

SECTION 15.0 - RULES AND DEFINITIONS

15.1 RULES

1. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural, the singular; where the context requires.
2. The word "shall" is mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "lot" shall include the words "piece," "parcel," and "tract;" and the phrase "used for": shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
5. All measured distances shall be to the nearest integral foot--if a fraction is one-half foot or less, the integral foot next below shall be taken.
6. Any words not defined as follows shall be construed in their generally accepted meanings as defined in the most recent publication of Webster's Dictionary.
7. The words and terms set forth herein under "Definitions" wherever they occur in this ordinance shall be interpreted as herein defined.

15.2 DEFINITIONS

Accessory Use or Structure

A use or structure subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. For example, a retail business is not considered customarily incidental to a residential use. Residential accessory uses may include storage of household goods, parking areas, gardening, servants' quarters, private swimming pools, private emergency shelters, and other similar uses.

Adult Bookstore

An establishment having 10 percent or more portion of its stock trade, books, photographs, magazines, films for sale or viewing on the premises by use of motion picture devices, or other coin-operated means, or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities as said term is defined herein.

Adult Entertainment Establishments

A "Modeling Studio," "Adult Bookstore," "Adult Entertainment Facility," "Bathhouse" or "Massage Parlor" as defined herein.

Adult Entertainment Facility

Any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including theaters used for live presentations, video tapes or

film predominantly distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to specified sexual activities, as said term is defined herein, and exotic dance facilities (regardless of whether the theater or facility provides a live presentation, video tape or film presentation), where the patrons either: (1) engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or (2) observe any live presentation, video tape or film presentation of persons wholly or partially nude with genitals or pubic region exposed or covered only with transparent or opaque covering, or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or opaque covering or to observe specified sexual activities as said term is defined herein.

Agriculture

Land, or land, buildings and structures, the principal use or uses which is growing of farm or truck garden crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, or animal or poultry husbandry, and accessory uses customarily incidental to agricultural activities, including but not limited to the farm dwelling, dwellings, dwellings for tenants and full-time hired farm workers and dwellings or lodging rooms for seasonal workers.

Agricultural Business Uses

Agricultural-related businesses, their land, buildings, and structures, and accessory uses, the principal use of which is directly and indirectly involved in the planting, cultivation, harvesting, and storage of agricultural products, including but not limited to grain elevators, fertilizer plants, farm equipment sales, and seed sales.

Bar or Tavern

An establishment in which the primary function is the sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments commonly known as cocktail lounges and nightclubs but excluding those establishments that would otherwise be defined as an "Adult Entertainment Facility".

Bathhouse

An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy. This term shall not apply to any business or establishment that is operated by or supervised by a medical physician who is licensed under the Illinois Medical Practice Act or a professional Physical Therapist licensed by the State of Illinois.

Boarding House (Rooming or Lodging House)

A residential building, or portion thereof--other than a motel, apartment hotel, or hotel--containing lodging rooms for accommodation of three or more persons who are not members of the keeper's family, and where lodging or meals or both are provided by prearrangement and for definite periods, at a definite prearranged price.

Building

Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

Building Height

The vertical distance measured from the mean elevation of the finished lot grade along the front yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.

Camps or Campgrounds

Tracts of land of a design or character suitable for and used for seasonal, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonable, temporary, or movable nature such as a cabin, hunting shelter, or tent.

Comprehensive Plan

The extensively developed and evolving plan, also called a master plan, adopted by the County Planning Commission.

Conservation

Preservation of land, water, flora, fauna, and cultural artifacts in their original state.

Consumer Service

Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience. For example, consumer services include the provision of the personal services, such as beauty and barbering services, the provision of lodging, entertainment, specialized instruction, financial services, transportation, laundry and dry cleaning services, and all other similar services.

Dwelling

A building or portion thereof designed or used exclusively as a residence or sleeping place, but not including boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

Essential Services

Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, life stations, hydrants, etc., but not including buildings.

Family

Two or more persons related to each other by blood, marriage, or legal adoption, living together as a single housekeeping unit; or a group of not more than three (3) persons who need not be related by blood, marriage, or legal adoption living together as a single housekeeping unit and occupying a single dwelling unit; in either case, exclusive of usual domestic servants.

Farmstead

That untilled portion of a farm presently containing or which has contained the principal farm buildings, farm house, and adjacent service areas.

Fireworks

Fireworks shall be defined as in the Alcohol Tobacco, and Firearms Explosives Law and Regulations, P5400.7)6/90) on page 37 as class (b) Low explosives. Explosive materials which can be caused to deflagrate when confined, (for example, black powder, safety fuses, igniters, igniter cords, fuse lighters, and "special fireworks" defined as Class B explosives by U.S. Department of Transportation regulations in 49 CFR Part 173, except for bulk salutes)."

Floor Area

The sum of the gross floor area for each of the several stories under roof measured from the exterior limits or faces of a building or structure. Areas below grade and attached accessory structures are not included.

Grade, Private

An accessory building, or an accessory portion of a principal building enclosed on at least three sides which is intended for and used to store private passenger motor vehicles and no more than one (1) three-quarter ton or lesser-sized truck.

Grade

The highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Home Occupation

An occupation carried on in a dwelling by the resident thereof, not involving the conduct of a retail business or manufacturing business, the employment of any additional persons in the performance of such services excepting members of the immediate family residing on the premises and one receptionist or office assistant; not using any mechanical equipment other than is usual for purely domestic or hobby purposes; nor exterior storage of equipment or materials used in connection with the home occupation. Home occupations, further, shall not utilize more than twenty-five (25) percent of the total floor area of any one story.

Hotel

An establishment containing lodging rooms for occupancy by transient guests, but not including a boarding or rooming house. Such an establishment provided customary hotel services such as maid and bell-boy services, furnishing of the laundry of linens used in the lodging rooms, and central desk with telephone.

Junk Yard

Any land or structure used for a salvaging operation including, among other things, the storage and sale of waste paper, rags, scrap metal, and discarded materials, and the collecting, dismantling, storage and salvaging of unlicensed, inoperative vehicles.

Kenel

Any premises or portions thereof on which four or more dogs, cats, or other household domestic animals over four months of age are kept, or on which more than two such animals are maintained, bred, or cared for, for enumeration or sale.

Loading Area

A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

Lot

A single parcel of land which may be legally described as such, or two or more adjacent numbered lots or parts of such lots in a recorded subdivision plat having principal frontage on a street which comprises a site occupied by, or intended for occupancy by one principal building or principal use together with accessory buildings and uses, yards and other open spaces required by this ordinance.

Lot, Corner

A lot abutting on two streets at their juncture, when the interior angle formed is less than one hundred thirty-five (135) degrees.

Lot Lines and Area

The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot, Interior

A lot other than a corner lot.

Lot Recorded

A lot designated on a subdivision plat or deed duly recorded pursuant to statute in the County Recorder's Office. A recorded lot may or may not coincide with a zoning lot.

Lot Width

The width of a parcel of land measured at the required minimum building setback line.

Lot, Zoning

A parcel of land composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses along with permitted accessory buildings or uses meeting all the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in this ordinance.

Massage Parlor

An establishment which has a fixed place of business having an income or compensation 60% or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of external parts of the human body with the hands or with the aid of any mechanical electric apparatus or appliances with or without supplementary aids such as rubbing

alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage. Under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity; this term shall not include any establishment operated or supervised by a medical physician who is licensed under the Illinois Medical Practice Act or any professional physical therapist licensed by the State of Illinois.

Mobile Home

A movable or portable unit designed and constructed to be transported, comprised of a frame and/or wheels and so designed to be connected to utilities for a year-round occupancy and provide complete, independent living facilities including provisions for cooking, sleeping and sanitation. The term includes units containing parts that may be collapsed or telescoped when being transported and then expanded to provide additional cubic capacity and units composed of two or more separately transportable components designed to be joined into an integral unit capable of being separated again into components for repeated transporting. Removal of wheels, towing devices, or any other alternation does not qualify a mobile home as a conventional single-family dwelling unless such alterations enable the unit to meet the National Building Code, latest edition.

Mobile Home Park

"Mobile Home Park" means an area of land upon which three or more occupied trailer coaches or mobile homes are harbored 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 trailer coach park.

Modeling Studio

A use or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to public or private schools where persons are enrolled in a class.

Motel

An establishment consisting of a group of lodging rooms each with individual bathrooms, and designed for use by transient guests. A motel furnishes customary hotel services such as maid service and laundering of linen used in the lodging rooms, telephone and secretarial or desk service, and the use and upkeep of furniture.

Nonconforming Structure

A structure which lawfully occupies a building site or land at the time of adoption of this ordinance, and which does not conform with the regulations of the district in which it is located.

Nonconforming Use

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

Nonretail Commercial

Commercial sales and service to customers who intend resale of the products or merchandise sold or handled. For example, nonretail commercial includes wholesale activities, warehousing, trucking terminals, and similar commercial enterprises.

Nursing Home or Rest Home

A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

Open Sales Lot

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

Parking Space

A graded all-weather surface area of not less than two hundred (200) square feet, either enclosed or open, for the parking of a motor vehicle having adequate ingress and egress to a public street or alley.

Performance Standards

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

Planned Development

A parcel or tract of land, initially under single ownership or control, which contains two or more principal buildings, and one or more principal uses planned and constructed as a unified development.

Relatives

Persons standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father or mother, brother, sister, grandchildren, or grandparents.

Retail Sales

Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

Sanitary Land Fill

A method of disposing of refuse by spreading and covering such refuse with earth to a depth of two (2) feet or more on the top surface and one (1) foot or more on the sides of the bank.

Setback, Building

The minimum horizontal distance between the front line of a building or structure and the front lot line.

Service Station, Filling Station, Gas Station

Any building or premises whose principal use is the dispensing, sale, or offering for sale at retail, of any motor vehicle fuel or oils. Open storage shall be limited to no more than four (4) vehicles stored for minor repair bearing current license plates. Such storage shall not exceed 72 hours duration and shall not permit the storage of wrecked vehicles.

Shopping Centers

Regional

The regional shopping center is generally designed to service the "one-stop" customer. He may park his car once and travel to various store destinations and purchase almost everything. The regional shopping center normally contains a major department store where a large variety of goods and services are offered. The center also usually contains professional offices, specialty shops, restaurants, and perhaps amusement facilities. A maximum trade area population of approximately 100,000 persons is necessary to adequately support a regional center.

Community

The community shopping center is generally designed and constructed to serve a population of approximately 40,000 to 80,000 people. The facilities usually present in this type of center are a junior department store, branch banks, apparel shops, supermarkets, and personal service enterprises such as beauty shops, barber shops, and dry cleaners.

Neighborhood

Neighborhood centers mainly serve the day-to-day needs of people in their immediate vicinity. Normally the neighborhood center contains from five to ten stores with a supermarket as its focal point.

Signs

Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which information is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product, and which is visible from any public street, highway or pedestrian way.

Sign, Advertising (Billboard)

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

Sign, Gross Area of

The entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single face sign. It does not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. A double face or V-type sign erected on a single supporting structure where the interior angle does not exceed 135 degrees shall, for the purpose of computing square foot area, be considered and measured as a single face sign; otherwise each display surface of a sign shall be considered a single sign.

Specified Sexual Activities

1. Sexual conduct, being acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person is a female, her breasts.
2. Sexual conduct, being the condition of human male or female genitals when in a state of sexual stimulation or arousal.
3. Sadomasochistic abuse, being flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.

Structural Alterations

Any change, other than incidental repairs which would prolong the life of the supporting members of a building or structure such as bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.

Structure

Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, or other advertising device detached or projecting shall be construed to be a structure.

Thoroughfare

A street with a high degree of continuity which serves as an intra-state, an intra-county, or inter-state highway, or as an arterial trafficway between the various districts of this county. It affords a primary means of access to abutting properties except from thoroughfares classified as freeways or other limited access routes not containing frontage roads.

Use

The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory

A use subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. Residential accessory uses may include storage of household goods, parking areas, gardening, servants' quarters, private swimming pools and private emergency shelters.

Use, Permitted

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

Use, Principal

The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or special use.

Use, Conditional

Uses of such variable nature as to make control by rigid pre-regulation impractical. After due consideration in each case, by the County Board, after receiving the report and recommendations of the Planning Commission relative to the impact of such use upon neighboring land, and of the public need for the particular use at the particular location, such "Conditional Use" may or may not be granted by the County Board.

Utilities

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, status transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

Yard

An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise provided in this ordinance. See Appendix A for illustration entitled "Yards."

Yard, Corner Side

A side yard which adjoins a street or thoroughfare.

Yard, Front (Setback)

A yard which is bounded by the side lot lines, front lot line, and the front yard line.

Yard, Interior Side

A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

Yard, Rear (Setback)

A yard which is bounded by side lot lines, rear lot line, and the rear yard line.

Yard, Side (Setback)

A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

Performance Standard Definitions

Closed Cup Flash Point

The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will propagate a flame. The tag closed cup tester shall be authoritative for liquids having a flash point below 175 °F. The Pensky-Martens tester shall be authoritative for liquids having flash points between 175°F. and 300°F.

Decibel

A unit of measurement of the intensity or loudness of sound. Sound level meters employed to measure the intensity of sound are calibrated in decibels. A decibel is technically defined as twenty times the logarithm to the base ten of the ratio of the sound pressure in microbars to a reference pressure of 0.0002 microbar.

Displacement (Earth)

The amplitude or intensity of an earthborn vibration measured in inches. The displacement or amplitude is one-half the total earth movement.

Earthborn Vibrations

A cyclic movement of the earth due to the propagation of mechanical energy.

Equivalent Opacity

The shade on the Ringelmann Chart that most closely corresponds to the density of smoke, other than black or gray.

Free Burning

A rate of combustion described by material which burns actively and easily supports combustion. Examples: Coal, charcoal.

Frequency (Vibration and Sound)

Frequency is the number of oscillations per second involved in a vibration or sound.

Impact Noise

A short-duration sound which is incapable of being accurately measured on a sound level meter.

Impulsive

Discrete vibration pulsations occurring no more than one per second.

Incombustible

A material which will not ignite nor actively support combustion during an exposure for five minutes to a temperature of 1200°F.

Intense Burning

A rate of combustion described by a material that burns with a high degree of activity, and is consumed rapidly. Examples: Sawdust, magnesium (powder--flaked or strips), rocket fuels.

Moderate Burning

A rate of combustion described by a material which supports combustion and is consumed slowly as it burns. Examples: Wood timber and logs.

Octave Band

A prescribed interval of sound frequencies which classified sound according to its pitch.

Octave Band Filter

An electronic frequency analyzer designed according to standards of the American Standards Association, and used in conjunction with a sound level meter to take measurements of sound pressure level in specific octave bands.

Odor Threshold

The lowest concentration of odorous matter in air that will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with ASTM Method D1391-57, "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)."

Odorous Matter

Any material that produces an olfactory response among human beings.

Particulate Matter

Material other than water which is suspended in or discharged into the atmosphere in a finely-divided form, as a liquid or solid at outdoor ambient conditions.

Pre-1960 Octave Bands

The frequency intervals prescribed by the American Standards Association in ASA Standard 224.10-1953, "Octave Band Filter Set."

Preferred Frequencies

A set of octave bands described by the band center frequency and standardized by the American Standards Association in ASA Standard No. S1.6-1960, "Preferred Frequencies for Acoustical Measurements."

Ringelmann Chart

A chart described by the U.S. Bureau of Mines in their information Circular No. 6888, upon which are illustrated graduated shades of gray for use in estimating light obscuration capacity of smoke.

Ringelmann Number

The number of the area on the Ringelmann Chart that coincides most nearly with the visual density or equivalent opacity of the emission of smoke observed.

Slow Burning

A rate of combustion which describes materials that do not in themselves constitute an active fuel for the spread of combustion. Example: Wool, materials with fire-retardant treatments.

Smoke

Small gas-borne particles other than water that form a visible plume in the air.

Sound Level Meter

An instrument for the measurement of sound pressure levels constructed in accordance with the standards of the American Standards Association and calibrated in decibels.

Sound Pressure Level

The intensity of sound or noise in decibels.

Three-Component Measuring System

A three-component measuring system is an instrument or complement of instruments which records earthborn vibration simultaneously in three (3) mutually perpendicular directions.

Toxic Matter

Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Vibration

The periodic displacement of the ground measured in inches.