

**ARTICLE XIV
APPLICABILITY**

14.1 GENERAL SCOPE

- A. Territorial Application. This Ordinance shall apply to land, structures, and uses within the corporate limits of the Village.
- B. General Application. All structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or relocations of existing structures occurring hereafter, and all enlargements and extensions of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this Ordinance applicable to the zoning districts in which such land, structures or uses are located. Existing structures and uses that do not comply with the regulations of this Ordinance shall be subject to the provisions of Article X of this Ordinance relating to nonconformities.
- C. General Prohibition. No structure; no use of any structure or land; and no lot of record or zoning lot, now or hereafter existing, shall hereafter be established, enlarged, extended, altered, moved, divided or maintained, in any manner, except as authorized by the provisions of this Ordinance and except in compliance with the regulations of this Ordinance. Without limiting the foregoing, any such activity that would cause any existing structure not to comply with this Ordinance or that would create any parcel of land that could not be developed in compliance with this Ordinance shall be prohibited.
- D. Multiple Uses on Same Zoning Lot. Except when authorized as part of a planned development approved pursuant to Article XIII of this Ordinance or as a conditional use permit in the Public and Institutional Buildings District pursuant to Article XII of this Ordinance, no zoning lot in the Village of Glendale Heights shall be used for more than one principal structure. No structural group containing two or more upward projections shall be considered a single structure unless all such upward projections are joined by an element that:
 - 1. Is at least half as high as the tallest upward projection; and
 - 2. Is something other than a fence, canopy, freestanding wall or other non-functional connection.
- E. Private Agreements. This Ordinance is not intended to abrogate, annual or otherwise interfere with any platted building line, easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this Ordinance are

more restrictive or impose higher standards or requirements than such platted building line, easement, covenant regulations of this Ordinance shall govern.

14.2 APPLICATION TO VARIATIONS AND CONDITIONAL USES

- A. Existing Variations and Conditional Use Permits. Any variation or conditional use lawfully issued prior to the effective date of this Ordinance, or any amendment thereof, shall be deemed to be and continue to be valid after such effective date, subject to any conditions placed thereon at the time of issuance. Any structure or use lawfully authorized by any such variation or conditional use permit that could not be so issued after the effective date of this Ordinance shall be subject to the provisions of Article X of this Ordinance dealing with nonconformities.

- B. Existing Uses and Structures Newly Requiring Conditional Use Permits. Any use or structure lawfully existing on the effective date of this Ordinance or any amendment thereof that did not, prior to such effective date, require a conditional use permit but which, after such effective date, does require a conditional use permit, may secure such a permit only pursuant to the standards and procedures made applicable to conditional use permits by Article XII of this Ordinance. Unless and until such a permit is so secured, such use shall be subject to the provisions of Article X of this Ordinance dealing with nonconformities.

14.3 BUILDING PERMITS ISSUED PRIOR TO EFFECTIVE DATE

- A. New Ordinance Shall Apply. Except as provided in Subsections B and C of this Section, no Certificate of Occupancy shall be issued following the effective date of this Ordinance or any amendment thereof unless the work, structure or use for which the Certificate of Occupancy is sought is made to fully comply with the applicable provisions of this Ordinance or such amendment.

- B. Right to Complete Construction Pursuant to Approved Plans. Nothing in this Ordinance, or any amendment to it, shall be deemed to require any change in the plans, construction or designated use of any structure in the event that:
 - 1. A building permit for such structure was lawfully issued prior to the effective date of this Ordinance or any such amendment thereof or such a permit is issued after such effective date based upon a complete and proper application for such permit filed prior to such effective date; and

 - 2. Such permit had not by its own terms expired prior to such effective date; and

3. Such permit was lawfully and properly issued in accordance with the law prior to such effective date; and
 4. Construction pursuant to such permit is commenced prior to the expiration of such permit and within one hundred and eighty (180) days of such effective date and is thereafter diligently pursued to completion.
- C. Right to Occupy as Nonconformity. Upon completion pursuant to Subsection B hereof, such structure may be occupied by, and a Certificate of Occupancy shall be issued for, the use designated on such permit, subject thereafter, to the extent applicable, to the provisions of Article X of this Ordinance relating to nonconformities.

14.4 PENDING APPLICATIONS

- A. New Ordinance Shall Apply. This Ordinance and any amendment thereof shall apply to any application pending on the effective date of this Ordinance or such amendment in the same manner as though such application was filed after such effective date.
- B. Duty of Village Officials. Within twenty (20) days following the effective date of this Ordinance or any amendment thereof, any Village official, department, board or commission then having pending before it any application to which this Ordinance or any amendment of it applies pursuant to Subsection A of this Section shall transmit a copy of such application to the Zoning Administrator.
- C. Duty of Zoning Administrator. Within thirty (30) days following the effective date of this Ordinance or any amendment thereof, the Zoning Administrator shall inform each applicant named on each application referred to him pursuant to Subsection B of this Section that said application is subject to the provisions of this Ordinance, as amended, and will be processed in accordance therewith; that the applicant may within thirty (30) days following the mailing of such notice refile, without additional fee, its application on the basis of this Ordinance, as amended; and that if the applicant does not so refile, its application may be denied for noncompliance with the provisions of this Ordinance, as amended.
- D. Duty of Applicant. Notwithstanding the provisions of Subsections B and C of this Section, it shall be the responsibility of each applicant having an application pending on the effective date of this Ordinance, or any amendment thereof, to modify such application in accordance with the terms and provisions of this Ordinance, as amended, and the failure to do so may, whether or not the procedures of said Subsections have been followed, result in denial of such application for failure to comply with this Ordinance, as amended. Any modification or refile of an application pending on such effective date in order to comply with the provisions of this Ordinance, as amended,

shall be permitted at any time prior to the final disposition of such application and shall be permitted without payment of any additional fee.

- E. Processing of Pending Applications. Upon the refiling of any pending application as herein provided, or upon notification from the applicant that it will not refile or modify its application, or upon the expiration of sixty (60) days following effective date of this Ordinance or any amendment thereof, whichever occurs first, such pending application shall be processed in accordance with the terms of this Ordinance, as amended; provided, however, that the application requirements, hearing requirements and procedural requirements set forth in this Ordinance shall not apply to any such pending application and each such application shall be processed in accordance with the application, hearing and procedural requirements that were in effect on the date such application was filed. Notwithstanding any other provisions of this Section, the Zoning Administrator shall have the authority to request additional data, information or documentation for pending applications when, in his or her judgment, such additional data, information or documentation is necessary or appropriate to a full and proper consideration and disposition of such pending application.

14.5 REPEAL OF PRIOR PROVISIONS

The Glendale Heights Zoning Ordinance as adopted by Ordinance No ___ on _____, and as amended from time to time thereafter prior to the adoption of this Ordinance No ___ providing for the comprehensive revision of said Ordinance by the adoption of this Ordinance, be, and it is hereby, repealed in its entirety. Ordinance No. ___, passed and approved on _____, as _____, be, and is hereby, repealed in its entirety. Except as expressly provided in this Ordinance, such repeals shall not affect or impair any act done, office committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time such repeal takes effect, but the same may enjoyed, asserted, enforced, prosecuted or inflicted, as fully and the same extent as if such repeal had not been effected.

14.6 SEVERABILITY

- A. Intent as to Severability. The several provisions of this Ordinance shall be severable in accordance with the following rules:
1. Provisions Declared Invalid. If any court of competent jurisdictions shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance.

2. Applications Declared Invalid. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular parcel of land, a particular structure or a particular use, such judgment shall not affect the application of said provisions to any other land, structure or use.
- B. Applicable Regulations Following Declaration of Invalidity. Whenever the provisions of this Ordinance are declared invalid in their application to any particular parcel of land, the Zoning Map shall continue to show such parcel in the zoning district applicable to it pursuant to this Ordinance unless and until such district is changed by an amendment adopted by the Board of Trustees; provided, however, that the parcel in question shall also be marked with a star or other distinctive marking to direct attention to the court decree affecting said parcel. The Zoning Administrator shall maintain a file of any such decrees. The provisions of any such decree shall be deemed to modify the otherwise applicable provisions of this Ordinance as they apply to said parcel to the extent provided in said decree but said parcel shall otherwise remain subject to the provisions of this Ordinance.

14.7 EFFECTIVE DATE AND PUBLICATION

This Ordinance shall take effect immediately upon, and its Effective Date shall be the date of, its passage by a vote of two-thirds of the corporate authorities then holding office and its approval by the Village President, the corporate authorities hereby finding that the immediate implementation of this Ordinance is a matter of urgency; provided, however, that the following provisions of this Ordinance shall not take effect until one year following said Effective Date.

The Zoning Administrator is hereby authorized and directed to publish this Ordinance in pamphlet form and to publish an appropriate notice of its adoption and availability in a newspaper published in the Village.

14.8 PROVISIONS ARE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals and general welfare, as set forth in the provisions hereof establishing the intent and purpose of this Ordinance in general and its various Sections in particular.

When the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

14.9 PROVISIONS ARE CUMULATIVE

The provisions of this Ordinance shall be interpreted to be a cumulative of, and to impose limitations in addition to, all other codes, laws and ordinances in existence or which may be passed governing any subject matter of this Ordinance. The several provisions of this Ordinance shall also be interpreted to be cumulative of each other. To the greatest extent possible, the provisions of this Ordinance shall be construed to be consistent with, and not in conflict with, the provisions of such other codes, laws and ordinances, and each other, to the end that all such provisions may be given their fullest application.

14.10 PROVISIONS ARE NOT A CONSENT, LICENSE OR PERMIT

The provisions of this Ordinance shall not be interpreted to be, or to grant, a consent, license or permit to use any property or to establish, locate, construct or maintain any structure or use, or to carry on any trade, industry, occupation or activity.

14.11 UNLAWFUL USES AND STRUCTURES NOT VALIDATED

This Ordinance shall not be interpreted to validate or make lawful any unlawful use or structure existing upon the effective date of this Ordinance. Any such unlawful use or structure shall remain unlawful to the extent that said use or structure is in conflict with the provisions of this Ordinance.