

ARTICLE 2
RULES AND DEFINITIONS

- 2.1 Rules
- 2.2 Definitions

2.1 RULES:

A. Applicability -- The rules and definitions contained in this Article shall be observed and applied except when the context clearly indicates otherwise.

B. Rules -- The following rules shall apply to the text of this Zoning Code:

- (1) Words used in the present tense shall include the future.
- (2) Words used in the singular number shall include the plural number, and the plural the singular.
- (3) The words “shall” and “will” are mandatory and not discretionary.
- (4) The word “may” is permissive.
- (5) The masculine gender includes the feminine and neuter.
- (6) The word “person” means an individual, association, corporation, estate, joint venture, partnership, trustee or other legal entity capable of holding title to real property.
- (7) Whenever a word or term defined appears in the text of this Zoning Code, its meaning shall be construed as set forth in the definition. Any word appearing in parentheses directly after a word defined shall be construed in the same sense as the word.
- (8) The word “building” includes “structure;” “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the word “intended, arranged, or designed to be used or occupied.”
- (9) Terms not herein defined shall be defined pursuant to Webster’s New Collegiate Dictionary, current edition.
- (10) Any reference to an Article or Section in this Zoning Code shall mean that specific article or section of this Zoning Code. For example, Article 3 means Article 3, General Provisions, and Section 3.9 means Section 3.9, Control Over Use, of this Zoning Code.

2.2 DEFINITIONS -- The following definitions, whether capitalized or not, shall apply in the interpretation and enforcement of this Zoning Code: *Amended 687, 615, 594*

Abut: To physically touch or border upon, or to share a common property line.

Accessory Use or Structure: A use or structure on the same lot with, and a nature customarily incidental and subordinate to, the principal use or structure.

Adult-Use Cannabis Business Establishment: An adult-use cannabis cultivation center, craft grower, processing organization or processor, infuser organization or infuser, dispensing organization or transporting organization or transporter.

Adult-Use Cannabis Craft Grower: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization or processor, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Cultivation Center: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Dispensing Organization: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Infuser Organization or Infuser: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Processing Organization or Processor: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Transporting Organization or Transporter: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Agriculture: Land, including necessary buildings, dwelling or dwellings and other structures shall be considered used for agriculture if the principal use thereof is the raising or keeping of livestock and/or the growing of crops.

Agritourism: Includes certain, specified traditional agricultural purposes and activities to facilitate agricultural tourism, including, but not limited to, crop farming, stable or barn, sales of agricultural products and farm products including vegetables, fruit, pumpkins and trees, farmers market (including outside vendors), food trucks, beekeeping and apiaries, agricultural classes and tours, petting zoo featuring farm and domestic animals, corn and flower mazes, pumpkin and apple launchers, picnic area, hay ride and tractor ride, food concession where locally grown food and beverages are prepared and sold primarily to patrons, gift shop selling souvenirs and novelty gift items such as t-shirts, coffee mugs, key rings, ornaments and food items that are related to the agritourism theme of the property, cider mill, haunted house, "U-pick" fruits and vegetables grown on premises, playground area (slides, swings, etc.), zip lines, observation towers and decks, open campfires (for guests), fairgrounds, and carnival rides and activities, holiday light displays, sledding, ice sculpting, and other winter activities, hosting of indoor and outdoor private events (wedding, party, reunion, business meetings, charity events, concerts, etc.).

Alley: A dedicated public right-of-way, other than a street, that affords a secondary means of access to abutting property.

Amusement Facility: An area or structure, open to the public, which contains coin-operated games and similar entertainment and amusement devices.

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

Animal, Small Domestic: Animals customarily kept as domesticated pets but excluding livestock, such as swine, sheep, goats, ponies or horses, and poultry for sale.

Applicant: The owner, contract purchaser or designated legal representative who proposes to subdivide or develop land pursuant to this Zoning Code. Consent shall be required from the legal owner of the premises.

Army Corps of Engineers: The US Army Corps of Engineers (also known as United States Army Corps of Engineers).

Article: When the word Article appears without a roman numeral it shall mean that article of this Zoning Code.

Association, Private: A private association, other than a condominium association, which is organized for a development in which individual owners share common interest in open space or facilities.

Automobile Service Station, Mini-Mart: An automobile service station which offers or includes, as an accessory use, the retail sale of prepackaged, non-prescription drugs and convenience-type food items.

Automobile Service Station, Full Service: An automobile service station which, in addition to the

retail dispensing of vehicular fuels, performs, as an accessory use, automotive maintenance, service, or repair (excluding body work) including, but not limited to, the sale and installation of lubricants, tires, batteries, and similar accessories for automotive vehicles.

Automobile Service Station, Self Service: An automobile service station where the dispensing of vehicular fuels is performed primarily by individual patrons and which normally does not perform any manner of automotive maintenance, service, or repair.

Basement: That portion of a building all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Bed and Breakfast: An owner-occupied dwelling providing not more than five rooms for overnight accommodations to the public and, if so desired, breakfasts may be served to the guests thereof. Rental is on a transient basis for a fee.

Berm: A mound of earth, or the act of pushing earth into a mound, used to screen or adorn the perimeter of a lot or development along a public right-of-way. Often naturalistic and meandering in nature, and used to provide an aesthetic border to a property.

Board of Trustees: The President and Board of Trustees of the Village.

Buildable Area: The area of a lot remaining after the minimum yard and open space requirements of the Zoning Code have been met. Also known as building envelope.

Building: Any structure substantially enclosed by exterior walls, with a roof supported by columns or walls, and intended for the shelter, housing, or enclosure of any individual, use, animal, process, equipment, goods, or materials of any kind.

Building Coverage: The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

Building Footprint: Outline of a building's foundation as shown on a drawing of a site plan.

Building Height: The vertical distance measured from the average existing grade at the two points where the front yard setback line intersects the side yard setback lines, to the highest point of a structure. Chimneys may not exceed the building height by more than 5 feet.

Building, Non-Conforming: Any building which does not conform to the regulations of this Zoning Code prescribing the use, 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 Permit: Written permission issued by the Village for the construction, repair, alteration or addition to a structure.

Building, Principal: A building in which is conducted the main use of the zoning lot on which it is situated.

Building Setback Line: The line parallel to the front lot line at a distance equal to, or greater

than, the depth of the required front yard for the zoning district in which the lot is located.

Building, Temporary: Any building not permanently affixed to the land.

Car Wash: A building, structure or portion thereof containing facilities for washing motor vehicles.

Certificate of Zoning: A document issued by the Village certifying that the building or use has been constructed or will be used in compliance with the Zoning Code.

Chicken: For purpose of this code, the term Chicken shall be limited to the female of the species *Gallus Domesticus* a/k/a hens and shall not include the male gender a/k/a roosters regardless of the species. *Ord. 615*

Chord: A straight line joining any two points on an arc, curve, or circumference.

Clinic, Medical: An establishment where two (2) or more licensed doctors of medicine engage in the practice of medicine, operating on a group or individual basis, with pooled facilities such as a 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.

Club or Lodge, Private: A non-profit association of persons who are bonafide members, paying dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

Cluster Subdivision: A subdivision, consisting of three (3) or more lots, in which the individual lots are clustered, grouped, or arranged so as to achieve a more flexible overall design for the purpose of:

- (1) Providing more useable open space.
- (2) Protecting sensitive natural areas and features.

Commission: For the purpose of this Zoning Code, Commission shall refer to the Planning and Zoning Commission of the Village (see Planning and Zoning Commission). *Amended, Ord. 443*

Comprehensive Land Use Plan: The plan for the long range growth and development of the Village including graphic and written materials, as formally adopted and amended from time to time by the Village Board.

Conditions or Restrictions: Provisions and limitations which may be imposed on a building, structure, parcel of land or use at the time the Village Board grants approval of a variation, amendment, planned development or special use.

Condominium: A building, or group of buildings, in which units are owned individually, and common areas and facilities are owned by all the owners on a proportional, undivided basis.

Congregate Housing: A dwelling providing shelter and services for a group of persons, typically elderly, which may include provision of meals, housekeeping, and personal care assistance.

Conservation Area: Any parcel or area of land or water acquired in fee or a lesser right or interest and held by a conservation district pursuant to the Conservation District Act (70 ILCS 410/1, *et seq.*) (“Act”), upon which such conservation districts may undertake any and all activities permitted by its corporate powers under the Act, or consistent with its purpose, including, without limitation, all other permitted uses in the OSR Open Space Recreation District and the following activities: *Ord. 594*

- (1) the application and enforcement of a general use ordinance, as amended from time to time, or other ordinances setting forth the rules and regulation governing the use of conservation areas;
- (2) the conduct of public recreational, natural resource and/or educational programs for the public at large;
- (3) the conduct of site management activities, including but not limited to, prescriptive burns and all other ecological or designed landscape management activities, at their discretion, provided that reasonable notice of any prescriptive burns is given to the Village prior to undertaking same by the its staff or its agents;
- (4) the removal, planting and maintenance of trees, brush and plants as they deem necessary to maintain the native ecological communities in their natural state or for other purposes without required compliance with the Landscaping Code or any tree preservation rules of the Village;
- (5) the chemical control of herbaceous weeds and grasses;
- (6) the operation of motorized vehicles by its staff and agents to access, inspect, and manage the conservation area;
- (7) the posting of boundary signs identifying the conservation area or specific natural features of flora and fauna situated thereon;
- (8) the modification or abandonment of farm drainage systems and ditches and installation of water control structures to restore the original hydrology of the conservation area;
- (9) the construction of off-street trails for use by the public at large;
- (10) the construction of pit toilets and water sources for use by the public at large without any requirement for connection to any Village sewer and/or water systems;
- (11) the implementation of recreational hunting programs and the control of deer or other wildlife by removal should such removal be deemed necessary to maintain the ecological health of the conservation area; and
- (12) the construction or installation of permanent improvements and structures including those for site development, maintenance and public access according to the plans for same provided they have been approved by the Village, which approval shall not be unreasonably withheld; provided, however, written notice of the conservation district’s in-

tention to construct or install such public improvement or structure shall be provided at least 15 days prior to commencement of said use or construction on the property. The notice shall be provided by certified mail, return receipt requested, to the adjacent owners giving them the opportunity to notify the Village Administrator, in writing, within 15 days of said notice, of any comment or objection to the proposed use. No hearing, meeting or response from the Village regarding any correspondence received from the property owner shall be required.

Contiguous: Next to, abutting, touching and having a boundary, or portion thereof, which is co-terminous.

Convalescent Home: A building or structure which is used, designed or intended for the care of the aged or infirm, or for those suffering bodily disorders and which does not contain the facilities nor render the services normally associated with a hospital.

County: McHenry County, Illinois.

Day Care Center: A facility which exclusively provides supplemental care and supervision, recreation and/or educational instruction to children or adults during the entire or any portion of the day.

Decibel: A method of describing differences in sound levels. A logarithmic unit of measurement of the intensity (loudness) of sound.

Deciduous: Plants that drop their leaves before becoming dormant in winter.

Dedicated Street: A public right-of-way owned by the Village or other public highway agency, and created by designation on a recorded Plat or in a recorded instrument or conveyance accepted by the Village Board or other public highway agency.

Dedication: The gift or donation of property by its owner to another party.

Deed: A legal document conveying ownership of real property.

Density, Gross: The number of dwelling units per acre devoted to residential land development, including streets, street rights-of-way and open space.

Detention Basin or Pond: A storage facility for the temporary storage of stormwater runoff.

Developer: Any person whose concern and intent it is to improve land in accordance with the development regulations of the Village.

Development: The division of a parcel, or consolidation of parcels of land, into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.

District: Whenever the term appears without a reference to a particular zoning district, it shall mean the zoning district that is being discussed in that particular section of the Zoning Code.

District Boundary Line: A line which marks the separation between two zoning districts.

Drive-In Establishment: A business which is operated for the sale and purchase of food and other goods, services or entertainment and which is designed and equipped so as to allow patrons to be served or accommodated while remaining in their automobiles.

Dry Cleaning Establishment: A business which handles on the premises the washing, drying, dry-cleaning and ironing of clothes, including pick-up and delivery services.

Dwelling: A building, or portion thereof, designed or used for residential occupancy, including single-family dwellings, two-family dwellings, multiple-family dwellings, but not including hotels or motels.

Dwelling, Multiplex: A single structure containing two or more attached dwellings in which each unit has two open space exposures; shares one or two walls with an adjoining unit or units; and has a main entry at ground level.

Dwelling, Patio House: A one-family dwelling on an individual lot with open space setbacks on three sides, and with a court. Also known as zero lot line.

Dwelling, Quadraplex: Four attached dwellings in one structure, in which each unit has two open space exposures, and shares one or two walls with an adjoining unit or units.

Dwelling, Single-Family Attached: A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

Dwelling, Single-Family Detached: A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any other means.

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

Dwelling, Two-Family: A structure on a single lot containing two dwelling units, each of which is separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit: Referring to one dwelling.

Easement: A grant, by a property owner, for the use of a portion of their land by another party for a specific purpose.

Easement, Conservation: An easement precluding future or additional development of the land.

Easement, Drainage: An easement required for the installation of storm water sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or water course or

other drainage facility.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Elevation:

- (1) A vertical distance above or below a fixed reference level; or
- (2) A scaled drawing of the front, rear or side of a building.

Encroachment: Any obstruction in a delineated floodway, right-of-way or adjacent land.

Estate: When a particular estate zoning district is not designated, estate shall mean any estate zoning district.

Family: One or more individuals occupying a dwelling unit and living as a single household unit.

Farming: The use of land solely for the growing and harvesting of crops; for the feeding, breeding and management of livestock; for dairying or for any other agricultural or horticultural use or combination thereof; including, but not limited to, hay, grain, fruit, truck or vegetable crops, nurseries, orchards, forestry and sod; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, ponies or horses, bees, fish and wildlife.

Farm Stand: A booth or stall located on a farm from which produce and farm products are sold to the general public.

Fast Food Restaurant: An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises.

FEMA: Federal Emergency Management Agency.

Fence: A structure which is used as a boundary, protection or means of screening and which is made of manufactured or natural materials.

Flag Lot: A lot not fronting on or abutting a public road and where access to the public road is by a narrow private right-of-way.

Floodplain: Those areas along rivers and streams subject to periodic flooding. The floodplain is defined by the Flood Boundary and Floodway Map prepared by Federal Emergency and Management Agency.

Floodway: The channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge flood waters.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any spaces where the floor-to-ceiling height is less than six feet.

Floor Area, Net: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

Floor Area Ratio: The gross floor area of all buildings on a lot divided by the lot area.

Food Processing Establishment: A commercial establishment in which food is processed or otherwise prepared for human consumption but not consumed on the premises.

Footcandle: A unit for measuring illumination equal to the amount of direct light thrown by one international candle on a surface one foot away.

Freight Terminal: A building, structure, parcel of land or portion thereof from which:

- (1) Freight is shipped by airplane, motor truck or railroad; or
- (2) Freight is received, assembled, sorted and/or rerouted for local, intrastate or interstate shipment.

Frequency: The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

Frontage: That side of a lot abutting on a street.

Glare: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade: The mean level of the finished surface of the ground adjacent to the exterior walls of a building or structure; the degree of rise or descent of a sloping surface.

Green Area: Land shown on a development plan, master plan or official map for preservation, recreation, landscaping or park.

Greenbelt: An open area which may be cultivated or maintained in a natural state surrounding development, or used as a buffer between land uses, or to mark the edge of an urban or developed area; those permanent open space areas illustrated on the Village's Comprehensive Plan and described in Article 5 of this Zoning Code.

Group Homes: A community residence serving unrelated persons with disabilities which is licensed, certified, or accredited by appropriate local, state, or national bodies. Group homes do not include residences which serve persons as an alternative to incarceration for a criminal offense.

Home Occupation: An occupation for gain or financial support conducted entirely within a principal residential building, or a building or structure accessory thereto.

Home Professional Office: A home occupation consisting of the office of a practitioner of a rec-

ognized profession.

Hospital or Sanitarium: An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four (24) hours in every week of three (3) or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions, including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel, Motel, Inn or Auto Court: An establishment containing lodging accommodations designed for use by transients or travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial desk service, restaurants, meeting rooms, and ancillary retail uses.

Impervious Surface: Any material which reduces and prevents absorption of stormwater into previously undeveloped land.

Improvements: Any structure, grading, street surfacing, curbs and gutters, sidewalks, bikeways, cross-walks, water mains, sanitary sewers, storm sewers, drainage ditches, culverts, bridges, trees, and other additions or deletions from the natural state of land which increase its utility or habitability.

Improvement, Public: Any improvements for which the Village or other public entity may ultimately assume the responsibility for maintenance and operation.

Industrial Park: A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, esthetics, and compatibility.

Institutional Use: A non-profit or quasi-public use or institution such as a church, library, public or private school, hospital or municipally owned or operated building, structure, or land used for public purpose.

Joint Ownership: The equal estate interest of two or more persons.

Junk Yard: Any area, lot, land, parcel, building or structure, or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other discarded goods, materials, machinery, or two or more unregistered, inoperable motor vehicles.

Kennel: Any lot or premises or portion thereof on which three (3) or more dogs or other domestic animals over the age of four months are boarded for compensation or kept for sale.

Land use plan: The Village's Comprehensive Land Use Plan, as amended from time to time.

Light Industry: Industrial uses which meet the performance standards, bulk controls and other requirements established in this Zoning Code.

Lot: A parcel or tract of land.

Lot Area: The area of a lot shall be computed exclusive of any portion of the right-of-way of any

public or private street or easement of access.

Lot, Corner: A lot of which at least two (2) adjacent sides abut for their full lengths upon street rights-of-way.

Lot Coverage: The part or percent of the lot occupied by impervious surfaces such as buildings or structures, including accessory buildings or pavements.

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

Lot, Double Frontage or Through: A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

Lot, Frontage: The measurement of lot frontage shall be considered to be the distance between side lot lines at the street right-of-way. If the side lot lines do not intersect the street right-of-way, the lot frontage shall be only that portion of the lot line abutting the street that coincides with the street right-of-way. For an acre lot line, the lot frontage shall be the internal chord dimension.

Lot, Interior: A lot other than a corner lot with only one frontage on a street.

Lot Line: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Lot Line, Corner Side: The boundary of a corner lot which abuts a street right-of-way but is not the front line.

Lot Line, Front: The boundary of a lot which is along a street right-of-way. For land-locked or partially land-locked parcels of land, the front lot line is that lot line that faces the access to the lot.

Lot Line, Rear: The boundary of a lot which is most distant from and is, or in most nearly, parallel to the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot of Record: An area of land which is designated as a separate platted subdivision lot in a subdivision plat prepared in accordance with the Plat Act and recorded in the office of the County Recorder of Deeds.

Lot Width: The distance between straight lines connecting the front and rear lot lines where they intersect the building setback line.

Lot, Zoning: The term zoning lot shall mean and include a lot of record in a recorded subdivision, or a single tract of land, or parcels described by metes and bounds, which are designated by their owner as a tract to be used, developed, or built upon as a single unit in common ownership. Multiple, contiguous parcels in common ownership may be aggregated for the purposes of determining compliance with the provisions of this Article.

Manufacture: The production, making or processing of products or commodities for general consumption of the public or for sale to specialized institutions or organizations. Also included is the sub-assembly, fabrications or processing of parts or components for use in other products or commodities.

Medical Cannabis Cultivation Center: A facility operated by an organization or business that is registered by the State of Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. Such facility, which requires a special use permit pursuant to this Zoning Code, shall not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or public or private park or an area zoned for residential use. *Ord. 568*

Medical Cannabis Dispensary (or “dispensing organization” or “dispensary organization”): A facility operated by an organization or business that is registered by the State of Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. Such facility, which requires a special use permit pursuant to this Zoning Code, shall not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility or public or private park. In addition, such facility may not be located in a dwelling, including but not limited to, single family and multi-family homes, apartments and condominiums or in an area zoned for residential use. *Ord. 568*

Mini-Warehouse: A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

Mixed Use Development: The development of a tract of land, building or structure with two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public or entertainment.

Motor Vehicle: Any self-propelled wheeled conveyance that does not run on rails and that carries passengers, goods and equipment.

Multi-Use Building: A building containing two or more distinct uses.

Noise: An undesirable audible sound.

Noise Pollution: Continuous or episodic excessive noise in the human environment.

Non-Conforming Building: Any building or structure lawfully established at the time this Zoning Code is adopted, which: (a) does not comply with all the regulations of this Zoning Code or any amendment hereto governing standards of the district in which such building or structure is located; or (b) is designed or intended for a nonconforming use.

Non-Conforming Use: Any use of land, buildings, or structures, lawful at the time of the enactment of this Zoning Code but which does not comply with all the regulations of this Zoning Code governing use for the zoning district in which such use is located.

Nursery School: An institutional facility for preschool children.

Nursing Home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Octave Band: A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

Odor Threshold: The minimum concentration of odorous matter in the air that can be detected as an odor.

Off-Site: Any premises not located within the area of the property to be subdivided or developed, whether or not in the same ownership of the applicant for subdivision or development approval.

Off-Street Parking and Loading Facility: A building, structure, parcel of land, or portion thereof which provides off-street parking or off-street loading spaces and including access ways, driveways and aisles and which is either a principal or accessory use.

Off-Street Parking or Loading Space: An open, hard-surfaced area of land, other than a right-of-way, an access, a driveway or an aisle and the principal use of which is for the standing, loading and unloading of motor vehicles.

On-Site: Located on the lot or parcel that is the subject of an application for development or subdivision approval.

On-Street Parking: A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

Opacity: The quality or state of an object that renders it impervious to the rays of light; the degree of non-transparency.

Open Area: That area of a lot, parcel, or tract that is not covered by a building or structure.

Open Space: Any parcel or area of land or water essentially unimproved, or otherwise devoid of buildings or other structures and paved areas, and set aside, dedicated, designated, or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space.

Ordinance: Reference to "Ordinance" shall be construed as the Village of Prairie Grove Zoning Ordinance.

Outdoor Storage: The keeping, in an area external to a principal or accessory structure, of any goods, material or merchandise in the same place for more than 24 hours.

Overhang:

- (1) The part of a roof or wall which extends beyond the facade or a lower wall; and

(2) The portion of a vehicle extending beyond the curb.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or controlling proprietary interest in the land sought to be subdivided under this Zoning Code.

Parcel: A lot or tract of land.

Parking Area or Lot: A suitably surfaced and maintained area exclusive of any street, alley, or other access way, designed or used for the temporary storage of motor vehicles.

Parking Space: An enclosed or unenclosed area permanently reserved for storage of one (1) automobile and appropriately connected with a street or alley by a driveway affording adequate ingress and egress.

Parkway: The area between the back of the curb and the sidewalk or the area between the back of the curb and the edge of the street right-of-way where there is no sidewalk.

Patio: A level, landscaped and/or surfaced area directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.

Pedestrian: An individual who travels on foot.

Performance Standard: Criteria established to regulate uses according to their effects. Such criteria are noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat.

Perimeter: The boundaries or borders of a lot, tract or parcel of land.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Planning and Zoning Commission: Pursuant to Section 8.03 of the Prairie Grove Municipal Code. Also referred to as "Commission" in this Zoning Code. *Ord. 433*

Plan Review Committee: The current Planning and Zoning Commission Chairman, Village Attorney, Village Engineer and Village Planner. *Amended, Ord.433*

Planned Development: A parcel of land or contiguous parcels of land of size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located.

Plat: A map representing a tract of land, showing the boundaries and location of individual properties, easements and streets.

Plat, Final: The final map of all or a portion of a subdivision or site plan which is presented to the Village Board for final approval.

Plat, Preliminary: A preliminary map or site plan indicating the proposed layout of a subdivision which is submitted to the Planning and Zoning Commission and Village Board for consideration and preliminary approval.

Porch: A roofed open area, which may be screened, usually attached with direct access to, a building.

Premises: A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Private Improvement: Any installed or constructed facility for which the responsibility of maintenance and ownership will be retained by the owner or a private association.

Private Street: Any road that is used for access and circulation where the ownership and maintenance responsibility is borne by the owner or a private association.

Professional Office: The office of a member of a recognized profession, maintained for the conduct of that profession.

Prohibited Use: A use that is not permitted in a zoning district.

Property Lines: The lines bounding a lot.

Public Notice: The advertisement of a public hearing in a paper of general circulation in the area, and through other media sources, indicating the time, place and nature of the public hearing.

Public Street: All major, collector or local streets which are shown and dedicated on a plat for public use of which the ownership and maintenance responsibility is borne by the Village or other public agency.

Public Walkway: A right-of-way dedicated for the purpose of a pedestrian access and located so as to connect two (2) or more streets, or a street and a public land parcel.

Quorum: A majority of the full authorized membership of the Planning and Zoning Commission or Village Board. *Amended, Ord. 433*

Recreational Area: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Recreational Vehicle: Every vehicle originally designed or permanently converted and primarily used for temporary living quarters or human habitation, and not used as a commercial vehicle, including any house trailer, camper or private living coach.

Repair Garage: Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

Residential: When a particular residential zoning district is not designated, residential shall mean any residential zoning district.

Restaurant: Any land, building or part thereof, other than a boarding house, where meals are provided for compensation, including a café, cafeteria, coffee shop, lunch room, drive-in stand, tea-room and dining room.

Restrictive Covenant: A restriction on the use of land usually set forth in the deed.

Retail Services: Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

Retail Trade: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retaining Wall: A structure constructed to hold back or support an earthen bank.

Retention Basin or Pond: A pond, pool, or basin used for the storage of stormwater runoff that maintains a permanent pool of open water.

Re-zone: To change the zoning classification of a parcel or parcels of land.

Right-of-Way: A strip of land dedicated to the public and occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other similar use. The usage of the term “right-of-way” for land platting purposes shall mean every right-of-way hereafter established and shown on a final plat and shall be separate and distinct from the lots or parcels adjoining such right-of-way. Rights-of-way intended for streets, walks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Right-of-Way Width, Street: The distance between property lines measured at right angles to the center line of the street.

School: A building or group of buildings maintained by the public or by a private organization for the purpose of education and which is accredited by the State of Illinois.

Screening: A structure erected or vegetation planted for the purpose of concealing from view the area behind it.

Setback Line: The line which represents the required minimum distance from street right-of-way line, or any other lot line, that establishes the area within which principal structure must be erected or placed.

Sidewalk: A paved surface area, usually paralleling and separated from the street, used as a pedestrian walkway.

Smoke: The visible discharge from a chimney, stack, vent, exhaust or combustion process which consists of particulate matter.

Special Use Permit: A permit issued by the Village which must be acquired before construction for, or commencement of, activity listed as a special use with the appropriate zoning district.

Spot Zoning: Re-zoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the Comprehensive Land Use Plan.

Story: That part of a building between any floor and the floor next above, and if there is no floor above, then the ceiling above. A basement is a story if more than one-half of its height is above the average grade of the lot, or it is used for business purposes, or if it contains any dwelling unit.

Story, Half: The portion of a building or structure under a gable, hip or mansard roof, which the top wall plates on at least two (2) opposite exterior walls are not more than four and one-half feet above the finished floor of each story.

Street: An improved public or private right-of-way or easement which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings.

Structure: An improvement upon land, other than the land itself, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but not limited to, buildings, fences, freestanding signs, patios, and parking areas.

Subdivision: The division of a lot, tract or parcel of land into two or more lots, tracts, parcels of land for sale, development or lease.

Temporary Structure: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Terrace: A level, landscaped and/or surfaced area directly adjacent to a principal building at or within three feet of the finished grade, and not covered by a permanent roof.

Toxic Matter: A substance which is capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Tract: An area, parcel, site, piece of land, or property which is the subject of a development application.

Trailer: Every vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.

Transitional Area:

- (1) An area in the process or changing from one use to another; and
- (2) An area which lies between two land uses of different intensities.

Transitional Use: A land use of an intermediate intensity between uses of differing intensities.

Unified Control: The combination of two (2) or more tracts of land, wherein each owner has agreed that his or her tract shall be developed as part of a planned development, and shall be subject to all control applicable to, and adopted for the planned development.

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

Use, Accessory: A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use, except for such accessory parking facilities as are specifically authorized to be located elsewhere.

Use, Lawful: The use of any building, structure or land that conforms with all of the regulations of this Zoning Code or any amendment hereto, and which conforms with all of the codes, ordinances and other legal requirements, as existing at the time of the enactment of this Zoning Code or any amendment hereto, for the structure or land that is being considered.

Use, Legal Non-Conforming: The use of any building, structure or parcel of land which lawfully is occupied and maintained upon the effective date of the adoption or amendment of this Zoning Code and which does not conform to the use regulations of the zoning district in which the use is located by reason of the adoption or amendment of this Zoning Code.

Use, Permitted: Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and when applicable, performance standards of this Zoning Code for the district in which such use is located.

Use, Principal: The main use of land or buildings as distinguished from a subordinate or accessory use.

Use, Special: A use, either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such special use may or may not be granted, subject to the terms of this Zoning Code.

Variance: A variance is permission to depart from the terms of the Zoning Code where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of this Article would result in unnecessary and undue hardship.

Vibration: The periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium when that equilibrium has been disturbed.

Village: Village of Prairie Grove, McHenry County, Illinois.

Village Board: Board of Trustees of the Village.

Warehouse: A building used primarily for the storage of goods and materials.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, and bogs.

Wholesale Trade: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard: An open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise authorized by this Zoning Code.

Yard, Front: The open space across the full width of the lot extending from the closest point of the front line of the principal building to the front line of the lot. On corner lots the front yard shall face the shortest dimension of the lot adjacent to the street.

Yard, Rear: A yard extending along the full width of the lot between the closest point of the principal building and the rear lot line.

Yard, Required: The open space between a lot line and the buildable area within which no structure will be located, except as provided by this Zoning Code.

Yard, Side: The open space between the closest point of the principal building and the side line of the lot and extending from the front line to the rear line of the building.

ZBA: The Village's Planning and Zoning Commission.

Zoning Code: The Prairie Grove Zoning Ordinance.

Zoning District: A specifically delineated land area within the incorporated area of the Village, as specified on the Zoning Map, within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

Zoning Map: The map incorporated herein as a part hereof, designating zoning districts.

Zoning Official: The Zoning Official shall be the individual that has been, or shall be duly appointed by the Village Board, who is in charge of the administration and enforcement of this Zoning Code.

Zoning Ordinance: The Prairie Grove Zoning Ordinance.

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