

**Section 5-112**  
**Development and Subdivision Requirements**

**SECTION 5-112. DEVELOPMENT AND SUBDIVISION REQUIREMENTS.**

(Ord. 3199 - 11/16/98; Amd. Ord. 4412 - 9/2/08)

- A. **Purpose.** It is the purpose of this Section to establish standards and regulations for the review and approval of the development and subdivision of land within the Village and its extraterritorial jurisdiction in accordance with the Village's Comprehensive Plan, Official Map, Capital Improvements Program, and other goals, policies and regulations of the Village. (Ord. 4412 - 9/2/08)
- B. **Jurisdiction and Applicability.**
1. These procedures shall be applicable to:
    - a. all lots of record, subdivisions and re-subdivisions, planned developments and development of land within the corporate limits of the Village and within one and one-half (1 1/2) miles beyond the corporate limits of the Village;
    - b. in the event another municipality's extraterritorial jurisdiction overlaps the extraterritorial jurisdiction of the Village and there is a boundary agreement between the Village and that municipality, these subdivision regulations shall be applicable to the territory as described in the agreement;
    - c. in the event another municipality's extraterritorial jurisdiction overlaps the extraterritorial jurisdiction of the Village and there is no applicable boundary agreement, these regulations shall be applicable to the territory from the corporate limits of the Village to a median line equidistant from its boundary and the boundary of the other corporate authority nearest the Village at any given point on the land;
    - d. Not-with-standing the provisions of Subsection c, above, if a development or subdivision is primarily located within a neighboring municipality's extraterritorial jurisdiction, and where only a small percentage of the development or subdivision would be affected by the exercise of the Village's jurisdiction, the applicant would not be required to obtain development or subdivision approval by the Village. However, if the Village Manager determines that a substantial benefit to the Village would be achieved by such review, such as the review of significant drainage, streets or other development or subdivision-related issues, then the applicant shall be required to comply with the provisions of these regulations. The applicant may appeal the determination of the Village Manager to the Board of Trustees; and (Ord. 4412 - 9/2/08)
    - e. the development or subdivision of any lot or parcel of land by use of metes and bounds description for the purpose of sale, transfer or lease for a period of time exceeding five (5) years. (Ord. 4412 - 9/2/08)
  2. Except as provided in Subsection 3 of this Section, no land, structure or planned development within the Village or its extraterritorial jurisdiction may be developed, used, or occupied unless a final plan has been approved in accordance with the terms of these regulations. (Ord. 4412 - 9/2/08)

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3. These development and subdivision procedures shall not be applicable to:
- a. the sale or exchange of parcels of land between owners of adjoining and contiguous land which does not involve any new streets or easements of access or create an unlawful condition on the property;
  - b. the conveyance of parcels of land or interests therein for uses as rights of way for railroads or other public utility facilities which does not involve any new streets or easements of access;
  - c. the conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
  - d. the conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
  - e. conveyances made to correct descriptions in prior conveyances;
  - f. additions, improvements, remodeling or renovation of less than 20% of the square footage of the original structure; and
  - g. the development of a single family home on a single lot of record created after 1955.

**C. General Procedures.**

1. **Development Review.** For all development review procedures associated with the approval process refer to Section 5-101 of these regulations. (Ord. 4412 – 9/2/08)

**D. Record Plat of Subdivision Procedure.**

1. **Purpose.** The purpose of the record plat of subdivision review is to determine whether the record plat, and required subsequent plats as a result of the subdivision, are in substantial conformance with the approved final plan. This procedure shall include but not be limited to plats of vacation, dedication, easement, abrogation and consolidation. (Ord. 4412 – 9/2/08)
2. **Initiation.** An application for record plat of subdivision review may be submitted by the owner, an agent authorized in writing to act on the owner's behalf, or other person having a written contractual interest in the parcel of land proposed for subdivision. Topographical and profile studies must be submitted prior to plat approval. Park land shall be deeded to the Village prior to plat approval. All conditions of Village Board plan approval must be addressed and security provided for landscaping prior to plat approval. (Ord. 3070-10/20/9; Amd. Ord. 4412 – 9/2/08)
3. **Review and Recommendation by the Development Services Department.** After a final plan has been approved by the Board of Trustees, the petitioner shall prepare and submit an application and a record plat of subdivision on mylar or vellum to the Development Services Department. Said Department shall certify that the record plat conforms to the approved final plan. A recommendation will then be forwarded to the Board of Trustees. (Ord. 3672 - 8/5/02; Amd. Ord. 4412 – 9/2/08)