

ARTICLE 3  
GENERAL PROVISIONS

3.1 INTERPRETATION OF REGULATIONS:

- A. The provisions of this Zoning Code shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- B. Where the conditions imposed by any provision of this Zoning Code are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Zoning Code or of any other law, ordinance, resolution, rule or regulation, the regulations which are more restrictive, or which impose higher standards or requirements shall govern.
- C. This Zoning Code is not intended to supersede any easement, covenant or other private agreement, provided that where the regulations of this Zoning Code are more restrictive, or impose higher standards or requirements, than such easements, covenants or other private agreements, the requirements of this Zoning Code shall govern.
- D. No building, structure or use which is not lawfully existing at the time of the adoption of this Zoning Code shall become, or be made lawful solely by reason of the adoption of this Zoning Code; and to the extent and manner said unlawful building, structure, or use is in conflict with the requirements of this Zoning Code, said building, structure or use remains unlawful.

3.2 SCOPE OF REGULATIONS:

- A. No building or other structure shall be erected, altered or enlarged and no use of land shall be established or enlarged for any use except a use that is named in the list of permitted uses for the zoning district in which the building, structure or land is, or will be located. There shall be two (2) exceptions to this requirement:
  - (1) Uses lawfully established prior to the effective date of this Zoning Code may be continued, subject to the conditions and restrictions contained in Article 8, Non-Conformities, of this Zoning Code.
  - (2) Special uses may be allowed, but only in accordance with the provisions of Section 3.5.
- B. The uses permitted in each zoning district are listed in Article 5, District Regulations.

3.3 ALLOWABLE USE OF LAND OR BUILDINGS -- The following uses of land or buildings are allowed in the districts indicated hereinafter in Article 5 under the conditions specified in this Zoning Code.

- A. Uses lawfully established on the effective date of this Zoning Code.

B. Permitted and Special Uses listed in Article 5.

- 3.4 PROHIBITED USE OF LAND OR BUILDINGS -- No building or tract of land shall be devoted to any use other than the one which is specified as a permitted or special use in Article 5 in the zoning district in which such building or land is located. However, where a building permit for a building or structure has been issued in accordance with applicable laws prior to the effective date of this Zoning Code, and where construction has begun within six months of such effective date and diligently persecuted to completion, said building or structure may be completed in accordance with approved plans on the basis of which the building permit was issued; and further, may upon completion be occupied by the use originally designated, subject to the provisions of this Zoning Code.
- 3.5 SPECIAL USES -- In each zoning district, certain listed uses may be permitted only if a special use permit is secured in accordance with the provisions and procedures of Article 9. The special uses which may be allowed in each zoning district are set out in Article 5, District Regulations. No listed special use shall be considered an accessory use to any other permitted or special use, and a permit shall be required for each separate special use.
- 3.6 AGRICULTURE AS A PERMITTED USE -- Farming shall be permitted in any zoning district, although the raising or keeping of livestock (except horses) or poultry shall not be permitted in Residential Districts E-5, E-3, E-1, R and R-1. Dwelling units which are accessory to the farming uses shall also be permitted provided, however, that the occupants of the dwellings are engaged in agricultural activities on the premises as their principal means of livelihood, or are for the immediate family (such as parents, children, grandchildren) of the owners of the farm when such owner's principle residence is on the farm, provided, however, that the original farm residence can be rented to non-farm workers if the owners have moved from the property.
- 3.7 ACCESSORY STRUCTURES AND USES:
- A. No accessory use or structure shall be established or erected prior to the establishment or erection of the principal use to which it is accessory. No existing accessory use may be expanded or extended except in compliance with all of the regulations of this Zoning Code.
  - B. Where an accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this Zoning Code applicable to the principal building.
  - C. No accessory building or structure shall encroach upon that side yard of a corner lot which is adjacent to the street, nor upon the rear yard of a through lot, nor upon the front yard of any lot.
  - D. No accessory building or structure shall exceed the height limit identified in Article 5 and shall be at least seven (7) feet from any property line.
  - E. Detached accessory uses shall not exceed ten percent (10%) of the rear yard area. The total of all accessory buildings shall not exceed thirty (30) percent of the rear

yard area. Exceptions to these standards shall be permitted pursuant to the issuance of a Special Use Permit.

3.8 TEMPORARY BUILDINGS, STRUCTURES AND USES OF LAND:

- A. The Village Board may authorize the temporary use of a building, structure or parcel of land in any zoning district for a building, structure or use of land that does not conform to regulations prescribed elsewhere in this Zoning Code for the zoning district in which it is located, provided however, that such use is of a temporary nature.
- B. Such uses shall be granted for a specified period of time and shall be subject to such conditions as the Village Board determines to be necessary for the safeguarding of the public health, safety and general welfare.

3.9 CONTROL OVER USE -- No building or premises shall hereafter be used or occupied, and no building or structure, or part thereof, shall be erected, raised, moved, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located; except that in residence districts, a lot in a subdivision of record at the time of adoption of this Zoning Code, even though such lot does not meet the requirements of this Zoning Code as to area and width, may be used for single family residence purposes, provided the use conforms with all other regulations of the district in which it is located.

3.10 LOT SIZE REQUIREMENTS -- Unless otherwise granted under the terms of an annexation agreement, special use permit, or variance, no building or other structure shall be erected, altered or enlarged, nor shall any use of land be established or enlarged on a lot or tract of land that is:

- A. Smaller in area than the minimum lot area prescribed for the zoning district in which the building, structure or land is located.
- B. Less than the minimum width prescribed for the zoning district in which the building, structure or land is located.

3.11 BUILDING LIMITATIONS -- Unless otherwise granted under the terms of a variance or a special use permit the following limitations shall apply:

- A. No building or other structure shall be erected, altered or enlarged so as to exceed the maximum lot coverage percentage, floor area ratio, minimum setbacks and minimum side and rear yards, or the maximum building height for the district in which the building or structure is located.
- B. No building or other structure shall be erected, altered or enlarged, nor shall any use of land be established or enlarged unless the minimum setbacks and side and rear yards specified for the district in which the building, structure or use of land is located are maintained. All additions to principal buildings shall comply with the setback and yard requirements for the principal building.

3.12 BUILDING HEIGHT:

- A. Height limitations shall be as set forth under each zoning district for all buildings, structures and uses of land.
- B. Chimneys, ornamental towers, scenery lofts, monuments, cupolas, domes, spires, steeples, parapet walls, water towers and similar structures and necessary mechanical appurtenances may be erected to their customary height, regardless of the height limitations of the zoning district in which they are located.

3.13 YARDS:

- A. General -- No lot shall be reduced in area so that the yards or other open spaces become less than required by this Zoning Code.
- B. Front Yard -- On streets where a front yard setback has been maintained for buildings existing on lots or tracts having a frontage of thirty (30) percent or more of the total frontage on one side of that portion of any street lying between two intersecting streets, or from an intersecting street and a corporate limits line, the following shall apply:
  - (1) No new building shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of the proposed structure. If there are residences upon only one side, then no new building shall project beyond the straight line projected from the front of the two nearest residences. This regulation shall not, however, be interpreted to require a front yard of more than 50 feet, nor to permit a front yard of less depth than that of the nearest building.
  - (2) Where the street is curved the line shall follow the curve of the street rather than to be a straight line.
- C. Double-Frontage Lots -- Double frontage lots shall not be allowed, except where lots back up to a major roadway. In such instances, vehicular access between the lots and the primary thoroughfare shall be prohibited.
- D. Corner Lots:
  - (1) A corner lot shall be deemed to have two (2) front yards. The classification of the remaining two (2) yards shall be determined by the type of yard abutting the yard in question:
    - (a) If a corner lot abuts a side yard, it shall be deemed a side yard.
    - (b) If a corner lot abuts a rear yard, it shall be classified as a rear yard.

3.14 PERMITTED OBSTRUCTIONS, YARDS -- For the purpose of this Zoning Code, the following in addition to permitted accessory structures, shall be considered permitted obstructions in the required yards.

A. All Yards:

- (1) Awnings and canopies.
- (2) Steps four (4) feet 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.
- (3) Chimneys that project twenty-four (24) inches or less into the yard.
- (4) Approved free-standing signs.
- (5) Arbors and trellises.
- (6) Flagpoles.
- (7) Window unit air conditioners which project not more than eighteen (18) inches into the required yard.
- (8) Fences or walls, subject to applicable height and other code restrictions.
- (9) Open off-street parking spaces, subject to standards and setbacks set forth in Article 7, Off-Street Parking and Loading.

B. Front and Corner Side Yards:

- (1) Open terraces, patios or decks not over three (3) feet above the average level of the adjoining ground, provided they do not extend more than five (5) feet into the minimum yard.
- (2) One-story bay windows which project three (3) feet or less into the yard.
- (3) Overhanging eaves and gutters which project three (3) feet or less into the yard.

C. Rear Yards:

- (1) Balconies.
- (2) Open terraces or decks, provided they are not over three (3) feet above the average level of the adjoining ground, and do not extend more than fifteen (15) feet into the minimum yard.
- (3) Recreational and laundry drying equipment.
- (4) Ground-supported air conditioning units which extend not more than five (5) feet into the required yard.
- (5) One-story bay windows which project three (3) feet or less into the yard.

- (6) Overhanging eaves and gutters which project three (3) feet or less into the yard.

D. Interior Side Yards:

- (1) Overhanging eaves and gutters which project thirty-six (36) inches or less into the yard.
- (2) Ground-supported air conditioning units which extend not more than five (5) feet into the required yard.

3.15 NUMBER OF BUILDINGS ON A LOT -- Except as a part of a planned development, no more than one principal building shall be located on a zoning lot.

3.16 OFF-STREET PARKING AND LOADING -- Unless otherwise granted under the terms of a special use permit, no building or other structure shall be erected, altered or enlarged, nor shall any use of land be established or enlarged, unless the minimum off-street parking and loading spaces required by Article 7, Off-Street Parking and Loading, are provided.

3.17 HOME OCCUPATIONS:

A. General -- 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. 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.

B. Performance Requirements -- A home occupation or profession, where permitted in a zoning district, shall meet the following performance requirements in addition to those standards applicable to the district in which they are located:

- (1) Not more than one (1) person other than members of the immediate family occupying such dwelling shall be employed on the premises.
- (2) No alteration of the principal building shall be made which changes the residential appearance of the dwelling.
- (3) No more than twenty-five percent (25%) of the floor area of the residential dwelling unit shall be devoted to any home occupation.
- (4) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Article 7 of this Zoning Code, and shall not be located in a required front yard.

- (5) Signage shall be in conformance with Village ordinances.
- (6) No equipment or material used shall constitute a hazard, create a nuisance or interfere with the reception of broadcast signals.
- (7) The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling.

C. Permitted Home Occupations:

- (1) Day Care Homes licensed by the State of Illinois.
- (2) Dressmakers, seamstresses or tailors.
- (3) Music or dancing teachers, provided that the instruction shall be limited to one pupil at a time, except for occasional groups.
- (4) Artists, sculptors, or authors.
- (5) Physicians, dentists, or other licensed medical practitioners.
- (6) Planners, architects, attorneys, engineers, realtors, insurance agents, brokers, and members of similar professions.
- (7) Offices for ministers, rabbis, priests, or members of religious orders.
- (8) Offices for salespersons, sales representatives or manufacturers' representatives; provided that no retail transactions shall be made on the premises except through telephone, facsimile or mail communication and no wholesale transactions shall include the acceptance or delivery of merchandise on the premises.

D. Prohibited Home Occupations:

- (1) Animal hospitals.
- (2) Clinics or hospitals.
- (3) Commercial boarding stables or kennels.
- (4) Dancing schools, except where permitted above.
- (5) Mortuaries.
- (6) Nursery schools.
- (7) Private clubs.
- (8) Renting of trailers.

- (9) Repair shops or service establishments, except the repair of small electrical appliances and other similar items.
- (10) Restaurants.

3.18 FENCES -- Fences are a permitted accessory use in all yards subject to the following:

- A. No fence in excess of three (3) feet in height shall be permitted in any required front yard except in F and E-5 and E-3 zoning districts where the height shall be no greater than five (5) feet with horizontal slats separated by not less than twelve (12) inches.
- B. No fence in a residential district shall exceed 6'6" in height in any side or rear lot.
- C. Where there are exposed structural elements on a fence adjacent to a residentially zoned property, the supports shall be exposed on the side of the fence of the property on which it is located.
- D. No barbed wire fence will be permitted in the residential areas except by permission of the Village Board.

3.19 SWIMMING POOLS: Private Swimming Pools -- No private swimming pool shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with all other applicable regulations. Private swimming pools shall not be located in a required front yard.

3.20 ACCESS TO PUBLIC STREETS -- Each zoning lot shall have direct access to a public or private street or roadway in accordance with the following regulations:

- A. General:
  - (1) The access control standards contained in this section are intended to promote safe and efficient operation of driveway approaches and to minimize vehicular delays and accidents. The Planning and Design Guidelines of the Comprehensive Plan shall apply.
  - (2) Each required off-street parking space shall open directly upon an all-weather, hard surfaced aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. Such driveway and driveway approach must be maintained as an all-weather hard surface material.
- B. Maximum Number of Driveway Approaches -- With the exceptions listed below, one driveway approach is permitted per zoning lot. If a use is a listed special use in a district, then additional driveway approaches may be considered during the review of the special use permit, provided documentation of a traffic study is supplied. Otherwise, requests for additional driveway approaches shall be considered as variations. The following exceptions may have additional driveway ap-

proaches:

- (1) Attached single family dwellings may have one driveway approach per dwelling unit.

C. Corner Clearance:

- (1) Minimum separation of a driveway approach from an adjacent intersecting street shall be forty (40) feet from the centerline of the driveway approach to the nearest right-of-way line of the intersecting street.
- (2) Minimum separation of a driveway from an intersection of a major street with a collector shall be the greater of:
  - (a) Two hundred (200) feet on the major street, and one-hundred fifty (150) feet on the collector unless a shorter distance has specifically been authorized by IDOT along IL Route 31 and IL Route 176; or
  - (b) The length of a full left-turn storage and taper, whichever is greater.

D. Property Line Clearance -- Driveway approaches shall be located so that the required curb-return lies entirely within the property lines (extended) of the zoning lot served by the driveway approach unless the driveway is being shared with the adjacent zoning lot.

E. Vision Clearance, Corner Lots -- No obstruction to the vision of persons using streets, sidewalks or driveways, and no building or structure hereafter erected, other than fences meeting the requirements of this Zoning Code shall be located in any of the following areas:

- (1) In any residence district, within a triangular area formed by the street property lines and a line connecting points on the street property lines located 35 feet from the street property line intersections.
- (2) In any business district within ten (10) feet of the intersecting right-of-way lines bordering a corner lot.

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