

CHAPTER 9-3

GENERAL PROVISIONS

SECTION:

- 9-3-1: Jurisdiction
- 9-3-2: Use Restrictions
- 9-3-3: Site Restrictions
- 9-3-4: General Development Procedure
- 9-3-5: Group Living Facilities
- 9-3-6: Establishment of Zoning Districts and Zoning District Map

9-3-1: **JURISDICTION:** The jurisdiction of this Ordinance shall include all land and waters within the corporate limits of the Village. This Ordinance shall become effective upon adoption by the Village Board. All buildings erected thereafter, all uses of land or buildings established thereafter, all structural alterations or relocation of existing buildings occurring thereafter, and all enlargements 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 lands are located.

9-3-2: **USE RESTRICTIONS:**

- A. **Principal Uses:** Only those principal uses specified for a district or on a Planned Unit Development plat, their essential services, and the following uses shall be allowed in that district.
- B. Accessory uses and structures are allowed in any district, but not until their principal structure is present or under construction.
- C. Special uses and their accessory uses are allowed in districts as specified, but only according to the special use procedure in Section 9-10 hereof. Also, any development within five hundred feet (500') of existing or proposed rights-of-way of freeways, expressways, interstate and controlled access trafficways, or within fifteen hundred feet (1,500') of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be special use. Such development shall be specifically reviewed by the community's Planning Commission, as provided in Section 9-12.
- D. **Unclassified or Unspecified Uses.** In cases of uncertainty, where the Zoning Enforcement Officer is unable to determine whether a use is allowed as a principal or accessory use, the Planning Commission shall be consulted for an interpretation.
- E. Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure are allowed while sales or construction are in progress.

- F. Performance standards listed in Chapter 9-15 hereof shall apply to all uses in all zoning districts.
- G. Temporary Dwellings: No structure shall be used for dwelling purposes that does not comply with the requirements of this Ordinance or any applicable Building Standards. No garage or other accessory building, wheeled vehicles designed for sleeping or camping, basement, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary use permit by the Zoning Enforcement Officer and satisfying all of the conditions thereof. In addition, temporary usage of lots of record, either with or without dwellings, may be allowed for wheeled vehicles designed for sleeping or camping by obtaining a temporary use permit from the Zoning Enforcement Officer.
- H. Mobile Home: No mobile home shall be allowed except when located in a mobile home park or as otherwise herein provided.

9-3-3: **SITE RESTRICTIONS:**

- A. Soil Conditions: No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Planning Commission because of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the Village. The Planning Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability, if he so desires. Thereafter, the Planning Commission may affirm, modify, or withdraw its determination of unsuitability.
- B. All lots shall abut upon a public thoroughfare with at least thirty feet (30') of frontage.
- C. Any lot of record created prior to the effective date of this Ordinance without any frontage on a public street or way shall not be occupied unless access to a street is provided by an easement or other right-of-way no less than twenty feet (20') in width. Access to commercial, industrial, or recreational uses shall not be permitted through residential areas.
- D. The finished surface of ground areas outside the walls of any building or structure hereafter erected, altered, or moved shall be so designed that surface water shall flow away from the building walls in such a direction and with such a method of collection that inconvenience or damage to adjacent properties will not result. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.
- E. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition any part of a building or premises declared unsafe or unhealthy.

- F. Only one principal structure shall be located, erected, or moved onto any lot or parcel of land.
- G. No building permit shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- H. Private Sewer and Water: Private potable water distribution systems or private sewage systems are not permitted within any zoning district of the Village of Forreston.
- I. Reduction of Joint Use: No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as to not meet the provisions of this Ordinance. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.
- J. Substandard Lots: Any residential lot in a single ownership, which ownership was of record at the time of the adoption of this Ordinance, that does not meet the requirements of this Ordinance for yards or other areas of open space may be utilized for single residence purposes, provided the available yard area, width, depth, and open space are within seventy five percent (75%) of those required by the terms of this Ordinance. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

9-3-4: **GENERAL DEVELOPMENT PROCEDURE:** The Planning Commission and the Village shall continuously develop their Comprehensive Plan, including their planning policies, to guide future decisions. All adopted comprehensive plan elements, in whatever degree of detail they may embody, shall provide the basis for approval of all development under this Ordinance, and no development shall be approved under this Ordinance which is in conflict with any comprehensive plan elements that have been formally adopted.

9-3-5: **GROUP LIVING FACILITIES:** The public policy of the Village is hereby expressed to specifically provide for and permit the establishment of group living facilities within the Village, subject to the terms and provisions of the Village Code, as the same exists and as the same may be from time to time amended.

9-3-6: **ESTABLISHMENT OF ZONING DISTRICTS AND ZONING DISTRICT MAP:** For the purpose of this Ordinance, all land within the Village is hereby designated on the Zoning District Map as being in one of the following districts:

- R-1 District – Single Family Residential
- R-2 District – Single Family Residential
- R-3 District – Multi Family Residential
- B-1 District – Business
- M-1 District – Manufacturing

- A. Zoning District Map: The locations and boundaries of the districts established herein are shown upon the Zoning District Map, which is hereby incorporated into these standards. The Zoning District Map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be a part hereof and shall have the same force and effect as if it were fully set forth herein.
- B. Boundaries of Districts: Unless otherwise indicated on the Zoning District Map, the boundary lines of the districts follow lot lines, center lines of streets, alleys, or railroad rights of way or such center lines extended, center lines of creeks, or the corporate limit line as existing at the time of adoption of this Ordinance.
- C. Prior to the annexation of any territory to the Village, a proposed plan for zoning the area to be annexed shall be forwarded to the Village Board by the Planning Commission. Upon tentative approval of such plan, the Village Board shall direct the Village Planning Commission to hold a public hearing to solicit comments. Following the public hearing, the Village Board shall issue a final approval of the proposed plan, unless it is found necessary to return it to the Planning Commission for modifications. Final approval may include any modifications or conditions the Board may see fit to impose pursuant to the intent of this Ordinance.
- D. If the use of any area on the Zoning District Map (such as schools, parks, playgrounds, and other public uses) is abandoned or terminated, such area shall by action of the Village Board be classified as R-1 district, subject to the regulations and restrictions applicable thereto, unless and until its classification is changed by amendment to the zoning ordinance.