

Ordinance No. \_\_\_\_\_

**AN ORDINANCE ADOPTING A  
SUBDIVISION AND  
DEVELOPMENT CONTROL  
ORDINANCE INCLUDING  
INCORPORATED DEVELOPMENT  
MANUAL AND BICYCLE  
FACILITIES PLAN AND AMENDING  
THE OFFICIAL MAP AND  
COMPREHENSIVE PLAN OF THE  
CITY OF O’FALLON, ST. CLAIR  
COUNTY, ILLINOIS TO INCLUDE  
THIS ORDINANCE AS A PART  
THEREOF**

**WHEREAS**, in 1970, the City adopted Ordinance 625 establishing certain subdivision regulations, which has been amended from time to time thereafter,

**WHEREAS**, in 2001, by Ordinance No. 3081, the City Council adopted the Official Comprehensive Plan and Map Ordinance (and as amended “Comprehensive Plan”);

**WHEREAS**, the City of O’Fallon has held numerous hearings before the City Plan Commission and City Council regarding amendment of Ordinance 625, adoption of revised subdivision and development regulations and amendment of the Official Map and Comprehensive Plan of the City to incorporate and implement such amended regulations,

**WHEREAS**, the City Council held a hearing on February 7, 2005 to hear comment on the final draft of the attached Subdivision and Development Control Ordinance and including the Development Manual and Bicycle Facilities Plan that have been developed in light of public comment, industry comment, and Plan Commission recommendation; and

**WHEREAS**, the City Council now seeks to adopt this Subdivision and Development Control Ordinance, including the Development Manual and Bicycle Facilities Plan and amend the Comprehensive Plan and Official Map of the City to include and incorporate this Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O’FALLON, ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:**

**Section 1. Short Title and Purpose.** This Ordinance shall be known and may be cited as the “Subdivision and Development Control Ordinance,” and, with all parts incorporated therein, including the Development Manual and Bicycle Facilities Plan, is hereby adopted as law and shall further constitute an amendment to the Official Comprehensive Plan and Map Ordinance.

**Section 2. Comprehensive Plan Amendment Adopted by Reference.** As required by Section 3 of Ordinance 3081, this Subdivision and Development Control Ordinance and maps adopted by reference hereby as an amendment to Ordinance 3081 shall be attached thereto, incorporated therein by reference, and identified by the following statement marked or stamped thereon:

“Adopted by reference as a part of the Official Comprehensive Plan and Map Ordinance passed on \_\_\_\_\_, by the Mayor and City Council of the City of O’Fallon, Illinois, approved by \_\_\_\_\_, Mayor, attest \_\_\_\_\_, City Clerk.”

**Section 3. Applicability.** This Subdivision and Development Control Ordinance, with all parts incorporated therein, including the Development Manual and Bicycle Facilities Plan, and all maps and standards adopted and incorporated therein shall be applicable to land situated within the corporate limits and all land within the one and one-half mile extraterritorial planning jurisdiction beyond the corporate limits and not included in any municipality.

**Section 4. Adoption of Subdivision and Development Control Ordinance, Development Manual, and Bike Facilities Plan as part of Comprehensive Plan and Official Map.**

- a. The document attached hereto entitled the “Subdivision and Development Control Ordinance” and “Development Manual” including any and all maps therein are hereby approved as the Subdivision and Development Control Ordinance and Development Manual of the City and are adopted and designated as part of the Official Comprehensive Plan and Official Map of the City of O’Fallon, Illinois and all prior contrary provisions of any prior Comprehensive Plan or Official Map are repealed.
- b. The document attached hereto entitled the “Bicycle Facilities Plan” including all maps therein are hereby approved as the Bicycle Facilities Plan for the applicable portion of the City and is adopted and designated as part of the Official Comprehensive Plan of the City of O’Fallon, Illinois and all prior contrary provisions of any prior Comprehensive Plan or Official Map are repealed.
- c. The Official Comprehensive Plan of the corporate area of the City of O’Fallon and contiguous unincorporated area, adopted by and attached to Ordinance 3081 is hereby incorporated by reference and re-adopted and designated as the Official Map of the City of O’Fallon with the addition of the Transportation Plan adopted hereby.
- d. Ordinance 3081 as amended, and as codified as City Code §§153.01-.11 is accordingly hereby amended as set forth herein.

**Section 5. Adoption of Subdivision and Development Control Ordinance.** Ordinance 625 of the City of O’Fallon entitled “The Land Subdivision Control Ordinance of the City of O’Fallon” and as thereafter amended and codified in City Code §154.01 is hereby amended by its repeal and replacement with this “Subdivision and Development Control Ordinance” and the Development Manual incorporated therein and Bicycle Facilities Plan, all which are attached hereto and part of this Ordinance. All ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 6. Use in Other Ordinances.** The maps and standards adopted under this Ordinance are hereby adopted by reference to their titles in other ordinances which regulate the development of the City without further filing or publication except where the statutes require otherwise. This ordinance shall implement authority relating thereto as provided by statute or other applicable law to the fullest extent of such laws.

**Section 7. Administration and Enforcement.** Provisions of this Ordinance and Ordinance 3081, including such maps and standards adopted by reference, which are incorporated by reference in other regulatory ordinances, shall be administered and enforced by the officers designated in such regulatory ordinances. Those provisions of this Ordinance not incorporated in other ordinances shall be enforced by the Planning Director.

**Section 8. Filing and Recording.** A certified copy of this Ordinance shall be filed with the Recorder of Deeds’ Office of St. Clair County, Illinois and placed on file with the City Clerk and shall be available at all times during business hours for public inspection.

**Section 9. Severability.** Any provision of this Ordinance held invalid shall not affect the validity of the remaining provisions.

**Section 10. Penalty.** Except as otherwise provided by law, any person convicted of a violation of any provision of this Ordinance shall be punished by a fine of not less than \$75 and not more than \$750. With respect to violations of this Ordinance that are continuous, each day the violation continues is a separated offense. The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise; violations of this Ordinance and the imposition of a penalty does not preclude equitable relief or any other remedy as the City may be authorized herein or by other law to pursue.

**Section 11. Effective Date.** This Subdivision and Development Control Ordinance and amendment to the Official Comprehensive Plan and Map Ordinance, and such maps and standards this Ordinance may adopt by reference, and any amendment thereof, shall be in full force and effect from and after its passage, approval and publication as required by law.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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ATTEST:  
(seal)

Approved by the Mayor this \_\_\_\_ day  
of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Philip A. Goodwin, City Clerk

\_\_\_\_\_  
Gary L. Graham, Mayor

ROLL CALL:	Albrecht	Bennett	Boone	Drolet	Grogan	Horton	Medford	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Bequette	Mouser	Reckamp	Henry	Renner	True	West	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									