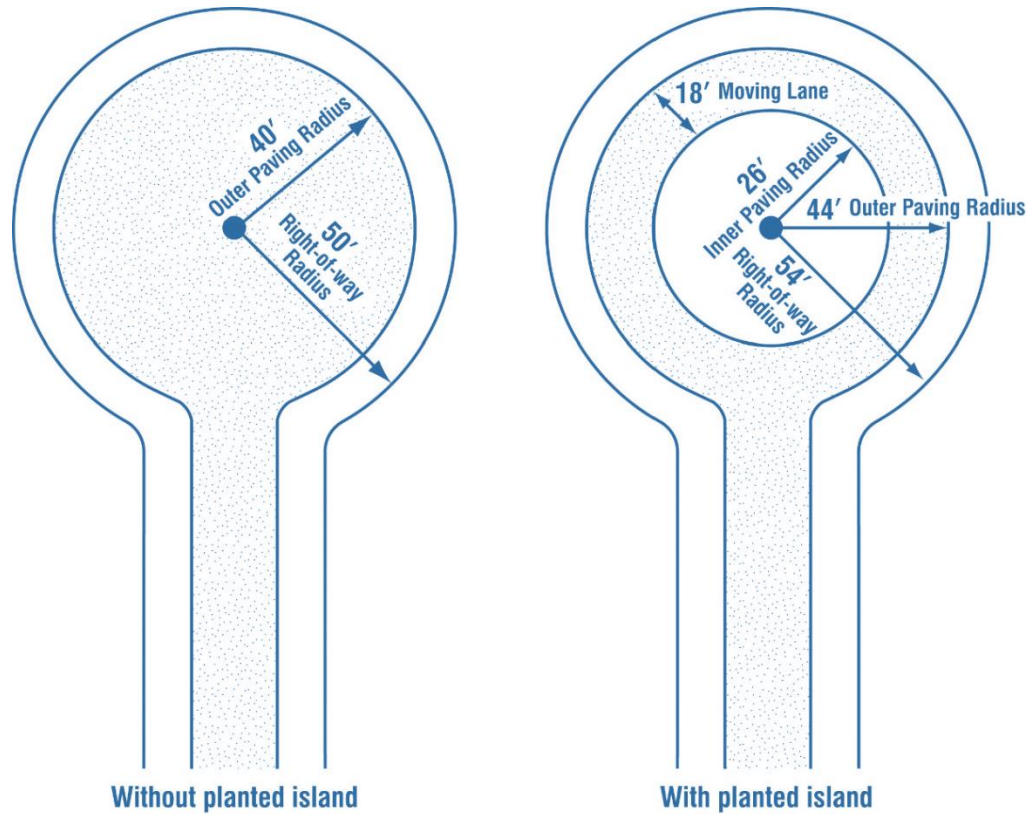
Figure 1: IDOT’s Standard Specifications and Moline’s Supplemental Specifications



2.4 Add Navigational and Usability Improvements

The updated ordinance should include article and section headings, illustrations, charts and other modern communication and page layout features designed to enhance overall usability and comprehension of ordinance requirements. Definitions will need to be updated to promote consistent application of existing regulations and clarity of any new or amended provisions. The updated ordinance should also be written in legally defensible plain English, with a minimum of legalese and technical jargon.

Figure 2: Figure 2: Sample Illustration

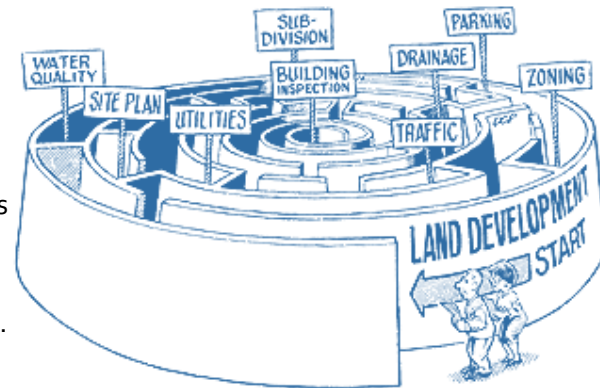


Committee Response to 2.4: Support recommendation

3 Review and Approval Procedures

Making development decisions predictable, consistent and fair is an important objective of the Moline project. Clarifying existing approval procedures and ensuring that development review and approval processes are cost- and time-efficient can help achieve this goal.

One of the key ways that local governments regulate land development activities is through the subdivision (or plat) review process. Under the Illinois *Plat Act*, subdivision review is required whenever land is divided into 2 or more parts, any of which is less than 5 acres in area. The *Plat Act*, which applies to municipalities and counties, goes on to list a long series of platting exemptions. These exemptions are incorporated into Moline’s subdivision ordinance in the form of a cross-reference to *Plat Act* exemptions in the definition of “subdivision.”



According to the Illinois courts, the purpose of state platting laws is to help ensure that adequate provision has been made for “streets, alleys, parks and other public facilities indispensable to the particular community affected.”¹ During the plat approval process, local officials and professional staff review proposed developments to ensure that streets, utilities and infrastructure will be adequate to serve the subject development and to check for compliance with local development regulations, including engineering standards.

3.1 Update Definition of “Minor” Development and Allow Staff-Level Approval²

As is common practice in Illinois and elsewhere, Moline uses a separate process for reviewing minor subdivisions. Under the city’s current ordinance, a land division resulting in the creation of no more than 5 lots that all front upon an existing street and that do not involve the creation of any new streets, rights-of-way, easements, or public improvements or facilities qualify as “minor subdivisions.” Minor subdivisions are reviewed and approved using an expedited one-step approval process.

In allowing land divisions of up to 5 lots to be created through the one-step, minor plat approval process, Moline’s existing ordinance is fairly conducive to small infill and redevelopment projects. However, the ordinance could be improved by (1) making slight changes to the definition of “minor” development and (2) allowing approval of qualifying “minor” projects *at the staff level*. The recommended definition adjustments would clarify that installation of sidewalks or utility service connections does not disqualify a

¹ *Gricius v. Lambert*, 7 Ill. App. 3d 716, 720 288 N.E.2d 496, 499 (Ill. App. Ct. 5th Dist. 1972), reiterated *Armour v. Mueller*, 36 Ill. App. 3d 23, 30, 343 N.E.2d 251, 257 (Ill. App. Ct. 5th Dist. 1976)

² As used in this report, the term “development” includes “subdivision.”

development from being classified as “minor,” and conversely that proposed developments accompanied by waiver or variance requests are not eligible for expedited processing. [Figure 3](#) includes sample “minor subdivision/development” definitions from other Illinois municipalities.

Figure 3: Sample Minor Subdivision (Development) Definitions

Champaign

A division of land into 4 or fewer lots: (a) Which does not require, under these regulations, the design or construction of any public improvements, provided that if all required public improvements are in existence but do not meet current design standards, the City Engineer may approve a waiver of the design standards; (b) Which is in conformity with the Comprehensive Plan and Zoning Ordinance; (c) Which is otherwise in conformity with all applicable laws and regulations unless previously waived by the entity with jurisdiction; and (d) Which is located within the City or is otherwise under an annexation agreement which requires future annexation to the City. [Approval by planning director and city engineer within 30 days; city attorney approval of owner’s certificate]

Urbana

A development involving the subdivision of a parcel of land (or the resubdivision or lot-line adjustment of a previously platted lot or lots) into not more than 5 buildable lots and which development has all necessary improvements and services (except for service connections and sidewalks) including streets, water, electricity, storm sewers, and sanitary sewers available at the site. The administrative review committee may grant waivers of the section of this chapter which requires the upgrading of existing but substandard improvements and services as specified under section 21-17. Resubdivision of any part of a previous minor development into no more than 5 buildable lots is not a minor development unless the administrative review committee determines otherwise. [Approval by city engineer, planning director and plan commission secretary within 20 days]

Peoria

A division of land into 5 or fewer lots: (a) Which does not require, under these regulations, the design or construction of any public improvements, provided that if all required public improvements are in existence but do not meet current design standards, the city engineer may approve a waiver of the design standards; (b) Which is in conformity with the comprehensive plan, subdivision ordinance and zoning ordinance of the city; (c) Which is otherwise in conformity with all applicable laws and regulations unless previously waived by the entity with jurisdiction; and (d) Which is located within the city or is otherwise under an annexation agreement which requires future annexation to the City of Peoria. [Approval by planning director within 15 days]

Galesburg

Plats that consist of 3 lots or less and which do not require the installation of public improvements other than sidewalks. [Approval by city council]

Northbrook

A subdivision of land into 4 or fewer lots, provided that such subdivision does not involve any street or utility extensions, or require any other public improvements, and does not require any variations of this Code. [Approval by board of trustees (governing body)]

Rock Island

(Same as Moline)

Silvis

No definition of or special approval procedures for “minor” subdivision or development.

Committee Response to 3.1: Support recommendation, but include authority for staff to refer minor plats to plan commission in the event of unusual or unique circumstances. Will also be important to provide regular report to plan commission and city council regarding approved minor plats. Should also include “Exempt Plat” sign-off procedure.

3.2 Offer a Streamlined Approval Process for Subdivisions

In Moline, proposed developments that do not meet the criteria for processing through the minor subdivision approval process must be reviewed in accordance with a multi-step process, which is outlined in Article IV of the subdivision ordinance. As illustrated in [Figure 4](#), the subdivision approval process involves: (1) an optional preapplication meeting and sketch plan submittal; (2) plan commission review and city council approval of a preliminary plat encompassing the entire development; (3) public works director approval of a plan for installation of all infrastructure and public improvements; (4) city council approval of the final plat and (5) recording of the final plat with the county recorder of deeds.

The subdivision plat approval procedures of Article IV are difficult to follow and understand, particularly the provisions dealing with bonding and approval of improvement plans and final plats. Additionally, the procedures seem unnecessarily cumbersome, particularly for projects that comply with zoning and meet all applicable development standards. The new regulations should offer a more streamlined process for approval of projects that are consistent with the comprehensive plan and comply with all applicable zoning and subdivision/development regulations.

Since Illinois law allows governing bodies to delegate subdivision review and approval authority to administrative staff or appointed boards, Moline has several options for streamlining the subdivision approval process. One example of a streamlined subdivision approval procedure is Peoria’s “alternative administrative subdivision approval process.” In order to use the alternative administrative process the following threshold criteria must be met:

1. The subdivision must be in conformity with the comprehensive plan and zoning ordinance;

Figure 4: Existing Review Process Summary



2. The subdivision must conform to all other applicable subdivision ordinance regulations and not include any requested waivers of subdivision regulations; and
3. The plat must be in conformance with approval criteria that apply to any other (non-alternative) subdivision.

Under the Peoria approach, preliminary plats are distributed to the city departments and affected agencies and the city council member of the district in which the subject property is located. Then, within 30 days of preliminary plat submittal, the planning director is authorized to approve or disapprove the preliminary plat. The planning director is also authorized to act on final plats, based on conformance with the approved preliminary plat. Illinois law requires that proposed dedications of land be accepted by governing body by. Thus, even under Peoria’s administrative process, acceptance of public improvements requires separate action by the city council.

Moline’s new regulations should offer a more streamlined process for approval of projects that are consistent with the comprehensive plan and comply with all applicable zoning and subdivision/development regulations.

A variation on the Peoria-style approach would be to create a review process that assigns approval authority to the plan commission rather than staff. Perhaps the most common approach to subdivision review is to require public review and approval of the preliminary plat by the plan commission or governing body, with final plat review and approval conducted by planning and engineering staff. Other variations are also possible using different combinations of staff, plan commission and city council approvals. All these possible approaches share a similar objective: ensuring careful and competent review of proposed developments, while ensuring that the review process is fair, consistent and as expeditious as possible.

Committee Response to 3.2: Support recommendation. General agreement that plan commission will approve preliminary, with final plats approved by staff. Only those proposed plats that do not comply with plan or that includes requests for waivers or variations will go to city council. Is there a need for a plat amendment procedure?

3.3 Clarify Procedures, Hearing/Notice Requirements and Approval Criteria

The subdivision plat approval procedures of Article IV are difficult to follow and understand, particularly the provisions dealing with approval of improvement plans and final plats. Regardless of the type of approval process to be used, these procedures should be clarified. Use of a summary table and/or flowcharts that more clearly illustrate the subdivision review procedures can ensure that all steps in the review process are clearly explained (see [Figure 5](#))

Illinois law does not require formal public hearings for review of subdivision plats. Nonetheless, many local governments hold public hearings on proposed plats while others simply allow input from the public comment in a more informal public meeting. It

is important to keep in mind, however, that subdivision review in Illinois is considered “ministerial.” If a proposed subdivision/development meets the standards set forth in state law and in the local ordinance, the plat must be approved.

The question of how to handle public participation and involvement in subdivision review presents a minor dilemma. On the one hand, public participation generally improves the quality of decisions made by local governments and enhances the trust that citizens place in government. On the flipside, most people who testify at such hearings are really concerned with the type or intensity of development—matters that are controlled by zoning. If the zoning allows development of the type and intensity proposed by the developer, the city cannot deny approval based solely on such concerns, a fact that may lead to frustration by those who testify. There is no perfect solution; public participation may provide useful information to improve the largely technical subdivision review process, but it may also lead to a venting of concerns that the city cannot address at the platting stage of the land-use control process.

Figure 5: Sample Decision-Making and Notice Summary Table (Union Co., NC)

Procedure	Administrator	Board of Adjustment	Planning Board	Board of Commissioners	Hearing Notice
Ordinance Text Amendments	R	–	R	<DM>	N
Zoning Map Amendments	R	–	R	<DM>	N/M/S
Conditional Zoning Map Amendments	R	–	R	<DM>	N/M/S
Exempt Subdivisions	DM	–	–	–	–
Minor Subdivisions	DM	–	–	–	–
Major Subdivisions					
Preliminary plan	DM	–	–	–	–
Final Plat	DM	–	–	–	–
Special Uses	R	<DM>	–	–	M/S
Variances	R	<DM>	–	–	M/S
Appeals of Administrative Decisions	R	<DM>	–	–	M/S

R = Review body (review and recommendation) | DM = Decision-making body (final decision to approve or deny)
 < > = Public hearing required | Hearing Notice: N = Newspaper; M = Mail; S = Sign

Committee Response to 3.3: No special notice for plats. Preliminary plats will be on plan commission agenda and public will have opportunity to comment at that meeting.

3.4 Update and Relocate Submittal Requirements and Certificates

Nearly one-third of the current subdivision ordinance is taken up by detailed lists of information required to be submitted with various types of applications and with (sometimes outdated) certificates that must be included with a final subdivision plat.

Certainly, an accurate listing of information required with various types of development proposals is an essential element of an efficient, predictable review and approval process. We recommend, however, that only major information items be identified in the ordinance and that more detailed plan and plat specifications be included in non-codified handouts or checklists. Such an approach could substantially reduce the length of the ordinance’s administrative and procedural provisions and enable the city to update or modify the detailed application specifications on an as needed basis, without processing a formal amendment to the text of the ordinance. Informational handouts and checklists

may also facilitate a more user-friendly approach to informing applicants of submittal requirements (see [Figure 6](#)).

Section 29-4124 ("Certificates Required) may also be appropriate for inclusion in a non-codified appendix or development manual. These certificates should be revised as necessary to ensure the certificate language is relevant and up-to-date.

Committee Response to 3.4: General support for recommendation. Will require staff-consultant team collaboration.

3.5 Establish Procedures for Approval of "Vacations"

The subdivision ordinance does not currently include an explanation of procedures that must be followed when easements or public rights-of-way are proposed to be abandoned or "vacated." The updated subdivision ordinance should include clear procedures to be followed in vacating public rights-of-way and easements.

Committee Response to 3.5: There is a city policy governing right-of-way vacations and state law addresses. Thus, it is not necessary to include in updated ordinance. A "blanket easement vacation" procedure might be handy for redevelopment projects (e.g., hospital).

3.6 Promote the use of Concept Plans and Preapplication Meetings

The ability to discuss development plans prior to the preparation of detailed, costly plans and drawings can be a great benefit to all concerned. While the current ordinance does mention an optional preapplication meeting and sketch plan submittal, the updated ordinance should do more to promote these early project discussions through requirements for preapplication conferences and true "concept" plans, with at least some types of development applications.

Figure 6: Sample Application "Checklist"



Plat Name: _____

PLAT SUBMITTAL CHECKLIST

This checklist shall be submitted as part of the application process. The engineer or surveyor who prepared the plat should complete the checklist and sign in the space entitled "Preparer's Signature" at the end of this document. Any items that are not applicable should be noted with "N/A". *All items in the grey box must be given to staff upon submittal.* A "✓" in the plat type column indicates that requirement applies to that particular plat.

Applicant	Staff	Not Applicable	Requirement	Preliminary	Final	Combination	Minor	Replat	Amended	Conveyance	Vacation
			¹ Completed application form	✓	✓	✓	✓	✓	✓	✓	✓
			Signed plat submittal checklist	✓	✓	✓	✓	✓	✓	✓	✓
			Appropriate fees	✓	✓	✓	✓	✓	✓	✓	✓
			Sheet size of 24" x 36" or 18" x 24"	✓	✓	✓	✓	✓	✓	✓	✓
			1 blackline reproducible mylar	✓							
			1 blackline reproducible mylar or vellum		✓	✓	✓	✓	✓	✓	
			One 11" x 17" legible, PMT (photo mechanical transfer) reproduction of the plat	✓	✓	✓	✓	✓	✓	✓	
			20 copies folded to a measurement of 9" x 12" with the title block easily read from the outside	✓		✓	✓	✓		✓	
			14 copies folded to a measurement of 9" x 12" with the title block easily read from the outside		✓				✓		
			<i>Preliminary Water and Sanitary Sewer Layout: 2 folded copies</i>	✓		✓	✓	✓	✓		
			<i>Preliminary Drainage Plan: 1 folded copy. If utilizing a previously accepted drainage plan, the accepted plan shall be included.</i>	✓		✓	✓	✓	✓		
			<i>Pre-Application Conference: If the area of the development is greater than 1 acre, then attach documentation form from Public Works that conference has been held to address proposed best management practices for storm water.</i>	✓		✓	✓	✓	✓		
			<i>Preliminary Storm Water Management Site Plan (SWMSP): 1 folded copy (and 1 reproducible once accepted) –OR– documentation/release from Public Works that a SWMSP is not required. For all developments of 12,000 square feet or more, a SWMSP will be required. A site plan will be accepted in lieu of a preliminary SWMSP if the site plan shows that the development will create less than 5,000 square feet of impervious surface. The preliminary SWMSP may be incorporated with the preliminary drainage plan or it can be on a separate document.</i>	✓		✓	✓	✓	✓		
			Each lot shall comply with the requirements specified in the Zoning Ordinance for: 1. Lot width _____ 2. Lot depth _____ 3. Lot area _____	✓	✓	✓	✓	✓	✓		✓

Committee Response to 3.6: General support, but give staff authority for flexibility. Maybe change “meeting” to “consultation” so that phone calls and other information exchanges could satisfy requirements.

4 Infrastructure and Improvement Standards

4.1 Expand Range of Required Improvements

While Moline’s existing subdivision ordinance includes requirements for some common public and quasi-public “improvements” (e.g., streets, sidewalks, utilities), it does not include specific requirements for other improvements often required as part of development projects. The range of improvements that may be required as part of any particular subdivision or development project should be clearly described in the beginning of the ordinance section dealing with improvements. The following is an example of a more modern and comprehensive list of improvements that can be required at the time of development (depending on the specific context):

1. survey monuments;
2. streets within the development and improvements to existing streets that border the development, as required for safe and adequate access to the subject development;
3. sidewalks and trails;
4. water supply and wastewater systems;
5. surface drainage and storm sewers;
6. stormwater management facilities;
7. utilities;
8. traffic control devices and street signs;
9. street lights;
10. street trees (i.e., reference to street yard tree planting requirements of zoning ordinance); and
11. any other on- or off-site infrastructure or public improvements required by city code.

Committee Response to 4.1: General support.

4.2 Clarify Requirements for Performance and Maintenance Guarantees

Subdivision review involves at least one chicken-and-egg question. Developers are reluctant to spend money installing roads, sidewalks and other public improvements before a project has been completely approved by the city. On the other hand, cities are equally reluctant to grant final approval to a development project until required facilities have been installed. Thus, it is common for local governments and a developers to enter into agreement under which the developer agrees to complete specific, required improvements. The developer’s performance under such an agreement is typically secured by cash escrow, a bond, letter of credit or other locally approved financial guarantee. The other form of financial guarantee typically required by a development ordinance is for maintenance—guaranteeing that the developer will repair any defects or failures appearing in the construction of the improvements required to have been built, within one year or so following their installation.

The current subdivision ordinance contains multiple references in various ordinance sections and appendices to “subdivider bonds,” “performance bonds,” “maintenance bonds,” “assurances,” “legal assurances,” “escrow deposits” and other related terms. The conflicting terminology and confusing organization makes the provisions very difficult to understand.

The updated development ordinance provisions should clearly establish:

1. the acceptable forms of financial guarantee;
2. the methodology for establishing the minimum amount of guarantee;
3. the source of cost estimates used to calculate guarantee amounts (the city or more typically the developer’s engineer, with sign-off by the city);
4. provisions governing release, partial release and use of guarantee funds in the event of developer default;
5. the conditions under which required timeframes for installation of improvements can be extended; and
6. who is authorized to grant such extensions.

The city needs to be protected from having to “foot the bill” for the increased cost of improvements in the event of developer default. To this end, the updated regulations should require updated improvement cost estimates and adjusted financial guarantees for projects that are not completed within a specified timeframe and for which extensions are granted.

Committee Response to 4.2: General support.

4.3 Address Maintenance of Common Subdivision Elements

The subdivision ordinance does not include provisions governing the establishment of property owners associations or maintenance of common areas within developments. Most jurisdictions require the establishment of a property owners’ association whenever a development contains amenities or improvements that will be owned in common by all property owners within the subdivision. This is a sensible and customary requirement designed to ensure that common features will be maintained over time. Even with property owners association, there is always a risk that the association may have problems funding and maintaining such features, particularly high-cost, high-maintenance facilities such as stormwater detention ponds. When this happens, residents of the subdivision almost invariably request government assistance in dealing with the situation.

The new ordinance should require the establishment of property owner associations for any projects that will include commonly owned elements. The city should also consider requiring that developers create a backup or dormant special service area (SSA) financing mechanism to be used in the event that a property owners association is not able to maintain common open space, facilities, and infrastructure within a subdivision. Special service area financing has been used extensively throughout Illinois, and there are an increasing number of jurisdictions that employ the backup SSA tool.

A backup SSA does not necessarily impose additional costs on landowners within a subdivision as long as the association is effectively managing the open space and facilities within the development. However, if maintenance responsibilities are the neglected or mismanaged, the SSA can be activated and the costs of any necessary city intervention will be covered by the special taxes imposed on residents. By requiring establishment of backup SSAs at the time of platting, the city would protect city taxpayers.

Figure 7: Sample Back-up SSA Maintenance Provision

§605. Funding of long-term maintenance of stormwater facilities

Unless (a) a public entity has accepted primary maintenance responsibility for the stormwater drainage system and special management areas to be constructed, installed or preserved under the permit, or (b) a public entity has agreed and so states in the permit, to accept maintenance responsibility in the event the person designated by the applicant as having primary maintenance responsibility fails to adequately carry out its duties the Administrator will require, as a condition of approving of any application for a stormwater management permit, the establishment of a special service area pursuant to 35 ILCS 200/27-5, et seq, either as the primary means of providing for the long term maintenance of the facilities, or as a backup vehicle in the event the person designated by the applicant as having primary maintenance responsibility fails to adequately carry out its duties. If the establishment of a special service area is required, the Administrator shall make a good faith estimate of the tax rate required to produce a tax to be levied upon all taxable property within the area, sufficient for the long term maintenance of the facilities and submit the same to the permitting authority which shall incorporate such rate into its enactment of the ordinances necessary for the establishment of the area. (Kane County, IL)

Committee Response to 4.3: General support.

4.4 Accommodate and Promote the use of Green Infrastructure

Stormwater runoff that isn't properly managed can flow over impervious surfaces picking up pollutants along the way and washing them into area rivers and streams. Stormwater runoff can also cause flooding and erosion. Sustainable approaches to stormwater management—sometimes referred to as green infrastructure—mimic the way nature handles stormwater prior to development. Typical techniques involve disconnecting stormwater flows from storm sewers and directing runoff to natural areas and open spaces, such as rain gardens, bioswales and landscaped planters or using vegetated green roofs (ecorooftops) to reduce and filter stormwater runoff.

Moline has demonstrated a commitment to stormwater management best practices through the adoption of stormwater-related amendments to Chapter 34 (water and sewer). The updated development regulations offer an opportunity to reinforce these and other city efforts through specific reference to the types of low-impact, sustainable stormwater management practices encouraged by the city.

Committee Response to 4.4: General support.

5 Transportation Improvements

Streets and other transportation-related improvements are key elements in laying out and designing any subdivision or development. This section identifies a few ways in which the current regulations governing transportation-related improvements could be updated to better implement community plans and reflect modern best practices.

5.1 Promote Complete Streets

“Complete Streets” are streets that are planned, designed, and maintained to enable safe, convenient and comfortable travel for all modes of travel—motorized and nonmotorized. Complete streets is an adopted policy of the State of Illinois and the Bi-State Regional Commission. The concept is also supported in Moline’s *Bikeways Plan*, which recommends that “the city utilize complete streets concepts in the design of new or reconstructed streets.” Other than requirements for sidewalks, the existing ordinance is silent on bike lanes, trails and similar facilities.

Figure 8: Quad City Area Complete Streets Policy

Complete Streets refers to public right-of-way, which is designed for the safety and accessibility of multiple users, regardless of ability. As a standard practice in the Quad City Area, a balanced approach in design and operation of the transportation system within public right-of-way will be taken as feasible, giving consideration to:

- *types of users of the transportation system, including pedestrians, bicyclists, transit users, motor vehicles and freight interests in design and operation; and*
- *project surrounding in context with how and who will use the facility to determine what accommodations users will be provided; and*
- *service levels for all users anticipated by adopted comprehensive or system-wide plans.*

--Bi-State Regional Commission (10/28/08); now part of Quad Cities Long-Transportation Plan

The updated subdivision regulations can help support complete streets by defining “non-motorized transportation facilities” (e.g., “improvements designed for the use, safety and comfort of pedestrians, cyclists, wheelchair users and similar forms of non-motorized travel, including sidewalks, walkways, trails, bikeways and related appurtenances, such as signs and ramps) and specifically referring to such facilities in appropriate sections of the ordinance. Illustrative street cross-section drawings, showing bike lanes, sidewalks and other common right-of-way elements, would also be a good addition to the ordinance.

Committee Response to 5.1: General support, although needs to be context-sensitive and probably applies mainly to collector and higher classifications. Will need to include clear, simple definition or reference to recognized source.

5.2 Require Connectivity

“Connectivity” refers to the connectedness of a (complete) street network, providing more ways for motorized and non-motorized travelers to get from point A to point B. Connectivity requirements promote easier and safer accessibility by non-motorized

travel and reduce vehicle traffic on major roads by allowing traffic to be dispersed throughout the street network. A street network that is not well connected can limit people's ability to travel in the most direct path, increase travel distances, require larger intersections to move vehicular traffic and add to congestion on major streets.

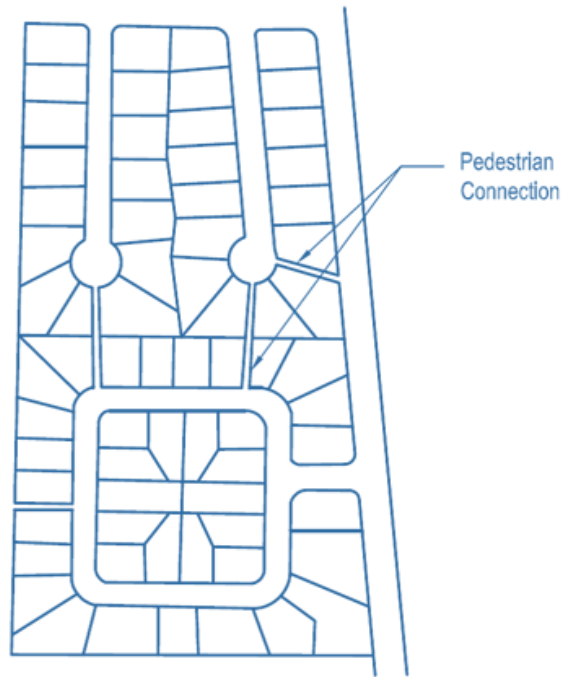
The city's existing subdivision regulations do relatively little to support connectivity. In fact, Section 29-3108 ("Through Traffic Discouraged") presents a regulatory barrier to connectivity by discouraging connected local streets and other layouts that accommodate "through traffic." The stub street standards of Section 29-3110(a) also work against connectivity objectives by not requiring temporary street sub-outs when the abutting property is under separate ownership. This provision should require street extensions to the property perimeter and allow for exceptions in specific circumstances (e.g., when topography or physical barriers prevent reasonable connections)

The maximum cul-de-sac length standard of 750 feet (Sec. 29-3110(b)) is high in an urban or suburban context, where modern practice would be to limit the length of dead-end streets to 300 to 600 feet, depending on lot size. The ordinance's maximum block length standard of 1,000 feet is reasonable for large-lot suburban contexts, but high for more urban settings with lots of less than 6,000 square feet in area.

The new ordinance should include updated standards that promote connectivity. These updated requirements should include sliding scale block length, block perimeter and dead-end street length standards and reasonable requirements for street connections and temporary street stubs. Finally, the ordinance should be amended to provide greater certainty regarding developer obligations to address supplemental non-motorized transportation and emergency vehicle access connections when variances are granted to allow longer blocks or cul-de-sacs.

Committee Response to 5.2: General support, but need to recognize that topography and other site constraints will sometimes require flexibility. Also need to ensure that new ordinance will allow the type of (traditional neighborhood development) development envisioned south of Rock River.

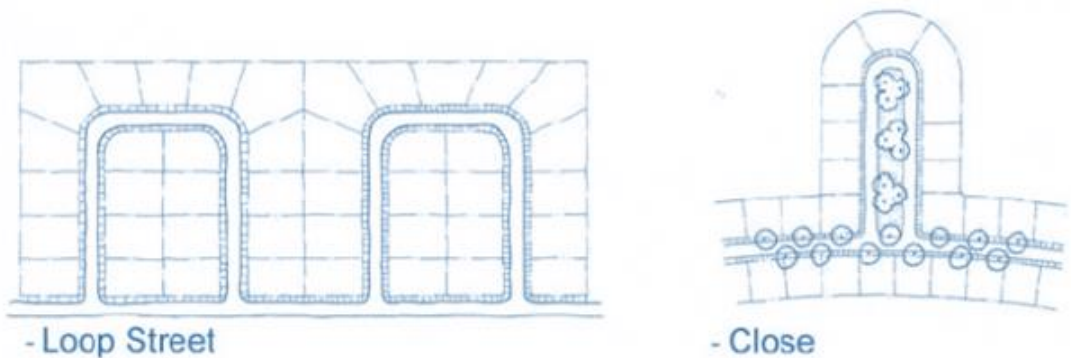
Figure 9: Pedestrian Connection from Cul-de-Sac



5.3 Allow Alternative Cul-de-Sac Designs

The current ordinance requires that any permanent dead-end street be terminated with a cul-de-sac bulb with 75 feet of pavement (diameter). There are numerous alternatives to this design, most of which reduce impervious cover, including hammerheads, loop roads and pervious islands in the cul-de-sac's center. Modified cul-de-sac designs can help decrease impervious surface, reduce pavement and drainage costs and protect natural resources through reduced runoff impacts. The updated ordinance should accommodate at least some types of alternative designs.

Figure 10: Alternatives to Conventional Cul-de-Sacs



Committee Response to 5.3: General support.

5.4 Update Sidewalk Requirements

The current ordinance requires that 4-foot sidewalks be installed on both sides of all streets, either at the time of development or before issuance of an occupancy permit.

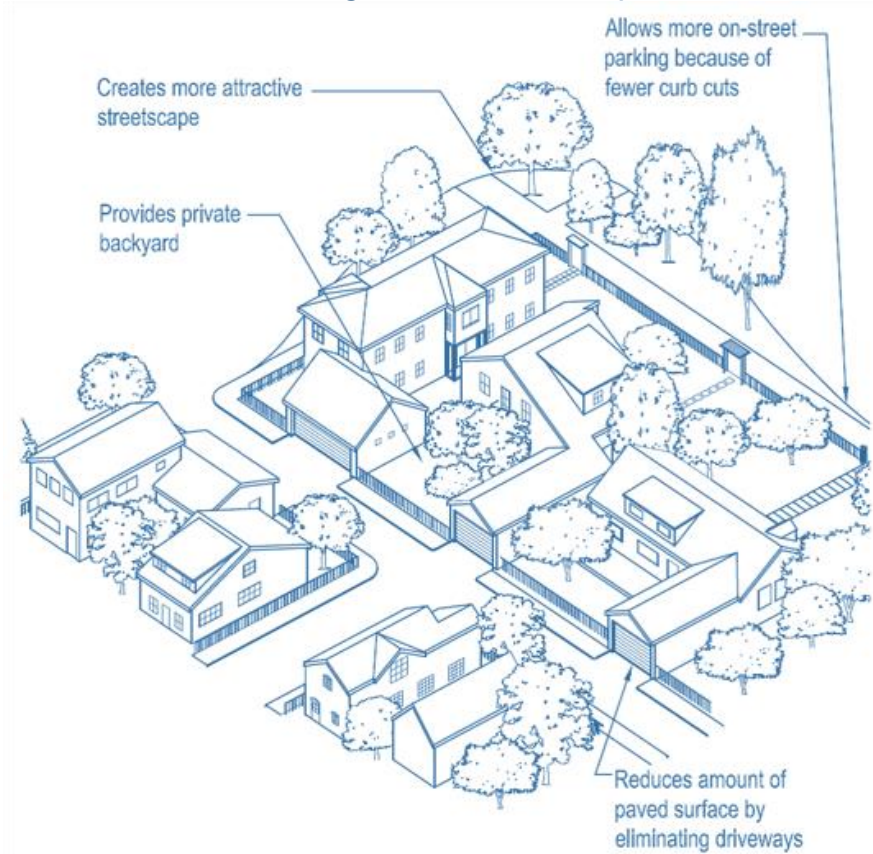
These provisions could be improved by (1) providing greater specificity regarding which actions trigger requirements for sidewalk installation, (2) clearly specifying the required timing of installation, (3) increasing minimum sidewalk width standards at least along some streets, (4) establishing predictable criteria that for approval of a sidewalk waiver and (5) specifying that any approved sidewalk waiver be conditioned upon the recording of a statement that current or future owners of the property will not object to any special assessment for sidewalk construction, if deemed necessary by the city. The requirements for sidewalk installation should address both development that requires platting and development (construction) that is exempt from platting.

Committee Response to 5.4: Support for recommendation. Staff noted that Illinois Accessibility Code and city comprehensive plan calls for minimum 5-foot sidewalk widths. Use AASHTO standards for multi-use trails.

5.5 Allow Alleys

The current subdivision ordinance expressly prohibits the provision of alleys in single-family zoning districts. This is an unusual provision, which should be eliminated from the ordinance. Even if city policy is not to accept alleys for public maintenance or provide garbage or snow removal service in alleys, the ordinance should not preclude their installation and use, provided that design and maintenance standards are met.

Figure 11: Benefits of Alleys



Committee Response to 5.5: Support. Staff also noted that zoning code should allow for smaller lot sizes and reduced setbacks as a way to encourage this sort of development.

5.6 Establish Standards for Private Streets

The ordinance's existing definition of "street" includes both public and private streets. This is the ordinance's only reference to private streets. It does not include provisions explaining when private streets are allowed or what standards they must be built to. We recommend that the updated subdivision ordinance include provisions addressing: (1) the circumstances under which private street may be used; (2) disclosure of information to abutting property owners regarding their rights and responsibilities for maintenance of such streets (see also recommendation 4.3) and (3) applicable design and construction standards for private streets.

Committee Response to 5.6: General support.

5.7 Address Trail Construction

The current subdivision ordinance does not include provisions stating if or when recreation trails are required or the standards that are to be followed in constructing such trails. This deficiency should be addressed in the new ordinance. The *Quad Cities Long-Transportation Plan* includes a map showing existing and proposed trails and greenways, which could serve as the basis for the ordinance's updated trail requirements.

Committee Response to 5.7: General support.