

**DIVISION 3**

**GENERAL PROVISIONS**

3.01 Establishment of Districts: For the purpose of this Ordinance, that part of Ogle County outside of incorporated cities, towns and villages is divided into the following districts:

- AG-1            Agricultural District
- IA              Intermediate Agricultural District
- R-1             Rural Residential District
- R-2             Single-Family Residential District
- R-3             Mobile Home Subdivision District (formerly R-4)
- R-4             Mobile Home Park District (formerly R-5)
- B-1             Business District (formerly B-1 Local Business District, B-2 Rural Business District and B-3 Highway Service Business District)
- B-2             Business Recreation District (formerly B-4 Business Recreation District)
- B-3             Restricted Interstate Highway Area Business District (formerly B-5)
- I-1             Industrial District (formerly I-1 Light Industrial District and I-2 General Industrial District)
- PD              Planned Development District

3.02 Zoning District Map: The boundaries of the districts above are hereby established as shown on the “Official Township Zoning District Maps”, as adopted by the Ogle County Board, together with all subsequent amendments thereto. Official copies of said maps shall be maintained in the office of the Ogle County Zoning Administrator and shall be public records. All subsequent amendments to the zoning maps shall be designated on said official copies. The said zoning maps, together with the notations, references and other matters thereon pertaining to zoning district classifications and regulations shall be as much a part of this Ordinance as if such notations, references and other matters were specifically set forth herein.

3.03 Interpretation of District Boundaries: The Zoning Administrator shall interpret the provisions of this Ordinance as they pertain to the location of district boundaries where uncertainty exists as to the location of the district boundaries in relation to the “Official Township Zoning District Map(s)”, subject to the right of appeal to the Zoning Board of Appeals. The following rules of interpretation shall apply:

- A.            District boundary lines are either the center lines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, quarter-sections, divisions of sections, tracts or lots, or such lines extended unless otherwise indicated;
- B.            In areas not subdivided into lots and blocks, whenever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter-section, or division lines, or center lines of streets, highways, or railroad rights-of-way unless otherwise indicated;

- C. Where a lot held in one ownership on the effective date of this Ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restrictive district; provided, that this provision shall not apply if it increases the less restrictive portion of the lot by more than twenty-five (25) percent.

3.04 Zoning of Streets, Alleys, Public-Ways, Waterways and Railroad Rights-of-Ways: All streets, alleys, public-ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public-ways, waterways and railroad rights-of-ways. Where the center line of a street, alley, public-way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

Land dedicated to street right-of-way shall not be included in computing minimum lot area for the purposes of this Ordinance. However, if through dedication of street right-of-way, the area of any lot already established via the provisions of the *Ogle County Land Subdivision Regulations Ordinance* is decreased below the minimum area required in the applicable zoning district, development rights shall not be denied.

3.05 Scope of Regulations: The provisions of this Ordinance shall apply only to buildings, structures and land in the unincorporated area of Ogle County.

All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of, or additions to, existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located.

3.06 Disconnected Territory: All land which may hereafter be disconnected from any city or village and become part of the unincorporated area of Ogle County shall be classified in the AG-1 Agricultural District pending a public hearing by the Zoning Board of Appeals and action by the County Board as provided in case of amendment in Section 9.07 of this Ordinance. Such public hearing shall be held within ninety (90) days after the effective date of any such disconnection, and final action thereon shall be taken by the County Board within thirty (30) days after the last adjournment of the said public hearing.

3.07 Compliance with the Regulations: The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building shall be erected, converted, placed, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for the purpose and in the manner permitted in the district in which the building or land is located.
- B. No land required for yards, open spaces, or off-street parking or loading spaces about an existing building or any building hereafter erected or structurally altered shall be considered as required yard, open space, off-street parking or loading spaces for more than one building.
- C. Every building hereafter erected or structurally altered shall be located on a zoning lot and in no case shall there be more than one building devoted to the principal use on such zoning lot except as otherwise provided in this Ordinance.
- D. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and welfare. Where provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

- 3.08 Private Agreements: This Ordinance is not intended to abrogate any easement, covenant or any other private agreement; provided, that where the provisions of this Ordinance are more restrictive than easements, covenants or other private agreements, the provisions of this Ordinance shall govern.
- 3.09 Saving Clause: All rights or remedies of the County are expressly saved as to any and all violations of any previous zoning ordinance or amendments there, at the time of the effective date of the Ordinance and the prosecutions of such violations shall not be abated by the enactment of this Ordinance.
- 3.10 Not a Licensing Ordinance: Nothing in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.
- 3.11 Cumulative Effect: The provisions of this Ordinance are cumulative and are additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Ordinance.
- 3.12 Land Subdivision Regulations Ordinance: All provisions contained in this Ordinance referring to the *Ogle County Land Subdivision Regulations Ordinance* refer to said Ordinance adopted by the Ogle County Board, and as amended, and the provisions therein are incorporated by reference where specifically mentioned in this Ordinance.
- 3.13 Validity and Severability Clause: If any court of competent jurisdiction shall declare any part of this Ordinance invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

- 3.14 Authority to Retain Consultants: The Ogle County Regional Planning Commission, Zoning Board of Appeals, and the County Board may utilize the services of professional consultants for research, investigation, and professional opinion, for assistance in arriving at recommendations or decisions. The applicant whose request to either the Regional Planning Commission, Zoning Board of Appeals or County Board requires the use of such professional services, shall reimburse the County the reasonable cost it incurred for the services rendered by its consultants within thirty (30) days after the submission of the bill by the County. The consultant(s) shall bill for their services at the same hourly rate which they normally charge municipal clients. The County consultants shall include, but not be limited to, the persons who provide the County with advice in the fields of engineering, law, planning, traffic, design and finance.
- 3.15 Endangered Species Consultation Process: Pursuant to the “Endangered Species Protection Act”, the Zoning Administrator shall initiate a consultation process with the Illinois Department of Natural Resources for:
- A. Any requests for zoning amendment for land currently zoned as agricultural or other “open space” designation to one that would allow development ;
  - B. Any requests for approval of a Planned Development, special use permit, and preliminary and final subdivision plans;

The following are exempt from the Endangered Species Consultation Process:

- A. Any requested amendments for land currently zoned, developed and used in its entirety for commercial, industrial or residential purposes;

- B. The issuance of zoning certificates and other non-discretionary decisions by administrative officials.

3.16 Exemptions: The following uses, buildings and structures shall be exempt from the provisions of this Ordinance:

- A. Buildings and structures or land used for agricultural purposes, as defined herein, except that agricultural buildings and structures shall conform to any and all building and setback lines.

In the event that any building, structure or land ceases to be used solely for agricultural purposes, then such building, structure or land shall be subject to the applicable regulations of this Ordinance.

- B. Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distributing equipment of a public utility as defined in “The Public Utilities Act”, if the public utility is subject to “The Messages Tax Act”, “The Gas Revenue Act” or “The Public Utilities Revenue Act”, or if such facilities or equipment are located on any rights-of-way and are used for railroad purposes.
- C. The temporary use of land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction activities when located not less than one thousand (1,000) feet from any building used for residential purposes; provided, that the period of such temporary use shall not exceed the duration of the construction contract.