

So You Want to Build in Ogle County

The Ogle County Planning & Zoning Department is responsible for regulating construction activities in the unincorporated area of the county. That means that if a citizen wants to build outside any city, village or town in the county, this department should be contacted before the project begins to be certain all local regulations are met. This department regulates construction through zoning, flood hazard and subdivision regulations.

ZONING

The County Board of Supervisors adopted zoning regulations in 1965 in order to promote and protect the health, safety and general welfare of the citizens of the county. Zoning regulates the uses allowed on land and the location of improvements on that land, and the regulations are enacted according to the Illinois Compiled Statutes (55 ILCS 5/5-12001 et seq.)

The unincorporated area of the county is divided into districts or “zones”. Certain types of uses are allowed in each of these districts. The ordinance lists those uses. Anyone building in the county should be aware of the underlying zoning on their land, so that they can become aware of what activities are allowed under zoning.

Agricultural Exemption: Certain agricultural uses are exempt from meeting local zoning requirements according to state law. If a citizen believes their proposed use may be exempt, it is suggested they verify that possibility with the zoning department and then confirm the information provided with their legal counsel.

Construction: Permits for most construction projects are required before that construction starts. Occupancy certificates are issued upon completion of the construction project, or when the use on a tract of land changes. On residentially used land, for example, permits are generally required for most construction including new homes; additions to homes; decks, porches and patios; detached buildings, including small storage buildings (sheds); and, swimming pools (both above and below ground). Generally, three inspections are made during the course of construction.

Enforcement: The Zoning Ordinance is enforced by several methods. Written notice of the violation is issued to the citizen that attempts to educate the citizen of the zoning violation and to obtain their voluntary compliance. With minor, easily rectified violations, a verbal notice of the violation and attempt to educate the citizen is made in order to obtain compliance. If the first attempt at compliance fails, a more firm written notice and order of compliance is issued which orders the violator to come into compliance. In cases which cannot be resolved at this administrative level, an ordinance violation suit may be filed in the Circuit Court by the Civil Division of the State’s Attorney’s Office. Fines and compliance are usually sought as part of this method of enforcement.

Zoning Board of Appeals: The Zoning Board of Appeals (ZBA) is a five member citizen board organized under the zoning ordinance to hear several types of zoning issues. These include:

1. Request for changes in zoning classification;
2. Permission for certain uses under zoning named as “special uses” in the zoning ordinance;
3. Request for relief from specific requirements of the zoning ordinance through variance requests;
4. Appeal of a determination made by the Zoning Administrator.

A citizen may apply for a public hearing, pay a filing fee, and present his/her case to the ZBA. In the case of variations and appeals of determinations made by the Zoning Administrator (items 3 and 4, above), the ZBA makes a final administrative decision. However, in all other instances (items 1 and 2, above) the ZBA makes a recommendation to the full County Board for their final consideration.

FLOOD HAZARD REGULATIONS

The federal government has required local units of government to adopt regulations which restrict development activities on land designated by federal special flood hazard maps as being subject to 100-year flooding. These regulations are known as the "*Ogle County Special Flood Hazard Areas Ordinance*" and are incorporated by reference in the county zoning ordinance and subdivision regulations. They are fairly restrictive and allow only limited development activity without variation of the regulations. "Development", by definition, includes any man-made change to real estate (see *Special Flood Hazard Areas Ordinance* for detailed definition). If there is any uncertainty as to whether a property is subject to the *Special Flood Hazard Area Ordinance*, the applicant must provide certified information as to the elevation of the building site or development area in relation to the 100-year flood plain boundaries. Check with the Planning & Zoning Department to ascertain any potential problem with designated flood hazard areas.

SUBDIVISION

The Planning & Zoning Department is charged with regulating the division of land in the unincorporated areas of Ogle County. The Subdivision Regulations were adopted in 1979 pursuant to Chapter 34, Section 5-1041 of the Illinois Compiled Statutes (765 ILCS 205/1). The regulations were extensively revised in 2000.

Preliminary Plat: A preliminary plat showing the layout concept of a tract of land, including streets, lots and other improvements, must be approved prior to submission of a final plat of the land to be divided. Once a preliminary plat is approved, portions of the plat may be submitted in phases for final plat approval, or the plat may be submitted in its entirety for final plat approval. The preliminary plat process includes an initial staff review and a hearing in front of the Planning & Zoning Committee of the County Board.

Final Plat: The final plat process includes staff review, a hearing in front of the Planning & Zoning Committee, and final approval by the County Board. Once a final plat of a subdivision is approved and recorded in the office of the Ogle County Recorder, the newly created lots may be conveyed by lot description.

One-Lot Subdivision: Even one-lot subdivisions must often be approved by the County. In some instances, the single lot will be exempt from meeting subdivision regulations. In others, the one lot subdivision may be approved by the Planning & Zoning Administrator in his capacity as Plat Officer. Some one-lot subdivisions must be finally approved by the County Board after review and recommendation by the Planning & Zoning Committee of the Ogle County Board.

PUBLIC INFORMATION SERVICE

The Planning & Zoning Department cannot give legal advice on how citizens should proceed under the requirements of the zoning ordinance, special flood hazard areas ordinance, and subdivision regulations. It does, however, maintain a public information service to provide information concerning the regulations. The Department maintains records on all zoning and subdivision activity on tracts of land in the County and maintains aerial photographs of all areas in the County. Zoning and subdivision ordinance are for sale at the Planning & Zoning Department.

**Ogle County Planning & Zoning Department
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