
ARTICLE I
GENERAL PROVISIONS

1.01 TITLE

These regulations (Chapter 14.0, Division 13 of the Ogle County Code) shall officially be known, cited, and referred to as “The Land Subdivision Regulations of Ogle County, Illinois” (hereinafter “these regulations”).

1.02 POLICY

- A. It is declared to be the policy of the County to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the County pursuant to the official comprehensive plan of the County for the orderly, planned, efficient, and economical development of the County.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements.
- C. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the comprehensive plan, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the *Ogle County Amendatory Zoning Ordinance* and the Comprehensive Plan.
- D. Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of regulation(s) identified in Section 1.03.

1.03 PURPOSES

These regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of the County.
- B. To guide the future growth and development of the County in accordance with the Comprehensive Plan.
- C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- D. To protect the character and the social and economic stability of all parts of the County and to encourage the orderly and beneficial development of the County through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, to protect environmentally critical areas and areas premature for urban development.
- E. To protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

- F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playground, recreation, and other public requirements and facilities.
- G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
- I. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.
- J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- K. To preserve the natural beauty and topography of the County and to ensure appropriate development with regard to these natural features.
- L. To provide for open spaces through the most efficient design and layout of the land while preserving the density of development as established in the zoning ordinance of the County.
- M. To ensure that land is subdivided only when subdivision is necessary to provide for uses of land for which market demand exists and which are in the public interest.
- N. To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.

1.04 ENACTMENT

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of January 1, 2001. All applications for subdivision approval pending on the effective date of these regulations shall be reviewed under these regulations except that these regulations will not apply if preliminary plat approval was obtained prior to the effective date of these regulations.

1.05 JURISDICTION

- A. These regulations apply to all subdivision of land, as defined in Section 2.03 (Words and Terms Defined), located within the borders of Ogle County and outside the corporate limits of any municipality. However, if a subdivision of land is located outside, but within 1½ miles of, any

municipality having adopted an official comprehensive plan and ordinance regulating the subdivision of land, corporate approval shall be required in addition to County approval, and the more restrictive of municipal or County regulations shall apply.

- B. Until a Preliminary Plat and plan for a subdivision are approved:
1. No land described in this Section 1.05 shall be subdivided, nor any street laid out, nor any improvements made to the natural land.
 2. No lot, tract or parcel of land within any subdivision shall be offered for sale, nor shall any contract for sale or option be made or given.
 3. No improvements, such as sidewalks, water supply, storm water drainage, sanitary sewerage facilities, gas service, electric service, lighting, grading, paving, or surfacing of streets, shall hereafter be made by any owner or owners of his or their agent or by any public service corporation at the request of such owner or owners or his or their agent.

1.06 INTERPRETATION, CONFLICT AND SEPARABILITY

- A. **Interpretation.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
1. **Public Provisions.** These regulation are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
 2. **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.
- B. **Separability.** If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The County Board hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged invalid.

1.07 SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of these regulations, or as

vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the county except as shall be expressly provided for in these regulations.

1.08 RESERVATIONS AND REPEALS

Upon the adoption of these regulations according to law, the Subdivision Regulations of Ogle County, Illinois, adopted January 21, 1992, as amended, are hereby repealed, except as to those sections expressly retained in these regulations.

1.09 AMENDMENTS

For the purpose of protecting the public health, safety, and general welfare, the Committee may from time to time propose amendments to these regulations which shall then be approved or disapproved by the County Board at a public meeting following public notice.

1.10 PUBLIC PURPOSE

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to the county. The developer has the duty of compliance with reasonable conditions laid down by the county for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the county and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

1.11 VARIANCES, EXCEPTIONS AND WAIVER OF CONDITIONS

- A. **General.** Where the Committee finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions, and waiver of conditions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Committee shall not approve variances, exceptions, and waiver of conditions unless it shall make findings bases upon the evidence presented to it in each specific case that:
1. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
 2. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
 4. The relief sought will not in any manner vary the provisions of the *Amendatory Zoning Ordinance, Comprehensive Plan* or *Special Flood Hazard Areas Ordinance* except that those documents may be amended in the manner prescribed by law.
- B. **Conditions.** In approving variances, exceptions, or waivers of conditions, the Committee may require such conditions as will, in its judgement, secure substantially the purposes described in Section 1.03.

- C. **Procedures.** A petition for a variance, exception, or waiver of conditions shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Committee. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1.12 ENFORCEMENT, VIOLATIONS AND PENALTIES

A. **General.**

1. It shall be the duty of the Plat Officer and County Engineer to enforce these regulations and to bring to the attention of the State's Attorney or his designated agent any violations of these regulations.
2. No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the County Board in accordance with the provisions of the regulations and filed with the Clerk and Recorder of Ogle County.
3. The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.
4. No zoning certificate shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the county have any obligation to issue occupancy certificates or to provide public services to any parcel created in violation of these regulations.

- B. **Violations and Penalties.** Any person who violates, disobeys, neglects or refuses to comply with or who resists the enforcement of any of the provisions of these regulations shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). Each week such violation or failure to comply is permitted to exist shall constitute a separate offense. The owner or lessee of any building or structure, lot or land, or part thereof where anything in violation of this Ordinance shall be placed or exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall each be liable to the fine hereinbefore specified.

- C. **Civil Enforcement.** Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

1.13 ADMINISTRATIVE OFFICERS

In Ogle County, two (2) officers are concerned with the administration of these regulations. They are:

- A. **Plat Officer.** The Planning & Zoning Administrator is hereby designated as the Plat Officer. The Plat Officer shall have overall responsibility for the administration of these regulations. The Plat Officer shall retain copies of plats, documents, correspondence, plans, specifications and other data as permanent public records.

- B. **County Engineer.** The County Engineer shall review all subdivision plans concerning street and drainage design standards and engineering specifications as stipulated herein and forward recommendations to the Plat Officer. When the County Engineer desires additional technical data or professional assistance in completing his review, he may, with concurrence of the Plat Officer, take whatever measures are reasonably necessary to obtain information or services, the costs of such data and assistance will be borne by the developer.

1.14 SUITABILITY OF LAND FOR DEVELOPMENT

Land unsuitable for subdivision development due to drainage, potential for flooding, topography, or other conditions constituting a danger to health, life or property shall not be approved for subdivision development unless the subdivider presents evidence or data satisfactory to the Committee, establishing that the methods proposed to meet any such conditions are adequate to avoid any danger to health, life or property.

1.15 DEDICATION OF LAND

All offerings or dedications of land to the County for uses as streets, highways, schools, parks, playgrounds, or other public uses shall be referred and accepted by the Planning, Assessment and Zoning Committee, Ogle County Board or by any other appropriate governing authority of Ogle County.

1.16 PROPOSALS FOR PLANNED DEVELOPMENT DISTRICTS

The review of a property development proposed for County Board approval of a Planned Development Zoning District may be exempt, in part, from these regulations provided such development:

- A. Meets the conditions for approval of, and involves only permissible land uses set forth in the *Ogle County Amendatory Zoning Ordinance*; and,
- B. Promotes the public health, safety, morals, comfort and general welfare and conserves the values of property.