



## NEW PARCEL CREATION/SPLIT/TRANSFER REQUIREMENTS

THE FOLLOWING INFORMATION IS TO PROVIDE GENERAL GUIDELINES. PLEASE CONTACT OUR OFFICE FOR FINAL GUIDANCE AND APPROVAL PRIOR TO SPLITTING OR CREATING NEW PARCELS.

All new parcels must comply with the LaSalle County Zoning Ordinance, Subdivision Ordinance, and the Illinois Plat Act and are subject to the most restrictive applicable minimum lot size.

### ZONING ORDINANCE COMPLIANCE:

All newly created parcels must comply with the LaSalle County Zoning Ordinance, which has the following minimum lot sizes when served by septic/well: **A-1 district is a minimum of 35 acres**; all other districts are minimum of one acre.

If you do not meet the minimum there may be two other options:

I. Farmstead Exemption (from section 4.3-6 of the LaSalle County Zoning Ordinance):

Farmstead Split: A lot created by subdivision or deed division from a larger lot or parcel after the effective date of this Ordinance (April 2006) that is created for the purpose of the sale or transfer of ownership of one lot, containing an existing residential structure, agricultural buildings or structures, or foundations or structural elements of any such residences, buildings or structures constructed prior to the effective date of this Ordinance, and has not been converted to agricultural crop use and being not less than one acre in area but does not contain 2.0 acres or greater of tillable/pasture ground, may be approved by the subdivision enforcement officer, without review or approval by the Zoning Board of Appeals or the County.

This provision is intended to allow for the division of a lot with existing or previously existing farm residences, buildings or structures from the fields used for agricultural activities. For the purpose of required minimum zoning lot size, such subdivision, if approved by the subdivision enforcement officer as not being in violation of the LaSalle County Subdivision Control Ordinance and the Illinois Plat Act, is not a violation of this Ordinance. The lot which results from such subdivision or deed division shall be a legal residential lot in the A-1 district and the balance of the parcel from which the lot is divided shall not be buildable for future residences unless the remaining area conforms to the minimum lot size of the A-1 district.

Where two residences existed on one parcel prior to the effective date of this Ordinance, this provision may be used twice in order to individually divide out the existing residences from the fields used for agricultural activities.

II. Also, a special use may be requested for a lot less than 35 acres in the A-1 District. The special use process requires application, fees, public hearing at the Zoning Board of Appeals, and County Board final approval.

### SUBDIVISION ORDINANCE COMPLIANCE:

The subdivision ordinance allows a maximum of two splits of 2 acres and 150' of public road frontage each without going through subdivision process or meeting an exception/variance. Any remaining parcels must be a minimum of 5 acres and 150' of public road frontage.

If you do not meet those requirements, you have three options:

I. *Follow the County Subdivision Ordinance* for development of a subdivision. For lots using individual well and septic systems, the lots must be a minimum 1 acre and 150 feet of road frontage. You will incur

impact fees/land cash contribution fees, engineering fees, tile study costs, soil investigation costs, improvements costs (a new road, stormwater detention pond) and other filing fees.

II. *Meet one of the 8 County Subdivision Ordinance exemptions:*

- A. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
- B. ***Adjacent Landowner Exemption:*** The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- C. The conveyance of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities and other pipelines, which does not involve any new streets or easements of access.
- D. The conveyance of land owned by a 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 or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impresses with a public use.
- F. Conveyances made to correct descriptions in prior conveyances.
- G. The sale or exchange of parcels or tracts of land following the division into no more than 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.
- H. ***First Time Split Exemption:*** The sale of a single lot of less than 5 acres from a larger tract when a survey is made by a professional land surveyor and a plat thereof recorded in the office of the LaSalle County Recorder of Deeds, provided however 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 the effective date of the Amendatory Resolution of 1973 (October 1, 1973).

III. *Request a variance from the County Development Committee and the County Board.* Variance request requirements are as follows:

- A. Application
- B. A plat of survey or other similar document that adequately shows the legal description, proper lot size dimensions and road frontage.
- C. \$100.00 check (Variance Fee)
- D. A Township Road Commissioner Variance Evaluation Form.
- E. All paperwork must be submitted one week prior to the appropriate Development Committee meeting in order to get on the agenda.

### **ADJACENT LAND TRANSFER COMPLIANCE:**

When transferring land between adjacent property owners; the new properties formed shall comply with both the Subdivision ordinance and the Zoning ordinance:

- The remaining land shall comply with minimum acreage and frontage
- If you add, or change a legal non-conforming lot; you must make it conforming to the Subdivision and Zoning Ordinance minimum acreage and frontage requirements, or you will lose your legal status.
- All lots of record may not be adjusted in size or shape to increase the extent of nonconformity for lot area, lot frontage, setback or other applicable lot and building standards. Lot area or shape adjustments that decrease the extent of nonconformity are allowed with the following provisions:

1. Transfer or exchange between adjoining property owners of less than one (1) acre will be permitted with a plat of survey. The Director of Land Use's signature of approval shall be required on the survey prior to recording. An approval letter from the Director may be recorded with the survey, in lieu of signature on plat.
2. Transfer or exchange between adjoining property owners of greater than one (1) acre will be permitted by Special Use.
3. All lot area or shape adjustments will be subject to the Subdivision Ordinance and may also require a subdivision variance.

#### **EXISTING PARCEL COMPLIANCE:**

- I. In order for an existing parcel to be considered legal and buildable, the property has to fall within the County Subdivision Ordinance requirements at the time it was "created". "Created" means a legal description must have been made and filed with the LaSalle County Recorder of Deeds in the form of a deed or plat of survey in accordance with the time and lot size provisions as follows:

	<u>ACRES</u>	<u>ROAD FRONTAGE</u>
Previous to March 12, 1984	2	
For lots created between March 12, 1984 and March 10, 1992	2	0'
For lots created between March 10, 1992 and March 1, 1996	2	33'
For lots created between March 1, 1996 and October 2, 1996	2	200'
For lots created between October 2, 1996 to June 10, 2002	5	400'
For lots created between June 10, 2002 to present	2	150'

- II. If the parcel does not fit into one of the above categories, it may have been created using one of the 8 County Subdivision Ordinance exemptions, a variance or any other legal device in effect at the time it was created. You will be asked to prove (with documents) how the property was created legally.
- III. Splits that took place after April 2006 must have also complied with the LaSalle County Zoning Ordinance, which requires following minimum lot sizes when served by septic/well: A-1 district is a minimum of 35 acres; all other districts are minimum of one acre.

#### **SPLIT/TRANSFER COMPLIANCE APPLICATION PROCESS:**

**All farmstead splits and property transfers that involve the changing of legal non-conforming lots require submittal of a split compliance application/survey and a compliance letter from the Land Use Director.** Start the application process by gathering the parcel number/address information and creating a preliminary site sketch showing the new lots. Then you can schedule an appointment with the Land Use Director or email the preliminary information and sketch to [landuse@lasallecounty.org](mailto:landuse@lasallecounty.org). The Director will then review the proposal to ensure that the split will comply with ordinances prior to application and survey.