

## CHAPTER 1252 - DEFINITIONS

### 1252.01 - Construction of terms.

In construing the intended meaning of terminology used in this title, the following rules shall be observed:

- (a) Words and phrases shall have the meanings respectively ascribed to them in section 1252.02 unless the context clearly indicates otherwise; terms not defined in section 1252.02 shall have their standard English dictionary meanings.
- (b) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- (c) Words used in the present tense shall include the future tense.
- (d) Words used in the singular number shall include the plural number, and the plural the singular.
- (e) The term "shall" is mandatory and the term "may" is discretionary.
- (f) The term "this municipality" shall mean the City of Edwardsville.
- (g) The words, "lot", "parcel", "tract", "plot", and "site" shall be synonymous. (See definition of Lot.)
- (h) The words "extend", "enlarge", and "expand" shall be synonymous. (See definition of Enlarge.)
- (i) The words "abutting", "adjacent", and "contiguous" shall be synonymous. (See definition of Abutting.)
- (j) All distances shall be measured to the nearest integral foot; six inches (6") or more shall be deemed one foot (1').
- (k) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- (l) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

### 1252.02 - Selected definitions.

*Abandonment:* To give up one's right or interests in property or use of property.

*Abutting:* Having a common lot line or district line.

*Accessory building or use:* A building or use that:

- (a) Is subordinate to and serves a principal building or principal use;
- (b) Is subordinate in area, extent or purpose to the principal building or principal use served;
- (c) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- (d) Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

- (e) An accessory building or use includes, but is not limited to, the following:
- (1) A playhouse, garden house and private greenhouse;
  - (2) A garage, shed or building for uses accessory to the primary use;
  - (3) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless storage is excluded by the district regulations;
  - (4) Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities;
  - (5) A nonpaying guest house or rooms for guests within an accessory building, provided such facilities are used for the occasional housing of guests of the occupant of the principal building and not for permanent occupancy by others as housekeeping units;
  - (6) Off-street motor car parking areas, and loading and unloading facilities;
  - (7) Signs (other than advertising signs) as permitted and regulated;
  - (8) Carports; and
  - (9) Public utilities, telephone, electric, gas, water and sewer lines, their supports and incidental equipment.

*Administrator:* The official appointed by this municipality to administer this title.

*Adult business:* Any establishment having as a substantial or significant portion of its stock in trade or business activity in a use where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated, such as, but not limited to, the following: adults-only bookstores, adults-only motion picture theaters, adult entertainment centers, massage parlors, rap parlors, adults-only cabarets or adults-only saunas,

*Adult entertainment business:* Synonymous with "adult business", as defined herein.

*Adult entertainment center:* An enclosed building or part of an enclosed building, which contains one or more coin-operated mechanisms which when activated permit a customer to view a live person nude or in such attire, costume or clothing as to expose to view the human male or female genitalia; pubic hair; buttocks; perineum; anal or pubic regions; or female breast, at or below the areola thereof. In addition, the viewing of a live person, in the above described manner, after paying of any admission or fee for the viewing of same activity.

*Adults-only:* Any items or activities emphasizing, depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity.

*Adults-only bookstore:* An adults-only establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality, sadomasochistic activity. An establishment, having adults-only items as a substantial or significant portion of its stock, that sells or displays adults-only items for sale to patrons therein.

*Adults-only cabaret:* An establishment or place primarily in the business of featuring topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers,

where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

*Adults-only motion picture theater:* An enclosed building used regularly and routinely for presenting adults-only material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity, for observation by patrons therein.

*Agricultural use:* A use that is the primary use of the land so zoned, and includes, but is not limited to, the following commercial uses:

- (a) Farming for production of row crops, grain, hay, vegetables and other farm produce;
- (b) Wood lots, tree farms and nurseries.

An agricultural use does not include cattle feedlots, hog lots, poultry ranches or other high density animal husbandry uses.

*Aisle:* A vehicular traffic way within an off-street parking area, used as a means of access/egress from parking spaces.

*Alley:* A public way affording only secondary access to abutting property and not intended for general traffic circulation.

*Alter:* To change the size, shape, or use of a structure.

*Amendment:* A change in the provisions of this title (including those portions incorporated by reference), properly effected in accordance with state law and the procedures set forth herein.

*Animal hospital:* Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

*Apartment:* A connected series of rooms in a multiple-family structure, which are used as a single housekeeping unit.

*Apartment hotel:* See Hotel, apartment.

*Apartment house:* See Dwelling, multiple-family.

*Art Gallery:* A space in which works of art are displayed and may be available for purchase.

*Art Studio:* A space in which art is created and which may include the accessory sale of artwork created on-site. For purposes of this code, this term shall be used synonymously with "Artisan Production."

*Artisan Production:* The small-scale production of items by hand, including, but not limited to: food and non-alcoholic beverages, prints, leather products, jewelry and clothing / apparel, metal work, furniture, glass or ceramic products, or paper products.

*Asphaltic concrete:* A mixture of petroleum by-products and gravel used for paving to form a smooth, permanent surface. Asphaltic concrete does not mean "oil and chip".

*Assisted Living Facility:* Housing designed for senior citizens where some assistance is provided with daily activities such as cooking or cleaning, but not where skilled nursing care is provided consistently throughout the day.

*Automobile 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 painting of vehicles.

*Automobile repair minor:* Incidental repairs, replacement of parts, and motor service to automobiles, but not including any operation specified under automobile repair, major.

*Automobile sales lot:* A lot arranged, designed or used for the storage and display for sale of any motor vehicle or any type of trailer, provided, that the trailer is unoccupied; and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.

*Automobile service station:* A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, motor boats and other motor vehicles are offered for sale directly to the public, on the premises. Storage of propane or other alternative fuels in aboveground tanks meant for sale are permitted only when an approved State of Illinois fire permit and city permit are secured. Installation of all aboveground and below ground tanks must comply to current state and local building and zoning codes. Also, includes sale of minor accessories and the servicing of automobiles, but not including major automobile repairs, and including washing of automobiles. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include the sale of, or storage of, automobiles.

*Awning:* A roof-like cover, temporary or permanent in nature, which projects from the wall of a building or overhangs the public way.

*Basement:* A structural space having more than one-half its height below the average level of the adjoining ground.

*Bed and breakfast:* See Tourist home.

*Block:* A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways, or corporate boundary lines of municipalities.

*Blockface:* A Blockface is the collection of lots along one side of a street, in between two cross streets.

*Board:* The Edwardsville Zoning Board of Appeals.

*Boarding house:* A residential building or portion thereof - other than a motel or hotel - containing lodging rooms for accommodation of not more than ten persons who are not members of the keeper's family, and where lodging or meals or both are provided by pre-arrangement and for definite periods, but not on an overnight or per-meal basis to the transient public. See also Tourist homes.

*Booth:* Any enclosure that is specifically offered to patrons of an adult business for the private viewing of any adults-only item or movie. Said definition does not include enclosures that are used as private offices by any operator, employee or agent for attending to the tasks of their employment and are not offered for use by the public.

*Buffer strip:* A area of land - undeveloped except for landscaping, fences, etc., - used to protect a use on the adjacent lot.

*Buildable area:* The space remaining on a zoning lot after the minimum open space requirements have been complied with.

*Building:* Any covered structure permanently affixed to land and designed or used to shelter persons or chattels.

*Building, completely enclosed:* A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

*Building, detached:* A structure not attached on any of its sides to any other structure or building.

*Building footprint:* The area falling directly beneath and sharing the same perimeter outline as the building.

*Building height:*

- (1) *For residential buildings:* The vertical height of the ground floor elevation to the highest point of the roof. For split level or multi-level first floor elevations. The measurement would be at the finished floor elevation at the front entry way to the highest point of the roof.
- (2) *For non-residential and mixed-use buildings:* The vertical distance measured from the average grade at the front wall of a building to the highest point of the roof. Chimneys, towers, cooling towers, steeples, and similar projections (other than signs) shall not be included in calculating building height. Parapets, gables, and cornices shall be included in calculating the height.

*Building line:* The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the front property line.

*Building nonconforming:* Any building which does not conform to the regulations of the zoning code prescribing the maximum floor area ratio, required yards, height and setback, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such a building is located.

*Building, principal:* A non-accessory building in which the principal use of the zoning lot on which it is located is conducted.

*Building setback line:* A line parallel to the street line at a distance from it, regulated by the front yard requirements set up in the zoning code.

*Building, temporary:* Any building not designed to be permanently located in the place where it is, or where it is intended to be, placed or affixed.

*Bulk:* The size and setbacks of buildings or structures and location of the 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 the buildings;
- (e) Amount of lot area per dwelling unit; and
- (f) Required parking area.

*Carport:* A roofed area for vehicle storage, which may be open on three sides.

*Clinic or medical health center:* An establishment where patients are admitted for special study and treatment by two or more licensed physicians and their professional associates, practicing medicine

together and where no overnight lodging for sick or injured persons is provided. See also definition of Hospital, rehabilitation center or sanitarium.

*Club or lodge:* A nonprofit association of persons, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. Not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

*Commission:* The city plan commission of the City of Edwardsville as constituted by ordinance.

*Communication structures:* Including, but not limited to, any structure used for the receiving and/or dispersal of radio, television, microwave, cellular telephone or other signals.

*Conforming:* In compliance with the applicable provisions of this title.

*Corner lot:* See definition of Lot, corner.

*Corner lot, reversed:* See definition of Lot, reversed corner.

*Corrective action order:* A legally binding order issued by the administrator in accordance with the procedures set forth herein to effect compliance with this title.

*Council:* The city council of the City of Edwardsville.

*Coverage, lot:* See definition of Lot coverage.

*Cubicle:* Synonymous with "booth", as defined in this section.

*Day care:* A building or portion thereof used for the daytime care of children or adults.

*Day care center—Child:* Any place other than a family home including but not limited to child care centers, play schools, day nurseries, nursery schools, kindergartens, play groups, in which children receive child daycare services during any part of a day not exceeding 12 hours in a 24-hour period licensed pursuant to this code. For purposes of this code, this definition shall include facilities with an educational component for children not yet of age to attend primary school.

*Day care center—Adult:* Any place other than a family home in which persons receive adult daycare services during any part of a day not exceeding 12 hours in a 24-hour period licensed pursuant to this code.

*Day care home—Adult:* A family home in which not less than four and not more than eight persons receive adult daycare services during any part of a day not exceeding 12 hours in a 24-hour period.

*Day care home—Child:* A family home that receives not less than four and not more than eight children, nine years of age and under, for care during any part of the day not exceeding 12 hours in a 24-hour period. The maximum of eight children includes the family's natural or adopted children under age 18 and those children who are in the home under full time care.

*District:* A section of the City of Edwardsville in which zoning regulations and standards are uniform.

*Door:* Full, complete, transparent or nontransparent closure device that acts as a barrier for the activity taking place within an enclosed area.

*Dormitory:* Any building containing 11 or more rooming or dormitory units. A dormitory also provides a public restroom, a laundry room, foyer, storage space for out-of-season articles of the residents, public lounge and recreational space for the use of residents.

*Dormitory unit:* A habitable room used or intended to be used by multiple individuals for sleeping or study purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage space and stairwells.

*Driveway:* A minor way commonly providing vehicular access to a garage or off-street parking area.

*Dry Cleaner:* A business that provides washing, drying, and ironing services, on or off site, for customers.

*Dwelling:* A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units, multiple-family dwelling units, and townhouse, but not including hotels, motels, boarding or lodging houses.

*Dwelling, attached:* See "Townhouse." *Dwelling, detached:* A dwelling which is entirely surrounded by open space on the same lot.

*Dwelling group:* Two or more one-family, two-family or multiple-family dwellings or boarding or lodging houses, located on one zoning lot but does not include tourist courts or motels.

*Dwelling, multiple-family:* A building or portion thereof, designed or altered for occupancy by three or more families living independently of each other.

*Dwelling, row:* See "Townhouse."

*Dwelling, single-family:* A dwelling unit designed exclusively for and occupancy by one family.

*Dwelling, two-family:* A building designed or altered to provide dwelling units for occupancy by two families.

*Dwelling unit:* One or more rooms in a residential structure for use as living quarters by one family. A dwelling unit always includes a bathroom and a kitchen.

*Educational institution:* Primary or secondary schools, junior colleges, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, or other incidental facilities for students, teachers and employees.

*Enclosed:* As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

*Enlarge:* To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

*Establishment, business:* A separate place of business having the following characteristics:

- (a) The ownership and management of all operations conducted within such establishment is separate and distinct from the ownership and management of operations conducted within other establishments of the same or adjacent zoning lots.
- (b) Direct public access to such business establishment is separate from the direct access to any other business establishment. When adjacent places of business lack anyone of the aforementioned characteristics with respect on one another, they shall then be considered as a single business establishment for the purpose of the zoning code.

*Existing:* Actually constructed or in operation on the effective date hereof.

*Family:* One or more persons related by blood, marriage or adoption (excluding servants and roomers) or a group of not more than three persons (including servants and roomers) who need not be related by blood, marriage or adoption, living together and maintaining a common household, but not including sororities, fraternities or other similar organizations.

*Farm:* An area which is used for the growing of the usual farm products such as vegetables, fruit trees and grain, and may include the packing or storage of the products produced on the premises.

*Farm animal:* Any domesticated animal used in the normal operation of a farm.

*Flag lot:* The main use or building area of which does not abut a public street, but is connected thereto by a narrow strip of land which is a part of the lot.

*Flag lot front lot line:* In the case of a flag lot, the closest line, parallel to the public road, at the end of the "flagpole" or "panhandle".

*Fence:* A free-standing structure of metal, masonry composition or wood or any combination thereof, resting on or partially buried in the ground and rising above ground level and used for confinement, screening or partition purposes.

*Flood elevation, regulatory:* The elevation of the most severe flood that, on the basis of Corps of Engineer's data, may be expected to occur once every 100 years.

*Flood plain area:* The area adjacent to a watercourse and its tributaries having an elevation equal to or lower than the regulatory flood elevation shall be included in the flood plain area if they are surrounded by land in the flood plain area.

*Floor area, gross:* Is defined as follows:

- (a) For computing floor area ratio: For the purpose of determining floor area ratio, the floor area of a building or buildings is the sum of the gross horizontal areas of the several floors of such building or buildings, measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. In particular, gross floor area includes:
  - (1) Basement space if at least one-half of the basement story height is above the established average of the adjoining ground;
  - (2) Elevator shafts and stairwells at each floor;
  - (3) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet except equipment, open or enclosed, located on the roof, i.e., bulkheads, water tanks and cooling towers;
  - (4) Attic floor space where the structural headroom exceeds seven and one-half feet;
  - (5) Interior balconies and mezzanines;
  - (6) Covered or enclosed porches and carports, but not terraces and breezeways; and
  - (7) Accessory buildings and uses.
- (b) *For computing parking and loading requirements:* For the purpose of determining requirements for off-street parking and off-street loading, the floor area means the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including:
  - (1) Accessory storage areas located within selling or working spaces, such as counters, racks or closets, and



- (2) Basement floor area devoted to retailing activities, to the production or processing of goods or to business or professional offices.

*Exceptions:* The following shall not count toward the parking calculation for the structure:

1. Offices—Floor area dedicated to archival storage, and;
2. Retail or Service Businesses—Floor area dedicated to stock rooms for storage of merchandise.

*Floor area ratio (FAR):* The gross floor area of the building or buildings on the zoning lot divided by the area of such zoning lot, or in the case of a planned development, by the net site area.

*Food pantry:* A public or non-profit organization [as established under Internal Revenue Code 501(c)(3)] that, as an integral part of its normal operation, distributes food to needy low-income and unemployed individuals or households to relieve situations of emergency and distress, but does not provide any temporary or permanent on-site dwelling facilities.

*Food Truck:* any self-contained motorized vehicle, or self-contained trailer designed to be operated on the roadway, on/in which food for immediate consumption is prepared or from which food for immediate consumption is served.

*Frontage:* All the property fronting on one side of a street between the nearest intersecting streets, or between a street and a right-of-way, waterway or other similar barrier.

*Fuel bulk station:* A place where crude petroleum, gasoline, propane, naphtha, benzine, benzol, kerosene or other flammable liquid which is used for wholesale purposes is stored, where the aggregate capacity of all storage tanks is more than 8,000 gallons, regardless of whether the fuel is stored above the ground, underground or in mobile tank cars or trucks.

*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 ton capacity.

*Garage, private:* An accessory building or an accessory portion of the principal building including a carport, which is intended for and used for private passenger vehicles of the family or families resident upon the premises, and in which no business, service, or industry is carried on.

*Garage public:* A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor-driven vehicles. The term "repairing" shall not include an automobile body shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

*Golf course:* Public, semi-public or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto.

*Grade, street:* The elevation of the established street in front of the building measured at the center of such front. Where no street grade has been established, the city engineer may establish such street grade or its equivalent for the purpose of this zoning code.

*Greenhouses:* See nurseries.

*Group Assembly:* A space, room, or structure designed or used for occupancy by persons who are gathered for a noncommercial purpose, including clubs, lodges, halls, and churches.

*Group family household:* A group of individuals not related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common

housekeeping management plan based on an intentionally structured relationship providing organization and stability.

*Group homes:* A building used to provide a temporary residence for persons not fully adjusted to private life by reason of physical or mental condition or providing protection from danger or injury of individuals, including children.

*Group quarters:* A dwelling that houses unrelated individuals.

*Hand car wash:* A building or portion thereof used for the washing of automobiles by hand and physical means, not by the use of mechanical conveyance or blowers.

*Home occupation:* Any gainful occupation, profession or activity engaged in by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes. The home occupation shall be carried on wholly within the principal building only by family members residing on the premises with assistance from no more than one non-family member not residing on the premises. The home occupation shall be subject to compliance with the regulations as stipulated in the scope of regulations titled "Home Occupations".

*Hospital, rehabilitation center 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 day, of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions.

*Hotel, apartment:* A building containing dwelling units or individual guest rooms, the majority of which are for permanent guests. Maid and janitor service may be provided, but kitchen facilities are not necessarily included.

*Hotel:* An establishment containing lodging accommodations designed for use by transients, travelers or temporary guests, with no provisions in such accommodations for cooking in any individual room or suite. Facilities provided may include but are not limited to maid service, laundering of linen used on the premises, telephone and secretarial or desk service.

*House trailer:* See Mobile home.

*Householder:* The occupant of a dwelling unit who is either the owner, renter or lessee thereof, or owner's representative.

*Independent Living Facility:* Housing designed for senior citizens who live independently and where some support services are provided on site (such as medical, personal services, financial services, etc.) and where meals may be provided in a common dining room. Support services are generally accessed independently by residents, are not provided typically for regular use, and are not used to the extent of assisted or skilled care facilities.

*Junk yard:* An open area 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. A lot on which three or more inoperable vehicles are stored shall be deemed a junk yard.

*Kennel:* Any area or portion thereof on which more than two dogs, cats or other similar domestic mammals, over four months of age, are boarded for compensation.

*Laundromat:* A business that provides home-type washing, drying and ironing machines for hire, to be used by the customers on the premises.

*Least restrictive zone district:* For purpose of this title, the designation of the least to the most restrictive category of zoning district shall be of the following order: M-1 Light manufacturing, IP Institutional public service, B-2 Commercial business, MU-1 Mixed Use District, B-1 Central business, R-2 Multiple-family, R-EL Single-family residential estate lot and R-1 Single-family and C Conservation.

*Loading and unloading space or berth, off-street:* An open, hard-surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than ten feet in width, 45 feet in length and 14 feet in height, exclusive of access aisles and maneuvering space.

*Lodging or rooming house:* A building with three or more guest spaces where lodging is provided for compensation pursuant to previous arrangement, but not open on a daily, overnight or per-meal basis to transient guests.

*Lodging or rooming house unit:* A habitable room used or intended to be used by individuals for sleeping purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage space and stairwells.

*Lot:* A parcel of land legally described as a distinct portion or piece of land of record. A lot may or may not coincide with the lot of record.

*Lot area:* The area of a horizontal plane bounded by vertical planes containing the front, side and rear lot lines (expressed in square feet).

*Lot, corner:* A lot having at least two adjacent sides that abut for their full length upon streets.

*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 of a lot measured within the lot boundaries.

*Lot frontage:* The front of a lot, i.e., that boundary of a lot along a public street. On a corner lot, the owner may elect either street as front lot line.

*Lot interior:* A lot other than a corner lot or reversed corner lot.

*Lot line:* A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley line.

*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 lot line or lot lines most nearly parallel to and most remote from the front lot line.

*Lot of record:* An area of horizontal plane bounded by vertical planes containing the front, side and rear lot line.

*Lot, reversed corner:* A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

*Lot size requirements:* Refers to the lot area, width, and depth requirements of the applicable district.

*Lot, through:* A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

*Lot width:* The mean horizontal distance between the side lot lines measured within the lot boundaries, or the minimum distance between the side lot lines within the buildable area.

*Lot, zoning:* See Zoning lot.

*Maintenance:* The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep said structure in sound condition.

*Manufacture:* The making of anything by an agency or process.

*Marquee or canopy:* A roof-like structure of a permanent nature which projects from the wall of a building and overhangs the public way, and is designed and intended to protect pedestrians from adverse weather conditions.

*Massage parlor:* An establishment or place primarily in the business of providing massage services, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

*Mixed Use:* a tract, structure, or site designed to include both non-residential and residential uses, none of which are accessory uses.

*Mobile home:* A movable or portable unit, which is eight feet or more in width and is 32 feet or more in length, and constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations, subject to the provisions of 625 Illinois Compiled Statutes, et seq., of the Illinois Vehicle Code, and designed to be used without a permanent foundation and connected to utilities for year-round occupancy with or without a permanent foundation. The term shall include:

- 1) Unit containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity, and
- 2) Units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The term shall include units designed to be used for residential, commercial, education or industrial purposes, excluding, however, recreational vehicles.

*Mobile home park:* A parcel not less than five acres in area in single ownership control, developed with facilities for accommodating occupied mobile homes.

*Modular home:* Dwelling units which are designed to be placed on a permanent perimeter foundation which extends below the frost line.

*Motel:* See definition of tourist courts, motor lodges, motels.

*Motor home:* A self-propelled mobile dwelling built on a truck or bus chassis; not intended for permanent occupancy and is classified as a recreational vehicle.

*Nonconforming use:* Any use of a building, structure or land that does not conform to the use, bulk or lot regulations for the district in which it is located.

*Noxious matter:* Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well-being of human beings.

*Nudity:* The display of the human male or female genitalia; pubic hair; buttocks; perineum; anal or pubic regions; female breast, at or below the areola thereof, with no covering or with a less than fully opaque covering; or, male genitalia, in a discernible turgid state, with or without covering.

*Nursery:* A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.

*Nursing home or rest home:* See skilled care facility.

*Obscene:* Any material or performance is obscene if:

- (a) The average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and
- (b) The average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
- (c) Taken as a whole, it lacks serious literary, artistic, political or scientific value.

**State Law reference—** 720 ILCS 5/11-20.

*Obstruction:* An obstacle, impediment or hindrance.

*Office:* Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

*Open sales lots:* Any land used or occupied for the purpose of buying and selling new or secondhand passenger cars or trucks, motor scooters, motorcycles, boats, trailers, aircraft and monuments and other such implements, and for the storing of the same prior to sale.

*Operator:* Any person (whether said person be an individual, partner, corporation, joint stock company, fiduciary, officer, director, stockholder, employee, or manager), that conducts, maintains or owns any adult business.

*Overlay district:* A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof.

*Parking area, private:* An open, hard surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only, or occupants of the building or buildings for which the parking area is developed and is accessory.

*Parking area, public:* An open, hard surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half tons' capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers. It may either be a principal or accessory use.

*Parking space, automobile:* A space (minimum nine feet by 19 feet) within a public or private parking area exclusive of access drives, or aisles, ramps, columns or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half tons' capacity.

*Patron:* Any customer, patron or visitor to an adult business who is not employed by any operator of said establishment.

*Party Wall:* A wall common to, but dividing contiguous buildings; such a wall contains no openings and extends from its footing below the finished ground grade to the height of the exterior surface of the roof.

*Performance standard:* A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

*Permitted use:* Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to said district(s).

*Personal services:* See Services, personal and business.

*Plan, comprehensive:* A document, including map(s), that indicates current, intended uses and municipal growth.

*Planned unit developments (PUD):* A single or contiguous tract of land developed as an integrated unit under the control of a single or multiple owners according to an approved master plan. A PUD may be of any acreage but must be comprised of at least one principal building while adhering to the provisions of chapter 1243.

*Porch:* A roofed-over structure, projecting out from the wall or walls of a main structure and commonly open to the weather in part.

*Principal building or use:* The main use of land or building as distinguished from a subordinate or accessory use.

*Privately owned parks and recreational areas:* A park and/or recreational area privately owned by a not-for-profit corporation and/or organization that either has 501(c)3 not-for-profit organization status with the Internal Revenue Service (IRS), or is eligible for 501(c)3 status from the Internal Revenue Service (IRS).

*Public building:* Any building owned, operated, constructed or maintained at the expense of the public or a building which provides a service or function necessary for the general health, welfare and convenience of the public.

*Public open space:* Any publicly owned open area, including, but not limited to, parks, playgrounds, waterways, parkways and streets.

*Public utility:* Any person, firm, corporation or municipal department duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, cable television, radio, cellular communications, transportation, water or sewer.

*Railroad right-of-way:* A strip of land with tracks or with tracks removed and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.

*Rap parlor:* An establishment or place primarily in the business of providing nonprofessional conversation or similar services for adults, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

*Reconstruct:* As applied to nonconforming structures, "reconstruct" means to rebuild after partial or total destruction.

*Recreational vehicle:* A term encompassing any type of vehicle used primarily for recreational pleasure.

*Refuse:* Garbage (food wastes) and trash, but not sewage or industrial wastes.

*Relocate:* To move to another portion of a lot or to a different lot.

*Repair:* To restore to sound condition, but not to reconstruct.

*Rest home:* See definition of "Skilled Care Facility".

*Restaurant:* Any land, building or part thereof, other than a boarding house, where meals are provided for compensation, including a cafe, cafeteria, coffee house, lunchroom, drive-in stand, tearoom and dining room and including the serving of alcoholic beverages when served with and incidental to the serving of meals.

*Retail Establishment:* A business engaged in the sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

*Right-of-way, public:* A strip of land which the owner/subdivider has dedicated to this municipality or to another unit of government.

*Room:* Synonymous with "Booth", as defined in this section.

*Rooming house:* See definition of lodging or rooming house.

*Rooming house unit:* See definition of Lodging or rooming house unit.

*Sadomasochistic activity:* Flagellation or torture by or upon a nude person; a person clad in undergarments, a mask or bizarre costume. In addition, the condition of being fettered, bound or otherwise physically restrained with the intent to stimulate or arouse sexually the initiator and/or the recipient.

*Sanitary landfill:* A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency. At a sanitary landfill, the refuse is periodically covered with topsoil.

*Sauna:* An establishment or place primarily in the business of providing a steam bath and/or massage services, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

*School:* See Educational Institution.

*School, Trade or Business:* Any institution providing instruction in the trades (including but not limited to plumbing, electrical, cosmetology, etc.).

*Screening:* Trees, shrubs, walls, solid fences, etc., used as a means of visual and noise control.

*Sell:* Includes, to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

*Service stations:* See definition of Automobile service station.

*Services, personal and businesses:* Services rendered to a business or individual customer on a fee or contract basis for their own business or personal benefit, enjoyment, and/or convenience and for fulfillment of their specific requirements. Business and personal services may include: beautician and

barbering services, financial, legal and medical services, dry cleaning services, office or business equipment rental or leasing, and printing.

*Setback lines, building:* See definition of Building setback line.

*Sexual conduct:* Ultimate sex acts (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity. In addition, physical contact, intended to stimulate or arouse sexually the initiator and/or the recipient, with the person's unclothed genitalia, buttocks, perineum, anal or pubic regions, or female breast.

*Shopping center:* An integrated group of retail and/or commercial service establishments located on one parcel of land sharing a common building or buildings, site access, off-street parking and loading facilities, landscaping and other features and facilities incidental to such developments. Multiple buildings may be reviewed separately regarding parking regulations.

*Skilled Care Facility:* Housing designed for senior citizens where consistent care is provided by medical professionals on a 24-hour basis. A skilled care facility includes facilities commonly known as memory care, but does not include assisted living facilities.

*Solar energy system:* A solar energy conversion system consisting of solar panels, support structure, and associated controller or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

*Special use:* A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit.

*Special use permit:* A permit issued in accordance with the provisions of this title to regulate development of a special use.

*Stacking space:* The number of cars that must be accommodated in reservoir space while awaiting ingress or egress to specific business or service establishments.

*Stop order:* A type of corrective action order used by the administrator to halt work in progress that is in violation of this title.

*Story:* That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, 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 four and one-half feet above the finished floor of each 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.

*Street:* A public or private way for motor vehicle travel providing access abutting property. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian use only.

*Street, private:* Any street providing access to abutting property that is not maintained by and dedicated to this municipality or other public entity.



*Street right-of-way line:* A line separating a lot, or parcel from a street.

*Structural alteration:* Any change (other than incidental repairs) which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, and girders.

*Structure:* Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or freestanding wall. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure.

*Structure, temporary:* Any structure that is not attached to a permanent foundation.

*Tavern, saloon or lounge:* A building or space in a building where alcoholic beverages are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

*Terminals:* Are defined as follows:

- (a) *Motor freight terminal:* A building in which freight, brought to such building by motor truck, is assembled and sorted for routing in intrastate or interstate shipment.
- (b) *Railroad terminal:* A building in which freight, brought to such building by railroad is assembled and sorted for routing in intrastate and interstate shipment.

*Topography:* The relief features or surface configuration of an area.

*Tourist courts, motor lodges, motels:* A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges or other similar type uses.

*Tourist home:* A dwelling in which accommodations are provided or offered for transient guests.

*Tower height:* The height above grade of the fixed portion of the wind energy tower, excluding the wind turbine itself.

*Toxic material:* A substance (liquid, solid or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

*Townhouse:* A one-family dwelling unit, with a private entrance, which is part of a structure containing three or more dwelling units, which are attached, in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation. One townhouse occupies the vertical space between the ground and the roof and is attached to neighboring townhouse by a party wall extending from the foundation through the roof and is structurally independent of abutting walls of adjoining dwelling units.

*Trailer:* A vehicle without motor power, used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, which does not meet the requirements of part 14, "Building and housing code", of this code and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term trailer includes "camp trailer" and "house car". See 1248.02.14 for additional information.

*Trailer camp or park:* Any lot occupied or designed to accommodate one or more families living in a house trailer or mobile home (does not include parking of one or more trailers for business or storage purposes).

*Travel trailer:* A mobile structure designed for temporary occupancy.

*Truck parking area or yard:* Any land used or intended to be used for the storage or parking of trucks, trailers, tractors and other vehicles, while not loading or unloading, which exceed one and one-half tons in capacity.

*Underage:* Any person under 18 years of age, the legal minimum age at which one can purchase or view adults only items. **State Law reference—** 720 ILCS 5/11-20.

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

*Use, principal:* The main use of land or buildings.

*Used car lot:* A lot on which used or new cars, trailers or trucks are displayed.

*Vehicle:* A means of carrying persons or things, as an automobile.

*Wall sign:* Any flat sign which is placed against a building or other structure and attached thereto in such manner that only one side is visible.

*Warehouse:* A building used primarily for the storage of goods and materials. See definition of mini-warehouse.

*Warehouse, mini:* A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

*Comment:* Spaces are usually 30 to 400 square feet with direct access to paved driveways. The structures are usually one story structures and resemble a series of attached garages. The space is often used to store inactive business records, household goods and even antique cars or recreation vehicles. In zones where permitted, the regulations should specify height (one story usually), distance between structures and width of driveway (15 feet), and whether outdoor storage is permitted (some allow boats and similar large items). The regulations should specify whether the space can be used for other than storage (rock and roll rehearsal halls, for example), and security measures such as lights, resident manager and fences, should be considered. See Warehouse.

*Warehousing:* Terminal facilities for handling freight with or without maintenance facilities.

*Warehousing, private:* Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field.

*Warehousing, public:* Terminal facilities available to the general public, at a fee, for the storage of farm products, furniture and other household goods, or commercial or private goods of any nature.

*Wind energy system:* A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

*Yard:* An open space on a zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed, except as otherwise permitted, 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 along the full length of the front lot line between the side lot lines, shall be a minimum of the setback standard for said zone district but is not limited to said minimum standard. The front yard is further defined to be a line parallel to the front of the main structure or any

portion thereof from side lot line to side lot line and extending to the front lot line and shall contain at least the minimum setback requirement.

*Yard, rear:* A yard extending along the full length of the rear lot line between the side lot lines.

*Yard, side:* A yard extending along a side lot line from the front yard to the rear yard.

*Zoning certificate:* A document issued by the zoning administrator authorizing buildings, structures or uses consistent with the terms and provisions of this title and for the purpose of carrying out and enforcing its provisions.

*Zoning lot:* A single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.

*Zoning maps:* The map or maps incorporated into the zoning code as a part hereof, designating zoning districts.

(Ord. No. 5925-2-14, § 3, 2-4-2014; Ord. No. 5930-2-14, §§ 3, 8, 2-18-2014; Ord. No. 5978-5-15, § 2, 5-4-2015; Ord. No. 6038-03-17, § 3, 3-21-2017)