

3.01 Rules

Rules of word construction.

- (A) The word "shall" is mandatory and not discretionary.
- (B) The word "may" is permissive.

3.02 Definitions

For the purpose of this ordinance, certain words and terms are herein defined as follows:

Abutting - To have a common property line or district line.

Accessory Building or Use - A subordinate building, structure or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of regulations (see Section 6.05).

Agriculture - The use of land for agricultural purposes.

Agricultural Building or Structure - Any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

Alley - A public or private way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property. Frontage on said alley shall not be construed as satisfying the requirements related to frontage on a dedicated street.

Alteration - Any change in size, shape, occupancy, or use of a building, lot, or structure.

Apartment - One or more rooms in a multiple - family dwelling arranged, intended or designed as living quarters for an individual, group of individuals, or a family.

Assisted Living Facility - See Nursing Home.

Auto Repair, Major - Engine rebuilding or major reconditioning of worn or damaged motor vehicles, or trailers collision service, including body, frame or fender straightening or repair, and overall painting of vehicles.

Auto Repair, Minor - Incidental repairs, replacement of parts, and motor service to automobiles but excluding any operation specified under "Auto Repair, Major."

Automobile Laundry - A building, or portion thereof, containing facilities for washing more than two automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices.

Automobile Salvage Yard - Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

Automobile Service Station - Any building or premises used for the dispensing, sale or offering for sale at retail to the public automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, auto

wrecking, automobile sales, or automobile laundries. However, the washing of individual automobiles where no chain conveyor is employed may be included.

Bar, Tavern, Cocktail Lounge - A building, or part of a building, where alcohol is sold to be consumed on the premises, and which has a separate counter upon or over which alcoholic liquor is the principal commodity served.

Basement - That portion of a building which is below the main floor and is partly or entirely below grade. The basement is considered part of the **Floor Area** when more than one-half is above ground level.

Bed and Breakfast - An owner occupied dwelling unit having not more than five (5) bedrooms used to provide transient lodging accommodations to the public as a commercial use.

Block - That property abutting on one side of a street between two nearest intersecting streets, railroad rights of way, or natural barriers; provided, however, that where a street curves so that any two chords thereof form an angle of one hundred twenty degrees or less, measured on the lot side, such curve shall be construed as an intersecting street.

Boarding House or Rooming House - A residential use consisting of at least one dwelling unit together with one or more rooms that are rented or are designated or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units.

Boundary Line - A line on the Zoning District Map designating the edge of a use district. Such boundary line may be a boundary line for two use districts depending on the particular use district located on each side of said line.

Buildable Area - The space remaining on a zoning lot after the minimum open space, yard and other requirements of this ordinance have been met.

Building - A structure having a roof, supported by columns or walls, for shelter, support, or enclosure of persons, animals, or effects/holdings; and when separated by division walls from the ground up and without openings, each portion of such be deemed as a separate building.

Building Line - A line between which and any street line of a district, lot, tract, or parcel of land, no buildings or parts of buildings may be erected, altered, or maintained.

Building Line Setback - The distance between the building line and the street right-of-way.

Building Principal - A nonaccessory building in which a principal use on the zoning lot on which it is located is conducted.

Bulk - The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another and includes the following:

- A. Size and height of buildings.
- B. Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings.
- C. Gross floor area of buildings in relation to lot area (floor area ratio).
- D. All open spaces allocated to buildings.
- E. Amount of lot area per dwelling unit.

Business; Commerce - When used in this ordinance means the engaging in the purchase, sale, barter, or exchange of goods, wares, or merchandise, or the maintenance or operation of offices or recreational or amusement enterprises.

Carport - An open sided shelter for automobile storage or service. The structure is often accessory to the primary building or may be formed by a roof projecting from the side of a house.

Children Day Care - An institution or place in which three or more children, not of common parentage, are received and cared for apart from their parents or guardian, for part or all of a day but not for overnight inhabitation. This includes nursery schools, child care centers, day nurseries, and play groups.

Community Residence(Group Home) - Any licensed community residential facility providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled, mentally ill, victims of domestic violence, injured, or terminally ill persons, who required assistance, temporarily or permanently, in order to live in the community.

Comprehensive Plan - The official document or elements thereof, adopted by the Village Board, and intended to guide the future development of the Village or a portion thereof. Such a plan, including maps, plats, charts, policy statements and or descriptive material including material pertaining to land uses, policy, and development issues, shall be adopted in accordance with state statutes.

Curb Level - The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the **Curb Level** shall be the average of the levels of the curbs at the center front of each street. Where no curb elevation has been established, the level of the centerline of the street shall be considered the **Curb Level**.

Density - The numerical value obtained by dividing the total dwelling units in a development by the gross area of the tract of land upon which the dwelling units are located.

Development - Any construction, building or improvement on a parcel of land or substantial change in any existing structures, including planned unit developments.

Development Plan - A plan showing the concept, character and nature of the entire proposed development as part of an application for the reclassification of land into certain zones.

Dwelling unit - A house, an apartment, group of rooms or a single room, occupied or intended for occupancy as separate living quarters with direct access to the unit from the outside or through a common hall with complete kitchen and bath facilities for the exclusive use of the occupants. A dwelling does not include hotels, boarding or lodging houses.

Dwelling, Attached - A building containing two or more dwelling units and joined to other dwellings by party wall or walls.

Dwelling, Detached - A building containing one dwelling unit which is surrounded on all sides by open space on the same lot.

Dwelling, Multi-Family - A building containing three or more dwelling units (an apartment house) with the number of families in residence not exceeding the number of dwelling

units provided.

Dwelling, Single Family - A building containing accommodations for and occupied by one family only.

Dwelling, Duplex - A building containing two dwelling units on a single zoning lot designed exclusively for occupancy by two families living independently of each other; the residential units may be arranged one above the other, or alongside each other.

Dwelling, Townhouse - A one-family attached dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

Dwelling Unit, Sectional/Modular Home - A dwelling made of two or more modular units transported to the home site, put on a foundation, and joined to make a single dwelling.

Easement - A grant by a property owner of the use of his land by another party for a specific purpose.

Family - An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than three persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Fence - Any construction of wood, metal, wire mesh, masonry, or other material, erected for the purpose of assuring privacy or protection.

Floor Area - The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor or a building shall include the basement floor area when more than one-half of the basement height is above the established curb level, garage or carport, elevator shafts, and stairwells at each floor, floor space used for mechanical equipment (except equipment, opened or enclosed, located on the roof), penthouses, attic space having headroom of seven feet, ten inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses. The floor area of structures devoted to bulk storage or materials including, but not limited to, grain elevators and petroleum storage tanks, shall be determined on the basis of the height of such structure in feet; ten feet in height shall be deemed to be equal to one floor. (If a structure measures more than five feet over such floor equivalent, it shall be determined to have an additional floor.)

Floor Area Ratio (FAR) - The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for each district, when multiplied by the lot area in square feet, shall determine the maximum permissible floor area for the building or buildings on the lot. Accessory buildings shall be included in the calculation of the FAR.

Frontage - All the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Garage, Bus or Truck - A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors, and commercial vehicles exceeding one and one-half tons capacity.

Garage, Private - A detached accessory building or portion of the main building, designed, arranged, used or intended to be used for the storage of passenger automobiles of

the occupants of the premises.

Garage, Public - A building other than a private garage, used for the care, incidental servicing and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire or sale within the structure, but not including trucks, tractors, truck-trailers and commercial vehicles exceeding one and one-half tons capacity.

Height of Building - The vertical distance from the average contact ground level at the front wall of the building to the mean point between the peak and base of the roof.

Home Occupation - An occupation carried on in a dwelling by the resident thereof. Refer to Section 6.12 for restrictions and limitations.

Hotel - A building in which lodging, boarding, or rooming are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradistinction to a boarding house or an apartment building.

Hospital or Sanitarium - An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care (for not less than 24 hours in any week), of three or more nonrelated individuals suffering from illness, disease, injury, or other physical disabilities. The term **Hospital** as used in this ordinance does not apply to institutions operating primarily for the treatment of insane persons, drug addicts, alcoholics or other types of cases necessitating restraint of patients, and the term **Hospital** shall not include convalescent, nursing, shelter or boarding houses.

Junk Yard Any parcel of land where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

Kennel, Commercial - Any lot or premises or portion thereof on which more than four dogs or cats, or other household domestic animals, over four months of age, are kept or on which more than two such animals are boarded for compensation or kept for sale.

Lodging - A place to live; sleeping accommodations.

Lot - A parcel of land occupied or to be occupied by one building and accessory buildings and uses or a unit group of buildings and including the open spaces required under these regulations. A lot may be land so recorded on official records or it may include parts or a combination of such lots when adjacent to one another, provided such ground is used for only one improvement and the tract of land is designated by the owner at the time of application for a building permit as the site to be used, developed or built upon as a unit under single-ownership or control. A lot may also be a parcel of land described by metes and bounds.

Lot Area - The area of a horizontal plane bounded by the front, side and rear lot lines.

Lot, Corner - A lot located at the intersection of two streets or a lot bounded on two sides by a curving street and any two chords of which form an angle of 120° or less measured on the lot side.

Lot Coverage - The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

Lot Depth - The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage - A lot other than a corner lot having frontage on two or more streets. An alley shall not be considered a street.

Lot Frontage - The front of a lot shall be construed to be the lot line nearest the street. For the purpose of determining yard requirements on corner lots and double frontage lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under **Yard** in this section.

Lot, Interior - A lot other than a corner or reversed corner lot.

Lot, Reversed Corner - A corner lot at right angles or approximately right angles to the general pattern of the area, the street side lot line of which is substantially a continuation of the front lot line of the front lot to the rear. The rear of the corner lot is adjacent to the side of another lot, whether across an alley or not.

Lot Line, Front - The front property line of a zoning lot.

Lot Line, Interior - A side lot line common with another lot.

Lot Line, Rear - The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line. Lot lines other than front or rear lot lines are side lot lines.

Lot of Record - A lot which is a part of a subdivision, the plat of which has been legally recorded.

Lot Width - The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

Manufactured Home - "Manufactured Home" means a structure, transportable in one or more sections, which while in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Any home defined in the Act as a "mobile home" is defined as a "manufactured home." The term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on site for more than 180 consecutive days. The term manufactured home does not include a recreational vehicle.

Marquee or Canopy - A rooflike structure of a permanent nature which projects from the wall of a building and overhangs the public way.

Mobile Home Park - A parcel or tract of land developed with facilities for locating three or more mobile homes, provided that each mobile home contains a kitchen, flush toilet and shower or bath and that such mobile home park shall be for use only by nontransient dwellers remaining continuously for more than one month, whether or not a change is made. It shall not include a sales lot in which motor vehicles or unoccupied trailers are parked for the purpose of inspection or sale.

Mobile Home - "See **Manufactured Home**."

Motel - An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A **Motel** furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and

upkeep of furniture. In a **Motel** less than 50% of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

Motor Vehicle - Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

Nonconforming Building - A building or structure or portion thereof lawfully existing at the time of adoption of this ordinance, or amendment thereto, which was designed, erected or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

Nonconforming Lot - A lot of record existing at the time of the effective date of this Ordinance, or amended thereto, (and not created for evading the restrictions of this Ordinance) that does not meet the minimum area and width requirements of the district in which it is located.

Nonconforming Situation - A situation that occurs when, on the effective date of this Ordinance, or amendment thereto, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. A nonconforming situation may arise because a lot does not meet the minimum size requirements, exceeds maximum height limitations, violates bulk and density requirements, or because land or buildings are used for the purposes made unlawful by this Ordinance.

Nonconforming Use - A use which lawfully occupies a building or land at the time of adoption of this ordinance or amendment thereto, and which does not conform with the use regulations of the district in which it is located.

Nursery, Child Care - An establishment for the part-time care of five or more children of pre-elementary school age in addition to the members of the family residing therein.

Nursing Home, Rest Home, or Assisted Living Facility - A home for the aged, chronically ill, care of children, infirm or incurable persons, or a place of rest for those suffering bodily disorders in which three or more persons, not members of the immediate family residing on the premises, are received, kept or provided with food and shelter or care, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness.

Open Sales Lot - Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale. (Such merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats and monuments.)

Open Space - An area that provides light and air, and is designed either for environmental, scenic, or recreational purposes. Open space may include, but not be limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas and water courses. Open space shall not include driveways, parking lots, or other surfaces designed or intended for vehicular traffic.

Open Space, Common - Land unoccupied by structures, buildings, streets, rights-of-way and automobile parking lots and designed and intended for the use or enjoyment of residents of a planned development. Common open space may contain structures for recreational use. No area within 30 feet of any building or structure except a structure used for recreational use shall be includable as Common Open Space.

Parking Space, Automobile - Space within a public or private parking area of not less

than 180 square feet (9 feet by 20 feet) exclusive of access drives for the storage of one passenger automobile or commercial vehicle under one and one-half tons capacity. Not a garage.

Pilot Plant - A building or group of buildings in which a test, sample or experimental manufacturing or assembling is operated until such time as the process is perfected. This use is not to provide for the continuing operation of a manufacturing or assembling use.

Planned Unit Development Plat - A drawing or map made to a measurable scale upon which is presented a description and definition of the way in which the design requirements of the planned unit development are to be met and intended for recording with the county Recorder or Deeds.

Porch - A structure projecting out from the wall or walls of a main structure and commonly open to the weather in whole or in part.

Property Line - A lot line at the edge or boundary of a zoning lot.

Proprietary Interest - One having an interest in purchasing or owning property, or obtaining exclusive rights to property through lease from the proprietor.

Public and Private Utility-type Uses and Governmental Service Uses (Essential Services) - Uses which are considered necessary and essential and provide a substantial public benefit, including but not limited to:

Electrical switchyards, substations, booster stations and transmission lines
Filtration Plant, pumping station, well and water reservoir
Police and Fire Stations
Civic Buildings
Sewage Treatment Plant, including public or privately operated facilities accessory to a permitted or special use
Telephone exchange and Microwave relay tower
Other Government and Public or Private Utility Uses.

Public Way - Any sidewalk, street, alley, highway or other public thoroughfare.

Public Utility - Any person, firm or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, telegraph, transportation, water or sewerage systems.

Railroad Right-of-Way - A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

Restaurant - A business where the dispensing of edible foodstuff and/or beverage on the premises is the principal business operation, including a café, cafeteria, coffee shop, lunch room, tearoom and dining room, but not including a drive-in restaurant.

Restaurant, Drive-In or Carryout - A restaurant, whose principal business operation is the dispensing of edible foodstuff and/or beverage, ready for consumption on the premises, in automobiles, at outdoor tables or at stand-up counters, or to be carried off the premises. One or another of the following conditions shall prevail:

1. Total seating area located within the enclosed portion of the premises shall be less than 50% of the total floor area.

2. Total automobile parking spaces on the premises shall exceed the total indoor seats provided for customers.

Retail or Retail Store - Sale to the ultimate consumer for direct consumption and not for resale.

Roomers - Those individuals residing in a Rooming or Boarding Home.

School - A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Illinois school laws, including pre-kindergarten, elementary school and junior and senior high schools, but excluding trade, business or commercial schools.

Setback - The minimum horizontal distance between the street wall of a building and the street property line.

Setback, Established Building - When 50% or more of the lots fronting on one side of street within a block are improved, the existing building setbacks of such improved lots shall be the **Established Building Setback** for determining the required setbacks for the remainder of the lots along such street frontage, as regulated in this ordinance.

Sign - A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

Sign, Advertising - A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

Sign, Gross Surface Area Of - The entire area within a single continuous perimeter enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. In the case of a sign with two visible surfaces, the gross surface area shall be the sum of both sides of the sign.

Site Plan - A plan, map, drawing or chart on which the applicant's plan for the development of land is presented and which he submits for approval in accordance with the appropriate Ordinances of the Village.

Special Use - A specific use of land or buildings, or both, described and permitted herein, subject to special provisions and which, because of its unique characteristics, cannot be properly classified as a permitted use.

Storage, Outdoor - The outdoor accumulation of vehicles, equipment or products or materials for permanent or temporary holding.

Story - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

Story, Half - That portion of a building under a gable, hip or mansard roof, the wall

plates of which, on at least two opposite exterior walls, are not more than 4½ feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three stories in height, a half-story in a sloping roof shall not be counted as a story for the purposes of this ordinance. In the case of multiple-family dwellings three or more stories in height, a half-story shall be counted as a story.

Street - All property dedicated or intended for public highway, freeway or roadway purposes or subject to public easements.

Street Frontage - All of the property fronting on one side of a street between two intersecting streets, or in the case of a dead-end street, all of the property along one side of a street between an intersecting street and the end of such dead-end street.

Street Line - The common division line between private property and a dedicated street or way, usually uninterrupted from corner to corner in any given block.

Structure - Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, to advertising signs, billboards, back stops for tennis courts and pergolas.

Trailer – see “*Manufactured Home*”

Use - The purposes for which land or a building thereon is designed, arranged, or intended, or for which it is occupied, maintained, let or leased.

Use, Permitted - A use which may be lawfully established in a particular district or districts, provided that it conforms with all requirements, regulations and performance standards (if any) of such district.

Use, Principal - The main use of land or buildings as distinguished from a subordinate or accessory use. A **Principal Use** may be either a permitted use or a special use.

Used/New Car Lot - A zoning lot on which used or new cars, trailers or trucks are displayed for sale or trade outside of buildings.

Valuation (of a building) - The assessed valuation, or where no assessed valuation exists, its appraised valuation.

Yard - An open space on the same zoning lot with a principal building or group of buildings which is unoccupied and unobstructed from its lowest level upward, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

Yard, Front - A yard extending across the full width of the zoning lot in accordance with the setback requirements of this ordinance.

Yard, Rear - A yard extending across the rear of the lot between the side yards. Double frontage and reverse corner lots will have no rear yard.

Yard, Side - A yard extending from the rear line of the front yard to the lot line most nearly parallel to that rear line.

Zoning Lot - A parcel of land of sufficient size to meet the minimum requirements of this ordinance concerning use, coverage, width, area, yards and other open space and having

frontage on an improved public street.

Zoning Map - The map or maps incorporated into this ordinance as a part hereof, designating zoning districts.