

CHAPTER 1

GENERAL PROVISIONS

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10-1-1: TITLE: This Ordinance shall be known and may be cited and referred to as the "Subdivision Control Ordinance for the Village of Arthur."

10-1-2: INTENT: This Ordinance is adopted to provide for the health, safety, comfort and convenience of the inhabitants of the Village of Arthur, and vicinity; to thus ensure sound, harmonious development of land to the highest possible standards of design; and to provide a procedure for a cooperative working relationship between the Village and developer, in order to safeguard the interests and rights of the homeowner and citizen, the subdivider, the investor, and the Village.

10-1-3: TAXPAYER'S PROTECTION: The developer shall provide at no cost in any form to the taxpayers of local, state, or federal units of government, all public improvements required by these regulations. The developer shall further include the previous statement in the covenants of the plat in order to insure buyer protection at the time of purchase. Improvements shall be provided and installed in accordance with the standards and requirements adopted by other local, state, and federal authorities which may have jurisdiction in the area being subdivided. In any case, where two (2) or more authorities have differing standards governing the same improvement, the most restrictive standard shall apply.

10-1-4: JURISDICTION: The following shall be applicable to any and all subdivisions of the land within the boundaries of Arthur, Illinois, and outside of the corporate boundaries but within one and one-half (1 ½) miles of the corporate limits.

10-1-5: REGULATIONS IN FORCE: These regulations shall take effect ten (10) days after being published.

10-1-6: AMENDMENTS: RESERVED

10-1-7: VALIDITY: If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

10-1-8: EXEMPTIONS FROM THESE REGULATIONS: Exemptions found in Section 1(b) of the Plat Act, Illinois Revised Statutes, Chapter 109, 1987, as amended, are exempt from the regulations herein contained and shall include the following:

- (A) The division 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 in 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 a 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 a 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 or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
- (G) Conveyances made to correct descriptions in prior conveyances;
- (H) The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
- (I) The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by a professional 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 dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the sale of land.

10-1-9: DISCLOSURE OF BENEFICIAL INTEREST: Pursuant to Illinois State Statutes, whenever any trustee, or beneficiary or beneficiaries of a land trust make application for a subdivision relating to land which is the subject of such trust, any interest therein, improvements thereto, or use thereof, such applicant shall identify his interest therein. All such applications shall be verified by the applicant in his capacity as trustee, or by the beneficiary as a beneficial owner of an interest in such land trust. Failure to make such disclosure shall be reason enough to deny a request for subdivision. Making a false trust shall also be reason enough for the denial of a request for subdivision and makes the person making such statement subject to penalties provided by said State Statutes.

10-1-10: VARIANCE: Where the developer can show that a provision of these regulations would cause unnecessary hardship and where, in the opinion of the Village Zoning Board, a departure may be made without destroying the intent of such provision, the Village Zoning Board may recommend a variance. In the event the Village Zoning Board finds that extraordinary hardship or injustice will result from compliance with these regulations, it may vary the terms thereof to the extent necessary to grant relief, provided:

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- (A) That special conditions or circumstances exist which are peculiar to the tract or tracts to be subdivided;
- (B) That granting the variance requested will not confer on the developer any special privilege that is denied by these regulations to other developers; and,
- (C) The Village Zoning Board determines that the variance requested is:
 - 1. The least deviation from these regulations which will mitigate the hardship;
 - 2. Not detrimental to the general public interest, health, and welfare, and is in keeping with the general intent and purpose of these regulations; and,
 - 3. Not applicable to other subdivisions or developers.

The developer shall make requests for variations in writing, and the requests shall accompany the submission of the preliminary plat. Requests for approval of variations by the Village Zoning Board shall be considered separately from approval of the final plat of subdivision. The granting of variations shall be by action of the Village Board.