

SECTION 4

GENERAL PROVISIONS

4.1 SCOPE OF REGULATIONS:

Except as provided in Section 4.9 herein, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.

4.2 PERMITS:

No application for a building permit or other permit or license or for a certificate of occupancy, shall be approved by the Director of Community Development or designee, and no permit or license shall be issued by any other Village department that would authorize the use or change in use of any land or building contrary to the provisions of this Zoning Code, or the erection, moving, alteration, enlargement or occupancy of any building designed or intended to be used for a purpose or in any manner contrary to the provisions of this Zoning Code.

4.3 HEIGHT, BULK AND LOT COVERAGE:

4.3-1 *Height:* No building shall be erected, reconstructed, relocated or structurally altered so as to have a greater height, a higher ratio of lot coverage or smaller open space about it than permissible under the limitations set forth herein for the district in which such building is located, except that cooling towers, elevator bulkheads, fire towers or stage towers and necessary mechanical appurtenances, shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the Village.

4.3-2 *Change of Ownership:* No space allocated to a building or dwelling group for the purpose of complying with the side, rear or front yard, or court or other open space or lot area require-

ments of this Zoning Code, shall thereafter, by reason of change in ownership or for any other reason, be used to satisfy the yard, court, open space or lot area requirements of any other building or dwelling group.

4.4 LOT AREA AND DIMENSION:

4.4-1 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 they are located, are contiguous and are held in single ownership, they shall be used as one zoning lot for such use. For the purpose of this Section, single ownership of separate lots of record includes ownership by a spouse or child or by land trust of which there is a common beneficial owner, or a land trust as to which a child or spouse is a beneficial owner.

4.4-2 Any single lot zoned R-2 which was of record on September 12, 1974 that does not meet the minimum requirements for lot width or total lot area may be utilized for a permitted use provided that the total lot area exceeds 7,000 square feet and 55 feet at the front building setback line with each sideyard width not less than six feet, and the lot otherwise meets all other requirements as specified in this ordinance.

4.5 LOCATION OF BUILDINGS:

Except as otherwise provided for in this Zoning Code, every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public or private street or permanent easement of access to a public or private street, which easement shall have a minimum width of 28 feet unless a permanent easement of lesser width was of record prior to December 11, 1986.

4.6 BUILDINGS UNDER CONSTRUCTION:

Nothing in this Zoning Code shall be deemed to require any change in the plans, construction or designated use of any building which has been fully and properly approved by the Village before, and on which actual construction has commenced and been diligently pursued prior to the effective date of this Zoning Code; provided however, that such building shall be completed within the timeframes established within the Municipal Code, Chapter 24.

4.7 DWELLING UNITS ON ZONING LOT:

Every building hereafter erected or structurally altered to provide dwelling units shall be located on a zoning lot and in no case shall there be more than one such building on one zoning lot, unless it is approved as part of a Planned Development.

4.8 LOT COVERAGE EXCEPTION

When any eminent domain proceeding brought by the Village results in an acquisition of fee simple title within the side yard of a lot which results in such side yard being less than the required side yard setback within the relevant zoning district, a variation from the otherwise required setback shall be granted by the Village between the new property line resulting from such eminent domain proceeding and the existing building, if any on such lot, and reflected in an ordinance approved by the Village.