

SECTION 8

GENERAL PROVISIONS

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8.0 INTERPRETATION

- 8.01 Minimum requirements. 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, morals and welfare.
- 8.02 Conflicting laws. Where the conditions imposed by any provisions of this ordinance upon the use of land or buildings, the bulk of buildings, the floor area requirements, the lot area requirements and yard requirements 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 kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- 8.03 Existing agreements. This ordinance is not intended to abrogate any easement, covenant, or other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.
- 8.04 Existing violations. No building, structure or use, not lawfully existing at the time of the adoption of this ordinance, shall 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 the requirements of this ordinance, said building, structure or use remains unlawful hereunder.

8.1 SEPARABILITY. It is hereby declared to be the intention of the President and Board of Trustees of the Village of Bridgeview that the several provisions of this ordinance are separable, in accordance with the following:

8.11 Ordinance provisions. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

8.12 Property application. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

8.2 SCOPE OF REGULATIONS. It is hereby declared that the provisions of this ordinance shall apply to all properties as hereinafter specifically provided:

8.21 New uses. 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 hereafter be 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.

8.22 Existing uses. Except as may otherwise be provided, 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 herein which are applicable to the zoning

districts in which such buildings, uses or land shall be located.

- 8.23 Non-conforming uses. Any lawful building, structure or use existing at the time of the enactment of the Zoning Ordinance may be continued, even though such building, structure or use does not conform to the provisions herein for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions in section 9.
- 8.24 Special uses. Where a structure and use thereof of land lawfully exists on the effective date of this ordinance, and is classified by this ordinance as a special use in the district where it is located, such use shall be considered a lawful special use. A special use permit issued in accordance with procedures herein set forth shall be required only for an expansion or major alteration of such existing legal special use.
- 8.25 Lots of record. A lot of record at the time of the adoption of this ordinance in a residence district which is unable to meet the requirements of this ordinance as to area, lot width and yard requirements, may be used for a single family detached dwelling, provided it shall meet all the other requirements of this ordinance.
- 8.26 Contiguous parcels. When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which it is located, are contiguous and are held in one ownership at the time of or subsequent to the adoption of this ordinance or amendment, they shall be used as one zoning lot for such use.
- 8.27 Building permits. Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this ordinance, and provided that construction is begun within one hundred and eighty (180) days of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis

of which the building permit was issued, and further, may, upon completion, be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter to the provisions of section 9. This section shall also control building permits lawfully issued prior to future amendments to this ordinance.

8.28

Home occupations. It is the intent of this section to allow as home occupations only those uses that conform to the standards of this section. Custom and tradition are intentionally excluded as criteria. In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence, ~~except for a sign as provided for in this ordinance.~~ The standards for home occupations are intended to insure compatibility with other permitted uses and the residential character of the neighborhood and to maintain the subordinate and incidental status of the home occupation.

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1. Location. A home occupation may be conducted in any dwelling unit or in any building or structure accessory to the dwelling unit in any zoning district in which dwelling units are permitted and in which home occupations are a permitted accessory use.
2. Permitted uses. Home occupations shall include, but shall not be limited to, the following uses:
 - a. Beauty shops limited to two (2) operators of whom one shall be a resident of the dwelling unit in which this home occupation is permitted.
 - b. Babysitting services.
 - c. Instruction in music, dance, home crafts and art; provided, that the total class size does not exceed four (4) students at any time.
 - d. Offices of architects, brokers, engineers, insurance agents, lawyers, real estate agents and urban planners.
 - e. Offices of medical or dental practitioners.

- f. Offices of ministers, priests and rabbis.
 - g. Offices of salesmen, sales representatives or manufacturer's representatives; provided, that no retail transactions shall be made on the premises except through telephone, telegraph or mail communication and no wholesale transactions shall include the acceptance or delivery of merchandise on the premises.
 - h. Studios of artists, authors, composers, photographers and sculptors.
 - i. Workrooms of dressmakers, seamstresses and tailors.
 - j. Workrooms for home crafts, such as model making, rug weaving, lapidary work and cabinet making.
3. Prohibited uses. Permitted home occupations shall not be deemed to include the following uses:
- a. Animal hospitals.
 - b. Barber shops.
 - c. Clinics, medical and dental.
 - d. Eating and drinking establishments.
 - e. General retail.
 - f. Hospitals and sanitariums.
 - g. Kennels.
 - h. Rental of mobile homes, trailers and camper trailers.
 - i. Stables.
 - j. Undertaking establishments and funeral parlors.
4. Standards. The following standards shall govern the operation of a home occupation:
- a. The building or structure in which the home occupation is located shall be subject to the regulations of the zoning district in which located and to all ordinances and regulations of the village.
 - b. The home occupation shall be conducted completely within the dwelling unit or within an accessory building or structure

and in accordance with all ordinances and regulations of the village.

- c. No more than one person other than permanent residents of the dwelling unit shall be employed in the home occupation.
- d. The home occupation shall be subordinate and incidental to the principal use of the building or structure for residential purposes, and not more than twenty five per cent (25%) of the gross floor area of the dwelling unit and accessory buildings or structures on the premises on which the home is located shall be devoted to the home occupation.
- e. The outside display of goods and the outside storage of equipment, materials or motor vehicles utilized in the home occupation shall be prohibited.
- f. Off-street parking for the home occupation shall be provided in accordance with the provisions of this ordinance.
- g. The home occupation shall not generate noise, vibration, glare, fumes, odors or electrical interference beyond that which normally occurs in the zoning district in which located.

5. ~~Signs. A home occupation shall be permitted one sign with a surface area not to exceed ninety-six (96) square inches (8"x12") for the sole purpose of identifying the name of the home occupation. Such sign may not be lit in any fashion. Such sign shall be fastened to the mail box post for the premises, if there is no such post, the sign may be fastened to the front door of the premises.~~

6. Amortization. Any home occupation which existed lawfully at the time of the adoption of this section, and which remains or becomes non-conforming upon the adoption of this section, or any amendment hereto, may be continued for a period of one (1) year from

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the adoption of this section or such amendment hereto, and may be continued thereafter only in strict conformance with the regulations set forth above.

8.3 LOTS.

8.31 Number of buildings on a lot. Except in the case of a planned development, not more than one principal detached single family residential building shall be located on a residential lot, nor shall a principal detached single family residential building be located on the same zoning lot with any other principal building.

8.32 Division of lots. No lot shall hereafter be divided into two or more lots for the purpose of transfer of ownership, unless all lots resulting from each such division shall conform with all the applicable regulations required by this ordinance.

8.33 Through lots. On vacant through lots, the front lot lines shall be along the street right of way designated by the Building Commissioner, except that when a front lot line has been established on one or more lots in the same block, and all have front lot lines established along the same street right of way line, the street right of way line designated as the front lot line for such lot or lots shall be the front line on all vacant through lots in such block. Only such obstructions as herein permitted in front yards shall be located in that part of a rear yard adjoining a street that is equivalent in depth to a required front yard, except for lots backing to thoroughfares in subdivisions where No-Access strips have been provided on the recorded plats.

8.34 Corner lots. On a corner lot, the front lot line shall be the lot line having the shortest dimension along the street right of way line. The required front yard setback on corner lots shall apply to each side of the lot facing a street.

8.35 Two uses on a lot. Where two or more permitted or special uses, each requiring a minimum lot area, are provided in the same building or on the same

lot, the required lot area shall be the sum of the areas required for each use individually.

8.36 Lots without street frontage. Every structure or group of structures, and every use or group of uses, shall be located upon a lot. Where unique land planning designs are employed in a subdivision or planned development to conserve the natural character of the land or to create a functional or compatible arrangement of structures or uses, a lot which does not abut upon a public or private street may be permitted, provided that:

1. Adequate provision is made for free access to the lot for the property owner, or in the case of a non-residential lot, for those persons who would normally require access to the lot.
2. Adequate provision is made for the unobstructed access of fire-fighting services, police protection, mail carrier letter service, rubbish collection and other governmental services.
3. Adequate provision is made for the extension and maintenance of public and private utility services.
4. The arrangement will not contribute toward congestion in nearby streets as a result of delivery services, lack of guest parking or other reasons.
5. The character of proposed structures and landscaping are of a quality which will minimize maintenance.

8.4 OPEN SPACE ON LOTS. The following "general provisions" dealing with open spaces, lot coverage, yards, setbacks, vision clearance and permitted obstructions are provided for herewith.

8.41 Maintenance of open spaces. The maintenance of yards, courts, and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no

legally required yards, courts or other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space or minimum lot area requirements for any other building.

- 8.42 Location of open spaces. All yards, courts and other open spaces allocated to a building or group of buildings shall be located on the same zoning lot as such building or group of buildings.
- 8.43 Yards for existing buildings. No yards now or hereafter provided for a building existing on the effective date of the Zoning Ordinance shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this ordinance for equivalent new construction. However, a yard adjoining a street may be reduced to provide right of way for a street widening.
- 8.44 Required setbacks. Minimum setbacks on lots abutting a street or thoroughfare shall be the distance required for a front yard, or side yard adjoining a street. In the districts where such lots are located, measured from the existing right of way line of the street or thoroughfare, or from the proposed right of way line as designated on the official map of the village, and as duly established by other ordinances of the village or as established by county or state highway authorities, whichever has the greater right of way width requirement.
- 8.45 Exceptions for established setbacks.
1. Where fifty per cent (50%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (within a variation of five feet or less) a front yard greater in depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
 2. Where fifty per cent (50%) or more of the frontage on one side of a street between two

intersecting streets is developed with buildings that have not observed a front yard as herein required, then:

a. Interior lots.

- 1) Where a building is to be erected within one hundred feet (100') of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the two existing buildings.
- 2) Where a building is to be erected within one hundred feet (100') of an existing building on one side only, it may be erected as close to the street as the existing building.

b. Corner lots. The depth of the setback lines shall be as normally required in the district where the lot is located.

8.46 Vision clearance, corner lots. On corner lots, no structures or plant materials shall obstruct a clear path of motor vehicle drivers' vision of approaching vehicles within a triangular area determined by a diagonal line connecting two points measured thirty-five feet (35') equidistant from the street corner and the two intersecting street lines.

1. In any commercial district, the distance may be reduced to ten feet (10') and shall not apply to that part of a building above the first floor.

8.47 Permitted obstructions in required yards. The following shall not be considered to be obstructions when located in the required yards specified:

1. In all yards:

- a. Open terraces not over four feet (4') above the average level of the adjoining ground, but not including permanently roofed-over terrace or porch.

- b. Awnings and canopies, but not projecting more than ten feet (10') and at least seven feet (7') above the average level of the adjoining ground.
 - c. Steps, four feet (4') or less above grade, which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
 - d. Chimneys projecting eighteen inches (18") or less into the yard.
 - e. Arbors, trellises, flag poles, fountains, sculptures, plant boxes and other similar ornamental objects.
 - f. Fences and walls not exceeding thirty-nine (39") in height above natural grade level in front yards and not exceeding six feet (6') in height in side and rear yards; and open type fences exceeding five feet (5') in any side or rear yard, provided that visibility at right angles to any surface of such fence not be reduced by more than forty per cent (40%).
2. In front yards. One-story bay windows projecting three feet (3') or less into the yards; and overhanging eaves and gutters projecting three feet (3') or less into the yard.
3. In rear yards. Enclosed, attached or detached off-street parking spaces, open off-street parking spaces, accessory shed, tool rooms and similar buildings or structures for domestic or agricultural storage; balconies, breezeways and open porches; one-story bay windows projecting three feet (3') or less into the yard; overhanging eaves and gutters projecting three feet (3') or less into the yard. In any residential district, no accessory building shall be nearer than five feet (5') to the rear lot line, nor nearer than ten feet (10') to any principal building unattached.

4. In side yards. Overhanging eaves and gutters projecting into the yard for a distance not exceeding forty per cent (40%) of the required yard width, but in no case exceeding two feet (2').

8.5 BUILDING HEIGHT. The following requirements qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

8.51 Public, semi-public hospitals, institutions, schools, or public utility and service buildings, when permitted in a district, may be erected to a height not exceeding sixty feet (60'), provided said specified buildings shall be set back from the front, rear, and side lot lines on the ratio of two feet (2') for every one foot (1') of building height greater than forty feet (40'); provided, however, that said specified requirements shall apply in addition to the other requirements for building line setbacks and for rear and side yards specifically set forth in this ordinance.

8.52 Chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, wireless towers, penthouses to house mechanical appurtenances, may be erected above the height limits herein prescribed.

8.53 Planned unit developments may exceed the height limits established for the district in which the structure is located.

8.6 ACCESSORY BUILDINGS. Accessory buildings and uses are allowed in the various districts as prescribed in each district and shall be compatible with the principal use.

8.61 Location. When a side yard is required, no part of an accessory building shall be located closer than five feet (5') to the side lot line along such side yard. When a rear yard is required, no part of an accessory building shall be located closer than five feet (5') to the rear lot line or to those portions of the side lot lines abutting such required rear yard. In a residential district, no

detached accessory building shall be closer than ten feet (10') to the principal building and each foot over twenty feet (20') in length that the wall of an accessory structure parallels and is next to the principal structure, the required distance between the structures shall be increased by an additional foot.

- 8.62 Time of construction. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
- 8.63 Rear yard. No accessory building or buildings shall occupy more than forty per cent (40%) of the area of a required rear yard.
- 8.64 Height in rear yards. No accessory building or portion thereof located in a required rear yard shall exceed fifteen feet (15') in height.
- 8.65 Reversed corner lots. On a reversed corner lot in a residential district, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than the required front yard on the adjacent lot to the rear. Further, in the above instance, no such accessory building shall be located within five feet (5') of any part of a rear lot line which coincides with a side lot line or portion thereof of property in a residential district.
- 8.66 Swimming pool. Non-commercial swimming pools in residence districts shall have a safety fence surrounding the pool.

8.7 SCREENING. When required by this ordinance, screening shall be designed, planted or constructed, and maintained in accordance with the following conditions:

8.71 Front property line.

1. Evergreen planting

- a. Initial height: not less than one foot (1')
- b. Permanent height: not more than two feet six inches (2'6").

2. Masonry wall
 - a. Height: not more than two feet (2').
 - b. Density: solid or pierced.
3. Other
 - a. As approved by the Zoning Board of Appeals.

8.72 side or rear property line.

1. Evergreen Planting
 - a. Initial Height: not less than three feet (3').
 - b. Permanent height: at least five feet six inches (5'6").
 - c. Density: plant material shall be planted so that within five (5) years, vision and lights shall be obscured by the plantings.
2. Masonry wall or wood fence
 - a. Height: at least five feet six inches (5'6").
 - b. Density: so that vision and lights shall be obscured.
3. Other
 - a. As approved by the Zoning Board of Appeals.

8.73 Materials. All materials shall conform to the following requirements.

1. Plant materials shall be permanent type evergreens hearty to Illinois climate.
2. Wood and masonry materials shall be new materials in good condition, properly installed and with initial maintenance materials applied.

8.74 Time of installation.

1. New development. All screening shall be installed, constructed or provided before the property is occupied or used.
2. Existing uses. All uses actually established and in operation on the effective date of this ordinance shall be made to comply with the screening requirements within a period of three (3) years from the effective date of this ordinance.

8.75 Maintenance. All screening materials shall be properly and adequately maintained and kept free of trash and litter.

8.76 Modifications. The Zoning Board of Appeals may authorize a modification, reduction, or waiver of the foregoing screening requirements if it should find that, in the particular case appealed, the peculiar nature of the business, trade, industrial or other use, or the exceptional situation or condition, would justify such action.