

## **CHAPTER 1: TITLE, PURPOSE AND APPLICABILITY**

### **6-1-1 TITLE**

This Ordinance shall be known, cited and referred to as the “Village of River Grove Zoning Ordinance.”

### **6-1-2 PURPOSE AND INTENT**

This Ordinance is adopted for the following purposes:

- A.** To promote public health, safety, convenience, comfort, and general welfare.
- B.** To secure adequate light, air, open space, and safety from fire and other dangers.
- C.** To conserve the taxable value of land and buildings throughout the municipality.
- D.** To lessen or avoid congestion in public streets.
- E.** To insure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance.
- F.** To regulate and limit the height and bulk of buildings hereafter to be erected.
- G.** To establish, regulate and limit the building or setback lines on, or along, any street, traffic-way, drive, parkway, or storm or floodwater runoff channel or basin.
- H.** To regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding such buildings.
- I.** To classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified industrial, business, residential, and other uses.
- J.** To divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification) as may be deemed best suited to carry out the purposes of this Ordinance.
- K.** To fix standards to which buildings or structures therein shall conform.
- L.** To prohibit uses, buildings, or structures incompatible with the character of such districts.
- M.** To define the powers and duties of administrative officers and bodies, as provided hereinafter.
- N.** To prescribe penalties for the violation of the provisions of this Ordinance, or any amendments thereto.

**6-1-3 APPLICABILITY**

**A. Territorial Application**

This Ordinance shall apply to all land, uses, buildings, and structures within the Village of River Grove, including those owned by other municipal corporations and government bodies. River Grove's planning jurisdiction includes property within its corporate limits and unincorporated areas located within one and one-half (1½) miles of Village limits.

**B. General Application**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, convenience, comfort, and general welfare, and shall be construed to achieve the purposes for which this Ordinance was adopted.

**C. General Prohibition**

Except as otherwise provided by this Ordinance, no building, structure, or land shall be used or occupied, and no building or structure, or part thereof, shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless it conforms with the provisions of this Ordinance governing the zoning district in which it is located.

**D. Private Agreements**

This Ordinance is not intended to nullify any private agreement, provided where there is a conflict between such private agreement and this Ordinance, and, where this Ordinance is more restrictive, this Ordinance shall control.

**E. Other Laws and Regulations**

Unless otherwise specifically provided, the Ordinance shall control over less restrictive statutes, ordinances or regulations, and more restrictive statutes, ordinances or regulations will control over the provisions of this Ordinance.

**6-1-4 TRANSITION RULES**

In determining the applicability of this Ordinance, with respect to the previously applicable zoning regulations, the following rules shall apply.

**A. Existing Unlawful Uses and Structures**

A structure or use not lawfully existing at the time of the adoption of this Ordinance is hereby deemed lawful as of the effective date of this Ordinance, provided it conforms with all of requirements of this Ordinance. However, if such structure or use does not conform with all of the requirements of this Ordinance, such structure or use remains unlawful hereunder.

**B. Existing Permitted Uses**

When a lot is used for a purpose that was classified as a permitted use prior to the effective date of this Ordinance, and such use is classified as a special use by this Ordinance, such use is hereby deemed a lawful special use for the purpose of this Ordinance. Any addition, enlargement or expansion of such use shall conform to the requirements for special uses within this Ordinance.

**C. Principal Uses Rendered Nonconforming**

When a lot is used for a purpose that was a lawful use before the effective date of this Ordinance, and this Ordinance, or any amendment thereto, no longer classifies such use as either a permitted or special use in the zoning district in which it is located, such use is hereby deemed a legal nonconforming use and shall be controlled by the provisions of Chapter 15: Nonconformities.

**D. Principal Buildings, Structures, and Lots Rendered Nonconforming**

Where any lawful building, structure, or lot existing on the effective date of this Ordinance does not meet all standards set forth in this Ordinance, or any amendment thereto, such building, structure, or lot is hereby deemed nonconforming and shall be controlled by the provisions of Chapter 15: Nonconformities.

**E. Accessory Uses, Structures, and Buildings Rendered Nonconforming**

When any lawful accessory building, structure, or use existing on the effective date of this Ordinance does not meet all standards set forth in this Ordinance, or any amendment therefore, such building, structure, or use, including signs, is hereby deemed nonconforming and shall be controlled by the provisions of Chapter 15: Nonconformities.

**F. Previously Issued Building Permits**

When a building permit for a building or structure has been lawfully issued prior to the effective date of this Ordinance, and when construction has begun within six (6) months of the issuance of such permit and is being diligently pursued to completion, the building or structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under an occupancy permit for the use originally intended.

**G. Previously Granted Special Uses and Variations**

All special uses and variations granted prior to the effective date of this Ordinance shall remain in full force and effect. The recipient of the special use or variation may proceed to develop the property in accordance with the approved plans and any conditions attached thereto. However, if the recipient has failed to act on the special use or variation before approval expires, the provisions of this Ordinance shall govern.

**H. Pending Applications**

Where an application is pending on the effective date of the Ordinance, the provisions of this Ordinance shall govern such application.

**6-1-5 SEVERABILITY**

If any court of competent jurisdiction adjudges any provisions of this Ordinance to be invalid, such judgment shall not affect the validity and continued enforcement of any other provisions of this Ordinance. If any court of competent jurisdiction adjudges the application of any provision of this Ordinance to any property, structure, building or use to be invalid, such judgment shall not affect the application of that provision to any other property, building, structure, or use not specifically included in that judgment.

**6-1-6 EFFECTIVE DATE**

The effective date of this Ordinance is the date of adoption, this date December 21, 2006.

**6-1-7 REPEAL OF PREVIOUS ORDINANCE**

After the effective date of this Ordinance, all prior provisions of the Zoning Ordinance of the Village of River Grove, as amended from time to time, are expressly repealed in their entirety.