

CARROLL COUNTY ILLINOIS ZONING

Summary of County Ordinances for Land Division in the Agricultural District

Effective August 20th 2015, an exemption lot size in the Agricultural District was created within County Ordinance Chapter 700. The lot exemption is specifically for residential use and states an acceptable minimum acreage of 2 acres with one length of lot equaling no less than 150 feet. All other divisions of land for non-residential use of Ag-1 ground requires a lot size of 5 Acres. The 2-acre exemption does not release the requirements of land division set forth in the "ILLINOIS PLAT ACT" 765 ILCS 205 requiring a plat of survey for subdividing or the "splitting" off of a new tract of land. For more information on the IL Plat Act, please review page 2 for a brief description of the state statute.

If land is being considered for sale and/or division for the development of a "New Dwelling Site" it is strongly recommended that a Land Evaluation Site Assessment Study be performed as the first step in this process. Applications can be found online on the Carroll County Website, or are available for pick up at the GIS, Zoning or Assessment Offices.

Effective February 10th 2010, Carroll County Zoning Ordinance 700 - 5.02 (o) mandates that all lots to be created for new dwelling home sites pass with a favorable score from the Carroll County Land Evaluation Site Assessment System, otherwise and furthermore referred to as LESA. Building sites receiving an unacceptable score will not be given a New Dwelling Building Permit. If a potential lot receives an acceptable LESA score, it is advised to proceed with the process of surveying following the requirements presented in State Statute 765 ILCS 205 cited as the "Plat Act". The Plat Act states that all plats and surveys created are required to be recorded along with the legal deed of property. The lot created by survey must be transferred by deed through the process of recording before a new residential building permit will be issued.

Effective August 20th 2015, Carroll County Zoning Ordinance 700-5.02 (p) states that if a lot is being considered for sale and/or division with a "Pre-Existing Home Site" the lot is exempt from the LESA. In such instances it is recommended to proceed with a survey that follows the requirements presented in the Plat Act and the Agricultural District Setback and Lot Requirements. A "Pre-Existing Home Site" that is removed or demolished must obtain a building permit within 48 months in order to remain exempt for the LESA scoring system for rebuilding.

Carroll County Zoning Ordinance 700-5.04 (b) states that any lot that has been lawfully created with an acreage less than the new district minimum and recorded at a time before the adoption of a lot size minimum requirement or at a time of a less stringent lot size minimum requirement, the lot will be grandfathered as a legal lot.

Land may also be divided and rezoned for residential use by the requirements set forth in Chapter 730 "Subdivisions". For questions or concerns in regards to the division and sale of land in the Agricultural District please contact the Carroll County Zoning Department with the information provided below:

Email: zoning@carroll-county.net Phone: 815.244.0254 Fax: 815.244.1046

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Brief Summary of 765 ILCS 205 "PLAT ACT".

Sec. 1 Whenever land is divided into 2 or more parts and any one of those parts is less than 5 acres, the property shall be surveyed and a subdivision plat made by an Illinois Registered Land Surveyor. **Sec 2** The County shall approve these plats by allowing a process of review and display before recordation. No plat shall be approved without a surveyors study indicating water runoff will not be changed or cause damage to neighboring properties; this study does not need to be recorded but kept on file as a public document.

Sec 1c. If a survey is made that is exempt from the plat act, a plat act affidavit must be submitted indicating the specific exemption. The survey is still legally required to be recorded along with the deed.

The recorder of deeds is exempt from determining if a plat has been made or recorded before accepting a deed for recording **Sec. 5a.** The recorder or the registrar of title of any county shall not record deeds or leases which attempt to convey property contrary to the provisions of this act. In case of doubt the recorder may require an affidavit from the party presenting deed or lease as to evidence of legality and compliance to this act.

Sec. 1 Nothing contained with the provisions of this Act shall prevent or preclude counties from establishing ordinances or specifications which reduce the acreage minimum to less than 5, but no less than 2, or supplementing the requirements contained herein when a survey is made and [to be] recorded.

Sec. 1b The following are the common exemptions from the plat act:

- Splits larger than 5 acres that do not involve new roads/easements.
- Splits less than 1 acre in an already recorded subdivision and that do not involve new roads/easements.
- Conveyance/Splits of land between adjoining owners, railroad and highway.
- Corrections/re-recordings to previous conveyances.
- The sale of a parcel(s) of land that divided into no more than (2) two parts on or before July 17, 1959, that does not include new roads/easements.
- The first sale or division of a single lot of less than 5 acres from a larger tract as it existed on or before October 1st 1973, provided that this exemption does not invalidate any local requirements applicable to the subdivision of land. This exemption is referred to as the "one chance" or "first bite of the apple".

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