

ARTICLE I

TITLE, PURPOSE AND AUTHORITY, AND DEFINITIONS

Section 10. SHORT TITLE

This Ordinance shall be known as and may be referred to and cited as “The Village of Hennepin, Illinois, Subdivision Ordinance.” It embraces all the lands and properties lying within said village, and within the areas set forth and described as being contiguous or adjacent to said village within one and one-half miles from the said village limits, but outside said village.

Section 11. PURPOSE AND AUTHORITY

The Subdivision Regulation as herein set forth and made a part hereof have been made for these purposes and objectives:

- a. To protect and provide for the public health, safety and general welfare of the Village of Hennepin and 1½ mile planning area.
- b. To guide the future growth and development of the municipality in accordance with the Comprehensive Plan.
- c. To provide for the harmonious development of the village and its environs as outlined, and for the coordination of streets and subdivisions with other existing or planned streets, and for the preservation of adequate open spaces for traffic, light and air, and for the distribution of population and traffic to the extent that favorable conditions in regard to health, safety, and general welfare are protected or created;
- d. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, to minimize the conflicts among the uses of land and buildings and to assure that adjacent developments will properly relate to one another.
- e. To guide public and private policy and action in order to provide adequate and efficient transportation, schools, parks, playgrounds,

recreation, other public requirements and facilities, and where feasible water and sewerage.

- f. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land to ensure proper legal descriptions and monumenting of subdivided land.
- g. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.
- h. To prevent the pollution of air, streams, ponds and rivers; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the municipality and 1½ mile planning area in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- i. To preserve the natural beauty and topography of the municipality, 1½ mile planning area and to ensure appropriate development with regard to these natural features.
- j. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ordinance of the municipality or county.
- k. To ensure that land is subdivided only when subdivision is necessary to provide for uses of land for which market demand exists and which are in the public interest.
- l. To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.
- m. To assure that a coordinated effort will be made between utilities, services and developers so that streets and other improvements will be properly installed.

- n. To assure that a minimum level of improvement will be required of all subdividers.

Section 12 RULES

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

- 12.01 the singular number includes the plural and the plural the singular;
- 12.02. the present tense includes the past and future tenses and the future the present;
- 12.03 the word "shall" is mandatory, while the word "may" is permissive;
- 12.04 the masculine gender includes the feminine and neuter;
- 12.05 whenever a word or term defined hereinafter appears in the text of this ordinance, its meaning shall be construed as set forth in the definition thereof, and any word appearing in parenthesis directly after a word herein defined shall be construed in the same sense as that word; and
- 12.06 the following words and terms, wherever they occur in this ordinance, shall be construed as herein defined.

Section 13 SCOPE

This ordinance shall apply to subdivisions of land made within the Hennepin Village Limits and 1½ miles within the village limits subsequent to July 17, 2002; provided however that this ordinance shall apply to subdivisions having, prior to July 17, 2002, preliminary but not final plat approval, sixty (60) days from such date.

Section 14. DEFINITIONS

For the purpose of this regulation, certain terms or words used herein shall be interpreted as follows:

- 14.01. All words used in the **present tense include the future tense**. All words in the singular include the plural and all words in the plural include the singular.
- 14.02 **Alley** is a right-of-way which affords secondary means of access to properties abutting upon a street.

- 14.03 **Block** is a tract of land bounded by streets, or by a combination of streets and public parks, railroad right-of-way, or other similar natural boundaries.
- 14.04 **Building** is any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind
- 14.05 **Building Set Back Line** is a line within a lot or other parcel of land, which denotes the area between such line and the adjacent street right-of-way line where a building and/or other obstructions are prohibited by zoning ordinance regulations.
- 14.06 **Comprehensive Plan** - The official comprehensive plan and land use map of Hennepin adopted by the Village Board, and amended from time to time.
- 14.07 **Condominium Subdivision** - Any subdivision or part of a subdivision which is intended for multi-family buildings to be constructed and sold by the subdivider as condominium units rather than as apartments.
- 14.08 **County** - is Putnam County, Illinois
- 14.09 **County Health** - is the Putnam County Health Department
- 14.10 **County Soil and Water Conservation** - is the Marshall/Putnam Soil and Water Conservation District
- 14.11 **County Water Ordinance** - Water Supply Ordinance of Putnam County
- 14.12 **County Sewage Disposal Ordinance** - Private Sewage Disposal Ordinance of Putnam County
- 14.13 **Cul-De-Sac** is a minor street with a single outlet.
- 14.14 **Easement** is a grant or right to entrance and use of private land for designated public or semi-public uses.
- 14.15 **Final Plat** is map or plan of a subdivision and any accompanying materials as described in Section 25, page 19.
- 14.16 **Flag lot** is a lot, the main or principal use, or the building are, of which does not abut or adjoin a public street, but is connected to such public street by a narrow strip of land which is part of the lot.

- 14.17 **Frontage Road** is a road which is parallel to and either adjacent to or within the right of way of any established highway or street. Frontage roads shall be required on all major collector streets or highways and be discretionary on minor collector streets or highways. Whenever conditions exist which can create a hazard to the traveling public on minor collector streets or highways, a frontage road will be required on minor collector streets or highways as classified as set forth in the classification and general highway map of Putnam County, Illinois. Any revisions of said classifications that are set up shall be automatically adopted and incorporated herein with the major roads being listed by either name or number.
- 14.18 **Half Street** is a street dedicated to less than its full planned width.
- 14.19 **Highway Commissioner** - is the Road District Commissioner
- 14.20 **LESA System** - Land Evaluation Site Assessment for Putnam County, Illinois
- 14.21 **Lot** is a parcel of land considered as a unit.
- 14.22 **Lot, butt**, is a lot at the end of a block and located between 2 corner lots.
- 14.23 **Lot, double frontage** is a lot which has a pair of opposite lot lines along 2 substantially parallel streets.
- 14.24 **No access strip** is a land area at least 12 feet wide along the rear lot line of a double-frontage lot and abutting a thoroughfare within which no vehicular drive-way shall be permitted.
- 14.25 **Outlot** - is an unbuildable lot. The final plat of any subdivision that includes any outlot shall contain a notation on the plat indicating that no building may be erected on said outlot.
- 14.26 **Owner or subdivider** shall include 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 propriety interest in the land sought to be subdivided or divided to commence and maintain proceedings under the provisions of this ordinance.
- 14.27 **Pedestrian/Bike way** - is a right-of-way across or within a block designated for pedestrian use.

- 14.28 **Planning Commission:** The Village of Hennepin Planning Commission
- 14.29 **Plat:** a map, drawing, or chart upon which the subdivider's plan is presented and which he submits for approval and intends in final form to record.
- 14.30 **Plat Officer:** the person appointed by the Village President with the consent of the Village Board to occupy the office created herein, in which office is vested the chief administrative and enforcement duties as outlined in the attached standards.
- 14.31 **Preliminary Plat** is a tentative map or plan of a proposed subdivision as described in Section 21, page 14.
- 14.32 **Reserve Strip:** 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.
- 14.33 **Reverse Frontage:** a condition whereby both fronts and rears of properties face on streets.
- 14.34 **Sketch Plan:** A sketch preparatory to the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the planning commission as to the form of the plat and the objectives of these regulations.
- 14.35 **Sidewalks** - The paved portion of the right-of way designed and intended for the movement and use of pedestrian traffic.
- 14.36 **Street, Road or Alley:** rights-of-way dedicated to and accepted for the public use and affording principal means of access to abutting property.
- a. Major Street (or Major Highway): a trafficway connecting communities or connecting to limited access trafficways which, in turn, connect to other communities.
 - b. Collector Street (or Collector Road): a trafficway which carries traffic between sections of the community or which serves as a connector between rural areas and the community.
 - c. Local Street (or Local Road): a trafficway which serves primarily for access to abutting property.

- d. Alley: minor way used primarily for vehicular access to the back or side of property otherwise abutting on a street.
- e. Bicycle Path: a public way for bicycles which is intended to be used both as a means of circulation and recreation.

14.37 **Subdivision Ordinance** - This subdivision ordinance of the village and contiguous area

14.38 **Subdivision** - The division of a parcel of land into two (2) or more parts, any of which part is less than five (5) acres exclusive of all right-of-way, for the purpose of transfer of ownership or possession, or building development; or if an easement of access or a new road is involved, any division of land. The term includes any division of land that attempts to avoid the requirements of this Chapter. Where appropriate to the content, the term shall relate to the process of subdivision, or to the land subdivided, and shall include re-subdivisions. The term subdivision shall include any plot prepared under the provisions of the Illinois Condominium Act where said plat includes any new street or roadway, or which includes provisions for any building or other development which involves new water supply or sewage collection and treatment system, or which may reasonably be expected to effect drainage or stormwater runoff.

Subdivision platting is not required and the provisions of this Chapter, unless otherwise stated below, shall not apply in any of the following instances: however the subdivider is required to prove entitlement to the following exemptions to the satisfaction to the Village of Hennepin,

- a. A division of land which may be ordered or approved by a court or affected by testamentary or interstate provision;
- b. Any division of a parcel of land and/or conveyance of the same which is expressly exempt from subdivision platting by Illinois State Law.
- c. A division of land into lots or parcels of five (5) acres or more, such division not for agricultural purposes, provided:

All lots have a minimum width and frontage of not less than two hundred and fifty (250) feet on a public road right-of-way. **(In other words a lot of 5 acres or more with less than 250 feet on a public right-of-way is considered a subdivision).**

- d. Division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access.
- e. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- f. The conveyance of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities and other pipe lines, which does not involve any new streets or easements of access.
- g. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access
- h. The conveyance or dedication of land for highway or other public purposes or the vacation of land dedicated for a public use.
- i. Conveyance made to correct descriptions in prior conveyances.
- j. The division for the purpose of the sale or transfer of ownership of one (1) lot, containing an existing residential structure constructed prior to March 31, 1967, and not less than two (2) acres in area, such division made in accordance with the requirements set forth in the Hennepin Zoning Ordinance or Putnam County Zoning Ordinance.
- k. It is the intent of the section to eliminate the exception stated at Section 1(b) (9) of the Plat Act and thereby requires compliance with the Plat Act in transactions involving the sale of a single lot of less than five (5) acres from a larger tract in all instances except that specified in subdivision (1) above.

14.39 **Subdivision, Minor:** Any subdivision containing not more than five (5) lots that does not

- a. Involve the construction of any new public road or extension of municipal facilities;
- b. Adversely affect the development of the remainder of the parcel or adjoining property;
- c. Conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance and these Subdivision Regulations

14.40 **Village:** the Village of Hennepin, Illinois.

14.41 **Village Board:** Board of Trustees, of the Village of Hennepin, Illinois.

14.42 **Village Engineer:** Village Engineer of Hennepin, Illinois, or person designated to act in the capacity of Village Engineer in the review of engineering data as outlined herein where the services of a Village Engineer are specifically mentioned.

14.43 **Wetland** - Means the area that have a predominance of hydric soils and that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of hydrophytic vegetation typically adapted for a life in saturated soil conditions

Section 15 SUBDIVISION OUTSIDE THE CORPORATE LIMITS BUT WITHIN A 1½ MILE

15.01 Subdivisions located outside the village's corporate limits, but within a mile and one-half of the corporate limits, shall meet all requirements of the village's subdivision ordinance, in addition to the requirements of the township and county.

15.02 Storm sewers, sanitary sewers and water mains shall not be extended to users located outside the city's corporate limits except at the expense of the developer.

15.03 Streets constructed outside the corporate limits of the city but within the 1½ mile extraterritorial jurisdiction must meet village requirements and shall also conform to the rules, specifications, and regulations regarding location, width, grades, surface and drainage structures applicable to the township road system. The review, approval and acceptance of roads or streets in the township is performed by both the village and the township Highway Commissioner, with bonds etc. for public improvements, including streets, assigned jointly to the city and county and held by the county. Final acceptance shall be filed with the County Clerk and County Superintendent of Highways. Final plat acceptance does not convey acceptance of roads.

Section 16 ENTITLEMENT OF RECORD UPON APPROVAL

16.01 Each subdivider who seeks the Council's approval of a subdivision shall follow these procedures and conform to the city's approved Comprehensive Plan, as amended from time to time. All requests for preliminary plat of a subdivision shall be referred to the Planning Commission for review and recommendation before action by the City Council.

- 16.02 No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell such a parcel until a plat of the subdivision has been approved by the City Council and filed with the Putnam County Recorder of Deeds.
- 16.03 Amendments to the Subdivision Code become effective with approval by the City Council. Any final plat requests, based on preliminary plats which were approved by the City Council within one (1) year of the date of the request for final plat approval, shall not be required to comply with the amendments to the subdivision code made within that one (1) year period. All other final plats must comply with the then existing subdivision code requirements in effect on the date of the request for final plat approval. All requests for final plat approval must be made in compliance with the provisions of this subdivision code.
- 16.04 If a plat has been approved and afterward it is desirable to change or vary the lot lines as shown, this constitutes a resubdivision and replatting of the lots is required following these subdivision procedures.
- 16.05 Upon the approval of a final plat by the city, the subdivider thereby grants the city, its officers, employees, and agents, access to the subdivision for the purpose of inspecting improvements.

Section 17 CONDOMINIUM SUBDIVISIONS

- 17.01 In addition to all other requirements relating to new subdivisions, the requirements of this section shall apply to any subdivision or part of a subdivision intended to be developed by the construction of two-family or multifamily building(s) and the sale of the building by selling individual condominium units rather than by selling the building to a person, firm, corporation, or association which will act as landlord and rent the dwelling units to individual tenants.
- 17.02 Each application for approval of a condominium subdivision shall contain, in addition to the information required by the city ordinances relating to new subdivisions, the following additional information:

- a. Plans and specifications indicating where each condominium is to be and what public areas are to be owned by the association of condominium owners.
- b. Proposed articles of incorporation and by-laws for the association of condominium owners which will manage the common areas.
- c. A detailed description of proposed financing to be available to purchasers of the condominium units.
- d. Information indicating financial responsibility and financial ability of the builders or developers to complete the project as proposed.
- e. A copy of all proposed covenants relating to the real estate.
- f. An agreement by the developer specifying the improvements to be completed by the developer, including recreational facilities, bicycle trails, and other common areas.
- g. If the construction is to be financed in whole or in part by escrow funds put up by purchasers, or if escrow funds of any kind are required from purchasers, then the following information will be provided:
 - i. A description of the escrow arrangements.
 - ii. A copy of all escrow documents.
 - iii. Provision for the return of funds to purchasers if the matter is not completed by the date specified.
 - iv. The name and address of the institution to hold the escrow.
- h. Title information insuring all liens, easements, and interests of record including all ownership concerning the real estate. All mortgages and mechanics' liens and other financial liens of any kind shall be listed.

- i. In connection with the common areas and recreational areas, a proposed management agreement and proposed rules will be furnished.
- j. The forms to be used for agreements, promissory notes, deeds, and other documents of title and documents related to the sale of the condominium units will be furnished.
- k. There shall be provision for an association of the owners of the condominium units. This association shall conform to the requirements provided in by the Village. Associations and Subdivision Associations, relating to associations for owners of land in subdivision having common areas, common recreational facilities, or other common facilities. The subdivider of each condominium subdivision shall provide the services, bond and other matters required by ordinance to be furnished to the association.

Section 18 COMMON AREAS, BUILDINGS AND FACILITIES.

Common areas, common buildings or common facilities in a new subdivision, including condominium subdivisions, developments and residential subdivisions shall be operated and/or maintained by an association of owners.