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## **CHAPTER 1**

### **ZONING PURPOSE AND DEFINITIONS**

#### **SECTION:**

9-1-1: Title and Purpose

9-1-2: Scope and Effect of Regulations

9-1-3: Definitions

#### **9-1-1: TITLE AND PURPOSE:**

Special statutory requirements of the Illinois Municipal Code govern the enactment or amendment of the Zoning Ordinance and for that purpose the Zoning Ordinance is included in this Municipal Code for the purpose of reference and convenience. The original Zoning Ordinance, plus all amendments and maps showing the various use districts are on file with the Village Clerk. In this Municipal Code, the Zoning Act shall be known as the "Zoning Code of Hodgkins" and shall consist of the text hereof as well as that certain map identified and approved by the President and Board of Trustees and designated as the "Zoning Map" . Said Map is hereby adopted by reference as a part of the "Zoning Code of Hodgkins". (Ord. 69-1, 2-10-69)

#### **9-1-2: SCOPE AND EFFECT OF REGULATIONS:**

A. The provisions of this code apply to all persons, including and not limiting any tenant, lesser or lessee, owner, rental agent, occupant, firm or corporation, or agents, employees or contractors of such. (Ord. 70-7, 8-10-70)

B. This Code does not repeal any existing laws in regard to buildings, sanitation or otherwise, where not inconsistent herewith. (Ord. 69-1, 2-10-69)

#### **9-1-3: DEFINITIONS:**

**ABANDONMENT** An action to give up one's rights or interests in property.

ACCESSORY BUILDING An "accessory building or use" is one which:  
or USE

A. Is subordinate to and serves a principal building or principal use;

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B. Is subordinate in area, extent or purpose to the principal building or principal use served;

<sup>1</sup> See Section 9-3-2 of this Title

C. Contributes to the comfort, convenience or necessity of occupants of the principal building or

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.

ACREAGE Any tract or parcel of land having an area of one acre or more which has not heretofore been subdivided or platted.

ALLEY A public way, not more than thirty feet (30') wide, which affords only a secondary means of access to abutting property.

ALTERATION, STRUC - Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams and girders.

APARTMENT A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed must always be included for each apartment.

APARTMENT HOTEL (See Hotel, Apartment).

APARTMENT HOUSE (See Dwelling, Multiple-Family).

ATTIC The space between the roof and next lower ceiling, having an average clear height of less than seven feet (7').

AUDITORIUM A room, hall or building made a part of a church, theatre, school, recreation building, concert or music hall, or other building, assigned to the gathering of people as an audience to hear lectures, plays, etc.

AUTO WRECKING or any place where two (2) or more motor vehicles JUNK YARD not in running condition, or parts thereof, are stored in the open and are not being restored to operation; any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof and including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging and scavenging of any other goods, articles or merchandise.

AUTOMOBILE AND an open area, other than a street, used for the TRAILER SALES AREA display or sale of new or used automobiles or trailers, and where no repair work is done except for minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

AUTOMOBILE LAUNDRY. a building, or portion thereof, where automobiles are washed with the use of a chain conveyor and blower or steam-cleaning device.

AUTOMOBILE REPAIR Engine rebuilding or major reconditioning of MAJOR worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair, and painting of vehicles.

AUTOMOBILE REPAIR, Incidental repairs, replacement of parts and MINOR motor service to automobiles, but not including any operation specified under "Automobile Repair, Major".

AUTOMOBILE SERVICE A place where gasoline, stored only in STATION underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public, on the premises, and including minor accessories and the servicing of automobiles, but not including major automobile repairs; and including washing of automobiles where no chain conveyor, blower or steam-cleaning device is employed. 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 sale or storage of automobiles or trailers (new or used).

AWNINGA roof like cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

BASEMENT A story partly or wholly underground. Where more than one-half ( $\frac{1}{2}$ ) of its height is above the established curb level or above the average level of the

adjoining ground where the curb level has not been established, a basement shall be counted as a story for purposes of height measurement.

**BILLBOARD** Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include bulletin boards used to announce church services or to display court or other public office notices, or signs offering the sale or lease of the premises on which the sign is located.

**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.

**BUILDABLE AREA** The space remaining on a zoning lot after the minimum open space requirements have been complied with.

**BUILDING** Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels.

Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures, are not considered as buildings.

**BUILDING** A building separated on all sides from the **COMPLETELY ENCLOSED** 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.

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**BUILDING, DETACHED:** A building surrounded by open space on the same zoning lot.

**BUILDING HEIGHT** The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest elevation of the roof in the case of a slant or flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

**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 street right-of-way line.

**BUILDING, NONCON** - Any building which does not conform to the **FORMING** regulations herein prescribing the maximum floor area ratio, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.

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

**BUILDING SETBACK** A line parallel to the street line at a **LINE** distance from it, regulated by the front yard requirements set up herein.

**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 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;

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- B. Location of exterior walls at all levels in relation to lot lines, streets, or 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;
- F. Required parking areas.

**BUS LOT** Any lot or land area used for the storage or layover of passenger buses or motor coaches.

**CANOPY** A roof like structure with or without post or other ground support, constructed to provide shelter to pedestrians or vehicles. A canopy may extend in the public right of way but not closer than two feet (2') to the curb line.

**CARPORT** A roofed-over area attached to the principal building for vehicle storage, which may be open on three (3) sides.

**CELLAR** A story having more than one-half (½) its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purposes of height measurement.

**CLINIC or MEDICAL HEALTH CENTER** an establishment where three (3) or more licensed doctors of medicine engage in the practice of medicine, operating on a group or individual basis, with pooled facilities, such as

coordinated laboratory, X-ray and allied departments, for the diagnosis and treatment of humans, which need not, but may, include a drug prescription counter (not a drug store) for the dispensing of drugs and pharmaceutical products to the patients of the said organization. In addition to the above, the medical center or medical clinic may include the space for the practice of dentistry.

CLUB or LODGE, A non-profit association of persons, who are PRIVATE bon a fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

It shall be permissible to serve food and meals on such premises, provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to

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The members and their guests shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State and Village laws.

CODE This Title in its entirety as expressed in Section 9-1-1 of this Chapter.

COMMERCIAL or Any facility whose operation will effect INDUSTRIAL FACILITY commerce, or that is intended for non-residential use by a private entity.  
(Ord. 92-21, 6/9/92)

CORNER LOT (See Lot, Corner).

CORNER LOT, REVERSED (See Lot, Reversed Corner).

COURT, OUTER an open, unoccupied space opening onto a street, alley or yard.

COVERAGE, LOT(See Lot Coverage).

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 of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered to be curb level.

DAY NURSERY building or portion thereof used for the daytime care of pre-school age children.

DECIBELA unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

DISTRICTA section or sections of the incorporated area of the Village for which the regulations and provisions governing the use of buildings and land are uniform for each class of use permitted therein.

DWELLINGA building or portion thereof, including a house trailer or mobile home, designed or used

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exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

DWELLING, ATTACHEDA dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

DWELLING, DETACHEDA dwelling which is entirely surrounded by open space on the same lot.

DWELLING GROUP Two (2) or more one-family, two-family or multiple-family dwellings, or boarding or lodging houses, located on one zoning lot, but not including tourist courts or motels.

DWELLING, MULTIPLE-A building or portion thereof, designed or FAMILY altered for occupancy by three (3) or more families living independently of each other.

DWELLING, ONE - A dwelling unit designed exclusively for use FAMILY and occupancy by one family.

DWELLING, ROWA row of two (2) to eight (8) attached one-(PARTY WALL) family, party-wall dwellings, not more than two and one-half (2 ½) stories in height nor more than two (2) rooms in depth, measured from the building line.

DWELLING, TWO-A building designed or altered to provide FAMILY dwelling units for occupancy by two (2) families.

DWELLING UNIT Consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall be included for each dwelling unit.

EDUCATIONAL Public, parochial, charitable, or non-profit INSTITUTION junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers and employees.

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ESTABLISHED GRADE The sidewalk line grade at the front lot line as established by the Village Engineer.

FAMILY One or more persons related by blood, marriage or adoption or group of not more than three (3) persons who need not be related by blood, marriage or adoption, living together and maintaining a common household, but no unrelated group shall consist of more than three (3) persons as distinguished from a group occupying a boarding house, lodging house or hotel. The term "related by blood, marriage or adoption" shall be confined to lineal descendants or ascendants of the head of the family and spouse occupying said unit.

FENCE A structure serving as an enclosure, barrier or boundary.

FLOOR AREA, GROSS (For the purpose of determining floor area ratio). The floor area of a building or buildings shall be 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 center line of party walls separating two (2) buildings. In particular, "gross floor area" shall include:

- A. Basement space if at least one-half ( $\frac{1}{2}$ ) of the basement story is above the established curb or ground level;
- B. Elevator shafts and stairwells at each floor;
- C. Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet ( $7\frac{1}{2}'$ ); except equipment, open or enclosed, located on the roof, i.e., bulkheads, water tanks, and cooling towers;
- D. Attic floor space where the structural headroom exceeds seven and one-half feet ( $7\frac{1}{2}'$ );
- E. Interior balconies and mezzanines;
- F. Enclosed porches, but not terraces and breezeways;
- G. Accessory buildings.

(For the purpose of determining requirements for off-street parking and off-street loading). The floor area shall mean the sum

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of the gross horizontal area of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within the selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods or to business or professional offices. However, floor area for purposes of measurement for off-street parking spaces shall not include floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps and manoeuvring space; or basement floor other than area devoted to retailing activities, or the production or processing of goods, or to business or professional offices.

**FLOOR AREA RATIO** The total floor area of the building or (F.A.R.) 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.

**FREQUENCY** The number of oscillations per second in a sound wave measuring the pitch of the resulting sound.

**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.

**GARAGE, BUS** Any building used or intended to be used for the storage of three (3) or more passenger motor buses, or motor coaches used in public transportation, including school buses.

**GARAGE, BUS or TRUCKA** 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 (1 ½) tons capacity.

**GARAGE, PRIVATE** Any accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried

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on; provided, that not more than one-half (½) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one or two-car capacity may be so rented. Such a garage shall not be used for more than one commercial vehicle and the load capacity of such vehicle shall not exceed one and one-half (1 ½) tons.

**GARAGE, PUBLICA** building other than a private garage, used for the care, incidental servicing and sale of automotive 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 (1 ½) tons' capacity.

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 Village Engineer shall establish such street grade or its equivalent for the purpose of this Section.

GREEN STRIP The front, side or rear yard landscaped with grass, shrubs or trees, but excluding walks and ingress or egress driveways.

GUEST HOUSE A structure for human habitation containing one or more rooms with bath and toilet facilities. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.

HANDICAPPED A mentally or physically impaired person (Ord. 92-21, 6/9/92)

HOME OCCUPATION Any occupation or profession carried on by a member of a family, residing on the premises, in connection with which there is used no sign other than that allowed by the sign regulations for the district in which such home occupation is located; provided, that no commodity is sold upon the premises except such as may be produced on the premises by members of the immediate family; provided, that no person is employed other than a member of the immediate family residing on the premises, and provided that no mechanical

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equipment is used except such as is normally used for domestic, hobby or household purposes. Home occupation shall include the use of premises by a physician, surgeon, dentist, clergyman or other professional person for consultation or emergency treatment, but not for the general practice of his profession

HOSPITAL or An institution devoted primarily to SANITARIUM maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty four (24) hours in any week of three (3) or more non-related individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital", as used herein, does not apply to institutions operating solely for the treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter or boarding homes.

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 or MOTEL** An establishment containing lodging accommodations designed for use by transient, or travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial or desk service, meeting rooms, and restaurant, but may not include kitchen or cooking facilities.

**INSTITUTIONAL** building occupied by a non-profit corporation or a non-profit establishment for public or semi-public use.

**KENNEL, COMMERCIAL** Any lot or premises or portion thereof on which more than four (4) dogs, cats and other household domestic animals over four (4) months of age, are kept or on which more than two (2) such animals are boarded for compensation or kept for sale.

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**LABORATORY**, A place devoted to experimental study such as **COMMERCIAL** testing and analyzing. Manufacturing, assembly, or packaging of products is not included within this definition.

**LOADING AND UNLOADING** An open, hard surfaced area of land other than **LOADING SPACE** or a street or a 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, thirty five feet in length and fourteen feet in height (10' x 35' x 14'), exclusive of access aisles and manoeuvring space.

**LODGING or ROOM** - A building originally designed for or used as a **RESIDENTIAL HOUSE** a single-family or two-family dwelling, all or a portion of which contains lodging rooms which accommodate persons who are not members of the keeper's family. Said building shall not contain more than five (5) guest rooms where lodging is provided for compensation and said building shall not be open to transients, and not more than one person shall be allowed per room.

**LODGING ROOM** A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite or rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purposes hereof.

**LOTT** parcel of land legally described as a distinct portion of or piece of land of record.

**LOT AREA** The area of a horizontal plane bounded by vertical planes containing the front, side and rear lot lines.

**LOT, CORNER** lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single

street, the interior angle of which is one hundred thirty five degrees (1350) or less.

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**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 shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.

**LOT, INTERIORA** lot other than a corner or reversed corner lot.

**LOT LINEA** 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, INTERIORA** side lot line common with another lot.

**LOT LINE, REARA** lot line or lot lines most nearly parallel to and most remote from the front lot lines.

**LOT LINE, SIDE** Lot lines other than front or rear lot lines.

**LOT OF RECORD** An area of land designated as a lot on a plat of subdivision recorded or registered, pursuant to statute.

**LOT, REVERSEDA** corner lot, the rear of which abuts upon the **CORNER** side of another lot, whether across an alley or not.

**LOT, THROUGHHA** lot having frontage on two (2) 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 build able area.

**MANUFACTURE** The making of anything by any agency or process.

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**MARQUEEA** roof like structure of a permanent nature which projects from the wall of a building without ground support and which overhangs a pedestrian walkway. A marquee may extend into the public right of way but not closer than two feet (2') to the curb line.

**MOBILE HOME PARKA** tract of land or two (2) or more contiguous tracts of lands upon which five (5) or more independent mobile homes are located for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park.

**MOTOR FREIGHT** A building in which freight, brought to said **TERMINAL** building by motor truck (or by rail connecting carrier used in conjunction with motor truck), is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

**NAMEPLATEA** sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

**NONCONFORMING USE** Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of the original zoning ordinance or amendments thereto, which does not conform after the passage of the ordinance or amendments thereto with the use regulations of the district in which it is situated.

**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.

**NURSING HOMEA** building containing facilities for the care and home of aged, chronically ill, infirm, or incurable persons, or a place of rest for those persons suffering bodily disorders, in which three (3) or more persons not members of the family residing on the premises are received, and provided with food, shelter, and care, and which is licensed by the State of Illinois as an extended care facility, but not

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including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

**OCTAVE BANDA** means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

**OCTAVE BAND FILTER** An electrical frequency analyzer, designed according to standards formulated by the American Standards Association and used in

conjunction with a sound level meter to take measurements in specific octave intervals. (American Standard for Sound Level Meters, A.S.A. No. 224.3-1944).

ORDINANCE Reference to "ordinance" shall be construed as the Hodgkins Zoning Ordinance.

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

PARKING AREA, An open, hard-surfaced area, other than a PUBLIC street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half (1 ½) tons' capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

PARKING SPACE, Space within a public or private parking area AUTOMOBIL Eor enclosed garage or carport, of not less than One hundred sixty two (162) square feet (9'x18'), exclusive of access drives, or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle of not more than eight thousand (8,000) gross pounds.

PARTICULATE MATTER Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.

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

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PLANNED DEVELOPMENT A tract of land which is developed as a unit under single ownership or control, which includes two (2) or more principal buildings, and which is at least four (4) acres in area, except for planned developments operated by a municipal corporation which shall be at least two (2) acres in area, and planned manufacturing developments, which shall be at least ten (10) acres in area.

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

PRINCIPAL USE The main use of land or buildings as distinguished from a subordinate or accessory use.

**PUBLIC OPEN SPACE** Any publicly-owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, 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, transportation or water.

**RESTAURANT** Any building or part thereof, other than a boarding house, where food or meals are provided for compensation, for consumption on the premises, inside a building including a cafe, cafeteria, coffee shop, dining room, lunchroom or tearoom, and including the serving of alcoholic beverages when served with and incidental to the serving of meals.

**RESTAURANT, DRIVE-IN** Any land, building or part thereof, where food or meals are served for compensation to occupants remaining in motor vehicles.

**RESTAURANT, FAST CARRY OUT** Any building or part thereof where the principal part of the business is providing food or meals for compensation, in disposable wrappers or containers for consumption within the principal building or on or off the premises where prepared.

**RINGELMANN CHART** chart which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated, graduated shades of

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gray for use in estimating the light obscuring capacity of smoke.

**RINGELMANN NUMBER** The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of smoke emission.

**SIGN** name, identification, description, display, or illustration which is affixed to, or painted or represented directly or indirectly upon a building, structure, tree, rock or other objects or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

However, a sign shall not include any display or official court or public office notices nor shall it include the flag, emblem, or insignia of a nation, political unit, school or religious group. A sign shall not include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.

**SIGN, ADVERTISING** A sign which directs attention to a business, (BILLBOARD) 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, BUSINESS A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises which such sign is located or to which it is affixed.

SIGN, CHURCH A sign attached to the exterior of a church or BULLETIN BOARD located elsewhere on the church premises, used to indicate the services or activities of the church and including its name, if desired.

SIGN, FLASHING Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Title, any revolving, flashing or portable sign shall be considered a flashing sign.

SIGN, GROSS SURFACE A sign shall be the entire area within a single AREA OF continuous perimeter enclosing the extreme

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limits of such sign and in no case passing through or between any adjacent elements of 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.

SIGN, A structure, building wall or other outdoor IDENTIFICATION surface used to display and identify the name of the individual, business, profession, organization or institution occupying the premises upon which it is located.

SMOKE UNITS The number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this chart, Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed; and the various products are added together to give the total number of "smoke units" observed during the total period under observation.

SOUND LEVEL METER An instrument standardized by the American Standards Association for measurement of intensity of sound.

STABLE, PRIVATE Any building which is located on a lot on which a dwelling is located and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling.

STACKING For the purposes herein, stacking requirements REQUIREMENT Shall be the number of cars that must be accommodated in a reservoir space while waiting ingress or egress to specified business or service establishments.

**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 fourteen feet (14') in height shall be considered as an additional story for each fourteen feet (14') or fraction thereof.

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**STORY, HALFA** space under a sloping roof having an average clear height of seven feet six inches (7'6") over not more than sixty percent (60%) of the floor area.

**STREET** public way other than an alley, which affords a primary means of access to abutting property.

**STREET LINE** line separating a lot, piece or parcel of land from a street.

**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 free-standing wall. A sign, billboard, or other advertising medium, detached or projecting, shall be construed to be a structure.

**STRUCTURAL ALTERATION** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building.

**SWIMMING POOL** Any temporary or permanent artificial pool or receptacle for water installed, constructed or maintained in, on or above the ground (not including those enclosed and located entirely within a dwelling), having a perimeter of more than twenty five feet (25') and a depth of more than two feet (2') at any point. A swimming pool shall be considered to be a main building and use; provided however, that a swimming pool may be considered to be an accessory building or use customarily incident to a dwelling when located on the same lot therewith and designed and used for swimming or bathing in connection with such dwelling solely by the persons living therein or their private guests. No swimming pool designed for or used any commercial or other nonresidential purpose shall be considered to be an accessory building or use customarily incident to a dwelling.

**TAVERN or LOUNGE** building where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

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

**TRAILER** A vehicle without motive 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 Building Code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" shall include "camp car" and "house car". A permanent foundation shall not change its character unless the entire structure is erected in accordance with prevailing Municipal laws.

**TRAILER CAMP or PARK** (See Mobile Home Park).

**TRUCK PARKING AREA** Any land used or intended to be used for the or **YARD** storage or parking of trucks, trailers, tractors, and including commercial vehicles, while not loading or unloading, which exceeds eight thousand (8,000) gross pounds.

**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 as distinguished from a subordinate or accessory use.

**VEHICLE**, Any vehicle or trailer propelled or drawn by **RECREATIONAL** mechanical power which is designed for recreational activity or short term living accommodation.

**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, except as otherwise permitted herein, 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.

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**YARD, FRONT** A yard extending along the full length of the front lot line between the side lot lines.

**YARD, REAR** The portion of the yard on the same lot with the principal building or use, located between the rear line of the building or use and the rear lot line and extending for the full width of the lot.

YARD, SIDEA yard extending along a side lot line from the front yard to the rear yard.

ZONING LOTA 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. Therefore, a "zoning lot" may or may not coincide with a lot of record.

ZONING MAP The map incorporated herein as a part hereof, designating zoning districts. (1985 Code)