

ORDINANCE # 99- 29

**AMENDMENT TO KENDALL COUNTY SUBDIVISION CONTROL ORDINANCE  
PLAT EXEMPTIONS**

WHEREAS, Kendall County regulates land development under authority of Subdivision Control Ordinance and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public's interest; and

WHEREAS, the current definition of "Subdivision" in Section 6.02 of the Subdivision Control Ordinance reads as follows:

SUBDIVISION means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development; provided that a division of land which may be ordered or approved by a court or affected by testamentary or interstate provisions, shall not be deemed a subdivision. The term includes resubdivision, and when appropriate to the context, shall relate to the process of subdividing the land subdivided. The term shall apply to any other development, whether an actual division of property is required or not, and regardless of whether the same is labeled a subdivision or not, including planned development

- A. The division of lots or blocks of less than one (1) acre, if any recorded subdivision which does not involve any new streets or easements of access.
- B. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- C. The conveyance of parcels of land or interest therein for use as right-of-way for railroads or other public utility facilities which does not involve any new streets or easements of access.
- D. The conveyance of land owned by railroad or other public utility which does not involve any new streets or easements of access.
- E. The conveyance of land for highway or other public purposes or grants of conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
- F. Conveyance made to correct descriptions in prior conveyances.
- G. The division of lots of record as of July 17, 1959, into not more than two (2) parts and involving any new streets or easements of access, provided that the two (2) parts meet the requirements of the applicable zoning ordinance and all other ordinances of the County of Kendall.

WHEREAS, the Kendall County Subdivision Control Ordinance and said definition were adopted on August 10, 1971 to reflect the provisions of the state statutes at the time; and

WHEREAS, said state statutes have been amended since the adoption of the Kendall County Subdivision Control Ordinance; and

WHEREAS, the Illinois Plat Act (765 ILCS 205/0.01 et seq.) provides for certain exemptions from county subdivision control ordinances; and

WHEREAS, the Kendall County Board finds the Kendall County Subdivision Control Ordinance should parallel the language provided by the Illinois Plat Act.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends the Subdivision definition of the Kendall County Subdivision Control Ordinance to read as follows:

SUBDIVISION means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development; provided that a division of land which may be ordered or approved by a court or affected by testamentary or interstate provisions, shall not be deemed a subdivision. The term includes resubdivision, and when appropriate to the context, shall relate to the process of subdividing the land subdivided. The term shall apply to any other development, whether an actual division of property is required or not, and regardless of whether the same is labeled a subdivision or not, including planned development. The provisions of this Ordinance do not apply and no subdivision plat is required in any of the following instances:

- A. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access.
- B. The division of lots or blocks of less than one (1) acre, if any recorded subdivision which does not involve any new streets or easements of access.
- C. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- D. The conveyance of parcels of land or interest 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.
- E. The conveyance of land owned by railroad or other public utility which does not involve any new streets or easements of access.
- F. The conveyance of land for highway or other public purposes or grants of conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.

- G. Conveyance made to correct descriptions in prior conveyances.
- H. The division of lots of record as of July 17, 1959, into no more than two (2) parts and not involving any new streets or easements of access, provided that the two (2) parts meet the requirements of the applicable zoning ordinance and all other ordinances of the County of Kendall.
- I. The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimension and configuration of the larger tract on October 1, 1973, and also providing the single lot and the larger parcel meet the requirements of the applicable zoning ordinance and all other ordinances of the County of Kendall.

IN WITNESS OF, this Amendment to the Kendall County Subdivision Control Ordinance was approved by the Kendall County Board on September 21, 1999.



John A. Church  
Kendall County Board Chairman

Attest:



Paul Anderson  
Kendall County Clerk