

ARTICLE 3

GENERAL REGULATIONS

3-100. SCOPE OF REGULATIONS:

3-100.1. No building or structure or part thereof shall hereafter be erected, constructed, reconstructed, enlarged, moved or structurally altered, and no building, structure or land shall be hereafter used, occupied or arranged or designed for use or occupancy, nor shall any excavating or grading be commenced in connection with any of the above matters, except as permitted by the regulations of this Ordinance for the zoning district in which such building, structure or land is located.

3-100.2. No building or structure or part thereof shall hereafter be erected, constructed, reconstructed, enlarged, moved or structurally altered:

3-100.2.1. To have a greater height, or

3-100.2.2. To accommodate or house a greater number of families, or

3-100.2.3. To have a narrower or smaller rear yard, side yard, front yard or other open space, than that which is specified by the regulations of this Ordinance and are applicable in the district in which such building or structure is located.

3-100.3. No part of the lot area or of a yard, other open space or off-street parking or loading space provided in connection with any building, structure or use, in order to comply with this Ordinance, shall, by reason of change of ownership or otherwise, be included as part of the lot area or of a yard, other open space or off-street parking or loading space required for any other building, structure or use.

3-100.4. All of the lot area and all yards and other open spaces provided in connection with any building, structure or use in order to comply with this Ordinance shall be located on the same lot as such building, structure or use.

3-100.5. No part of the lot area or of a yard or other open space or off-street parking or loading space provided in connection with any building, structure or use (including, but not limited to, any building, structure or use existing on the effective date of this Ordinance, or any amendment thereof) shall subsequently be reduced below, or further reduced if already less than, the minimum requirements of this Ordinance for equivalent new construction.

3-100.6. No lot on which any building, structure or use is located shall hereafter be divided, and no portion thereof shall be sold, unless all lots resulting from such division or sale shall conform with all the bulk regulations and minimum lot area regulations of the district in which the property is located.

3-100.7. When two (2) or more parcels of land, either of which lacks adequate area and dimension to qualify for a permitted use in the zoning district in which it is located, are contiguous and are held in one ownership, they shall be used as one zoning lot and be so recorded.

3-100.8. Any single lot or parcel of land, held by an owner other than the owner of an adjacent lot, which was of record at the time of adoption of this Ordinance, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided the side and rear yards meet at least seventy-five (75) per cent of the minimum required dimensions provided in this Ordinance. (See also Article 21, relating to permitted accessory uses.) (*Ord. #745, 2/6/84*) (*Ord. #869, 7/18/88*)

3-101. BUILDING HEIGHT, BULK AND LOT COVERAGE EXCEPTIONS:

3-101.1. In residential districts, chimneys, elevator bulkheads, ornamental towers and spires, communication towers, including television and radio antennae, or necessary mechanical appurtenances may be erected to a maximum height of eight (8) feet above the highest point of the principal building (ridge line).

3-101.2. In business and public use districts and for special uses in residential districts, chimneys, elevator bulkheads, ornamental towers and spires, communications towers including television and radio antennae or necessary mechanical appurtenances may be erected to a maximum height of one story above the maximum permitted heights of principal buildings permitted in or for such districts.

3-101.3. On through lots the height of the buildings may be established by averaging the curb levels at the center of the frontage on each street.

3-101.4. The lot area being occupied by a swimming pool shall be excepted when determining the amount of lot coverage for the purpose of maintaining the maximum allowable percentage of lot coverage.

3-101.5. Satellite receivers shall not be permitted on the roof of any building or structure except as provided for herein and shall be limited to a maximum height of 10 feet. Pads and structures shall be built in compliance with the Flossmoor Building Code. (*Ord. #717, 7/26/82*) (*Ord. #792, 12/3/85*)

3-102. AREA:

3-102.1. In the case of buildings upon lots running through from street to street, the setback requirements shall be met on each street side.

3-102.2. Every part of a required yard or court shall be open from its lowest point to the sky, unobstructed except for accessory uses and except for the projections of roofs, sills, belt courses, cornices and ornamental features not to exceed thirty inches, as measured horizontally from the vertical face of the structure.

3-102.3. No yard, court or other open space provided around any building for the purpose of complying with the provisions of this Ordinance shall again be used as a yard, court or other open space for another building.

3-102.4. In residential districts, wherever the rear line or side line of a lot forms part of the front half of the side line of an adjacent lot, no accessory or auxiliary building shall, on said first-mentioned lot, be placed nearer to the said rear or side line of said lot than a dimension equal to the side yard requirements of the adjoining lot, unless such accessory or auxiliary building is placed sixty-five (65) feet or more from the street line which is intersected by the rear or side lot line in question.

3-102.5. In all districts, except the R-6 Single Family Residential District, buildings on corner lots shall meet the front yard building line setbacks on both streets. In the R-6 district, reversed corner lots shall meet the front yard building setback line on that side of the lot that this ordinance defines as the front; and shall provide a setback on the side that abuts the front yard of an abutting lot, equivalent to one half of the front yard setback requirement of the abutting lot. In the R-6 district, lots that are not reversed corner lots shall meet the front yard building setback requirement on that side of the lot that this ordinance defines as the front, and shall be required to meet the side yard requirements on both side yards. (*Ord. #733, 8/1/83*)

3-102.6. On corner lots where a front and/or side yard is required or provided, no building, fence, hedge or other obstruction shall be placed so as to interfere with clear vision between a height of two and a half (2-1/2) feet and ten (10) feet above the center line grades of the intersecting streets bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

3-102.7. Every principal building hereafter erected shall be on a zoning lot or parcel of land which abuts an improved public street which the Village has accepted for maintenance purposes or an improved permanent easement of access having a minimum improved width of twenty (20) feet.

3-102.8. (*Ord. #1194, 8/19/96*) **DELETED BY ORD. #1283, 12/21/98**

3-103. RETROACTIVE EFFECT:

3-103.1. Existing Building Permits.

Nothing in this Ordinance shall require any change in the plans, construction or designated use of any building or structure in the event that:

3-103.1.1. A building permit for such building or structure was lawfully issued or application for a building permit was submitted before the effective date of this Ordinance, and

3-103.1.2. Such permit had not, by its own terms, expired before such effective date, and

3-103.1.3. Such permit was issued on the basis of an application showing complete plans for proposed construction, and

3-103.1.4. There has been a substantial change of position, expenditures or incurrence of obligations by the permit holder in reliance on such permit or in reasonable expectation of its issuance, and

3-103.1.5. Such change of position, expenditures or incurrence of obligations was made before published or actual notice of proposed adoption of this Ordinance, and

3-103.1.6. Construction pursuant to such permit is completed before expiration of the permit and within one (1) year after the effective date of this Ordinance, whichever first occurs.

3-103.2. Occupancy Certificates. Upon completion of any building or structure to which **Section 3-103.1** applies, an occupancy certificate shall be issued in accordance with the zoning regulations in effect when the permit was issued.

3-103.3. Future Amendments. This **Section 3-103** shall also control building permits lawfully issued prior to future amendments to this Ordinance.

3-104. INTERPRETATION:

3-104.1. Minimum Requirements. In their interpretation and application, the provisions of this Ordinance shall be held to minimum requirements for the promotion of the public health, safety, morals and general welfare.

3-104.2. Overlapping or Contradictory Regulations. Where the conditions imposed by any provision of this Ordinance upon the use of land, buildings or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance or of any other law, ordinance, resolution, rule or regulation of any duly constituted governmental authority having jurisdiction, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

3-104.3. Private Agreements. This Ordinance is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of this Ordinance shall govern.

3-104.4. Unlawful Uses. Any building, structure or use that was not lawfully existing at the time of the adoption of this Ordinance shall not become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any manner that, said unlawful building, structure or use is in conflict with this Ordinance, said building, structure or use remains unlawful hereunder.

3-104.5. No License Granted. 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.

3-105. SEPARABILITY AND VALIDITY:

It is hereby declared to be the intent of the Trustees that the several provisions of this Ordinance are separable in accordance with the following:

3-105.1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance.

3-105.2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building or structure, such judgment shall not affect the application of such provision to any other property, building or structure.