

Section 3  
**DEFINITIONS**

In the construction of this Zoning Code, the rules and definitions contained in this Section 3 shall be observed and applied, except when repugnant to the context of any provision.

Words, whether capitalized or not, used in the present tense shall include the past and future tenses, and words used in the future tense shall include the present tense; words used in the singular number shall include the plural number; words used in the masculine gender shall include the feminine and neuter genders; the word "building" shall include the word "structure" and the word "lot" shall include the word "plot"; the word "shall" is mandatory and not directory, while the word "may" is permissive; and the words "zone," "district" or "zoning district" may be used interchangeably. Definitions in Appendix A of the Marengo Municipal Code are applicable to this Zoning Code. Unless indicated otherwise, definitions are not case sensitive.

**Abandoned:** To give up one's right or interest in property.

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

**Accessory Building, Structure or Use:** A subordinate building, structure, or use which is located on the same lot on which the principal building or use is situated or occurs, and which is customary and incidental to the conduct of the primary use of such building or the primary use on the lot, when permitted by district regulations.

**Access:** The ability to ingress and/or egress from a public roadway.

**Access Way:** A curb cut, ramp, driveway or other means for providing vehicular access to an off-street parking or loading area.

**Acreage:** Any tract or parcel of land having an area of one acre or more which has not been subdivided by metes and bounds or platted.

**Addition:** Any act or process that changes one or more of the exterior architectural features of a structure including but not limited to the erection, construction, reconstruction, or removal of any structure.

**Adult Business:** As defined in Chapter 44, Adult Business Licenses, of the Marengo Municipal Code.

**Airport or Aircraft Landing Field:** Any landing area, runway or other facility (including heliports), designed, used or intended to be used either publicly or privately by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tiedown areas, hangars and other necessary buildings and open spaces.

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

**Alley:** A public way which affords only a secondary means of access to abutting property.

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

**Alteration:** Any act or process that changes one or more of the exterior features of a structure including but not limited to the erection, construction, reconstruction, or removal of any structure.

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

**Antenna:** An arrangement of wires, metal rods or similar materials used for the transmission and/or reception of electromagnetic waves to include satellite dishes and communication towers.

**Antenna Support Structure:** Any structure utilized for the principal purpose of supporting a satellite dish antenna.

**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, bath and toilet facilities, permanently installed, must always be included for each apartment.

**Arcade:** Any establishment displaying for public patronage or keeping for operation four or more amusement devices including, but not limited to, pool tables, foosball tables, air hockey tables, mechanical rides for children, electronic games and shooting gallery type games.

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

**Attached:** As applied to buildings, "attached" means having a common wall and/or a common roof.

**Automobile Car Wash/Laundry:** A building or portion thereof where automobiles are washed by mechanical device.

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

**Automobile Repair, Minor:** Incidental repairs, replacement of parts and motor service automobiles, but not including any operation specified under "Automobile Repair, Major."

**Automobile Sales Lot:** A lot arranged, designed or used for the storage and display for sale of any motor vehicle including trucks or any type of trailer, provided that the trailer is unoccupied and where repair work as an accessory use is done to automobiles or trailers.

**Automobile Service Station:** A place where gasoline, stored only in 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 services for automobiles; but not including major automobile repairs; and including washing of automobiles where a mechanical 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 junkers or junk yards as defined herein.

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

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

**Basement:** A story partly underground. Where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where curb level has not been established, a basement shall be counted as a story for purposes of height measurement.

**Bed and Breakfast:** As defined in 50 ILCS 820/2. An owner-occupied dwelling unit having not more than five guest rooms where lodging, with or without meals, is provided to the public for compensation.

**Bedroom:** Any room which may be used for bedroom purposes, such as a den, study, loft or extra room located on any floor in a dwelling unit which is not clearly identified for some specific purpose such as a kitchen (one per unit), dining room (one per unit), living room (one per unit), bathroom(s) and family room (one per unit). *Amended, Ord. 03-1-8*

**Billboard:** Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include any 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 a corporate boundary line of the City.

**Boarding House:** A building other than a hotel or restaurant where meals are provided for compensation to four or more persons, but not more than 12, who are not members of the keeper's family.

**Board of Appeals:** The Planning and Zoning Commission, and may also be referred to as the Zoning Board of Appeals.

**Buffer Strip:** An area of land, undeveloped except for landscaping, fences, etc., used to protect a use situated on one lot from the deleterious effects of the use on the adjacent lot.

**Buildable Area:** The space remaining on a zoning lot after the minimum open space requirements of this Zoning Code 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, Completely Enclosed:** A "completely enclosed building" is a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal exit or entrance doors.

**Building Front:** That portion of a building where the primary building entrance is located. Where more than one primary building entrance is provided, the building front shall be that portion of the building facing toward the street to which the legal address has been assigned. Corner lots shall have only one building front. The legal address of a building on a corner lot shall be determined by factors including, but not limited to: orientation of building, location of driveway, and placement of mailbox.

**Building Height:** The vertical distance measured at the established grade on the front side of the building to the highest point of the roof in the case of a 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. *Amended, Ord. 03-1-8*

**Building, Non-Conforming:** Any building which does not conform to the regulations of this Zoning Code 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, Principal:** A building within which the principal use of the zoning lot is conducted. *Amended, Ord. 03-1-8*

**Building Line or Building Setback Line:** A line or lines on the horizontal surface of a lot, parallel or nearly parallel to the front, side, and rear lot lines, and located at a distance prescribed by the yard regulations and beyond which no portion of a building or structure may extend as provided for in this Zoning Code.

**Bulk:** The term used to describe the size and mutual relationships of buildings and other structures, as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the center line of streets, to other walls of the same building and to other buildings or structures, and to all open spaces relating to the building or structure.

**Business Park:** A collection of lots and/or buildings wherein the principal land use is commercial in nature.

**Bus Lot:** Any lot or land area used for the storage or layover of passenger buses or motor coaches.

**Canopy:** A roof-like structure similar to an awning, except that it cannot be raised or retracted to a position against the building.

**Cartage, Local:** Pick-up and delivery of parcels, packages and freight by motor truck within and not exceeding 15 miles of the City.

**Cellar:** A cellar is a story having more than one-half of 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 purpose of height measurement.

**Cemetery:** Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes.

**Centerline:**

1. The centerline of any right-of-way having a uniform width;
2. The original centerline where a right-of-way has been widened irregularly;
3. The new centerline whenever a road has been relocated.

**Certificate of Appropriateness:** A certificate issued by the Historic Preservation Commission authorizing plans for alterations, construction, removal or demolition of a landmark or site within a designated historic preservation district.

**Changeable Copy Sign:** A sign which has provision for changing the message thereon either manually or electronically.

**Church:** A building primarily used for religious worship. The word "church" shall include, but not be limited to, chapel, temple, synagogue and mosque.

**Clinic or Medical Health Center:** An establishment where patients are admitted for special study and treatment by one or more licensed physicians and their professional associates, practicing medicine together.

**Club or Lodge, Private:** A "private club or lodge" is a nonprofit association of persons, who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof.

**Commercial Use Establishment:** Any use or establishment wherein goods are purchased or sold whether to the consuming public (retail) or to other businesses (wholesale).

**Commercial Vehicle:** Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a vehicle used in a ride sharing arrangement when being used for that purpose or a recreational vehicle not being used commercially. In any event, any vehicle that is licensed for a gross weight, including vehicle and cargo, of 8,001 pounds or more, or any vehicle used in a commercial enterprise and containing lettering or logo on the vehicle body advertising that commercial enterprise, shall be considered a commercial vehicle.

**Commission:** The Building and Zoning Commission of the City.

**Comprehensive Plan:** The adopted Comprehensive Plan of the City, and as amended from time to time.

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

**Corrective Action Order:** A legally binding order issued by the Zoning Administrator in accordance with the procedures set forth herein to effect compliance with this Zoning Code.

**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 the "curb level."

**Day Care Center:** Any child care facility operated for profit or not-for-profit, which regularly provides day care for minor children and which must be licensed to render such day care by the Illinois Department of Children and Family Services.

**Deck:** An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers or other independent supports.

**Decorative Structure:** Any embellishment or ornamental object that is built or placed in a yard, such as a planter, lighting fixture or fountain, which is less than eight feet in height, is accessory to the principal structure on the lot, and is associated with the landscaping on the lot.

**Design Guideline:** A standard of appropriate alteration or construction activity that will preserve the historic and architectural character of a structure or area.

**Detached:** As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

**Develop:** To erect any structure or to install any improvements on a tract of land or to undertake any

activity (such as grading) in preparation therefor.

**Dimensions:** Refers to lot depth, lot width and total lot area.

**Doghouse:** An exterior shelter that does not exceed four feet in height and 25 square feet in floor area or lot coverage for the exclusive use of domesticated canine animals containing walls, roof, floor and one opening for ingress and egress of the canine animals.

**Door:** Full, complete, non-transparent closure device that obscures the view or activity taking place within the enclosure.

**Drive-in (through) Restaurant:** Any food service establishment or restaurant or similar place in which food or drink is for sale on the premises or elsewhere in which service is received in an automobile or at central service windows. The term "drive-in" shall apply to any food service establishment other than cafeterias, in which service is made to a customer at a location other than tables on the premises intended for use by the customer for eating.

**Drive-in Theater:** A tract of land developed with facilities for projecting motion pictures on an outdoor screen for viewing by patrons in automobiles parked on the premises.

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

**Dwelling Unit:** A unit within a dwelling, entirely separated from any other unit within said dwelling, designed for occupancy by one family.

**Dwelling, One-Family:** A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling by space.

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

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

**Dwelling, Row-Party Wall:** A row of two to eight attached, one-family, party-wall dwellings, not more than 2½ stories in height, nor more than two rooms in depth measured from the building line.

**Easement:** Land that has been designated by lawful agreement between the owner of such land and another person or entity for a specified use only by such person or entity.

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

**Enclosed:** See "building, completely enclosed" herein.

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

**Erect:** To build, construct.

**Establishment:** Either of the following:

1. An institutional, business, commercial or industrial activity that is the sole occupant of one (1) or more buildings; or
2. An institutional, business, commercial or industrial activity that occupies a portion of a building such that:
  - a. The activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
  - b. The activity has either a separate entrance from the exterior of the building or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

**Existing:** Actually constructed or in operation on the effective date of this Zoning Code.

**Exterior Architectural Appearance:** The architectural and general composition of the exterior of a structure including but not limited to the composition, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

**Family:** One of the following, except as otherwise provided herein:

1. Two or more individuals related by blood, marriage or legal adoption (including foster children), together with domestic servants and not more than two gratuitous guests, living as a single, not-for-profit housekeeping unit occupying a dwelling unit.
2. Three or fewer individuals not related by blood, marriage or legal adoption (including foster children), living as a single, not-for-profit housekeeping unit occupying a dwelling unit. Servants or guests residing with said family shall be included in the unrelated person attained by this definition, and shall not be in addition thereto.
3. No more than two individuals who are not necessarily related to each other by blood, and their dependents, together with domestic servants and not more than two gratuitous guests, living as a single, not-for-profit housekeeping unit occupying a dwelling unit.

**FCC:** The Federal Communications Commission.

**Fence:** A free-standing structure of metal, masonry, wood or other solid durable material composed of natural, manufactured or processed materials, or any combination thereof, not part of any building, which rests on a raised platform or is supported by posts on or partially buried in the ground, and is used to confine, screen, partition, enclose, visually define or otherwise create a form of barrier for an area. A fence is a structure forming a barrier above a raised platform or at grade level between lots, between a lot and a street or other public right-of-way, or between portions of a lot or lots. A fence may be solid or partially permeable to light and air, and therefore a wall shall be deemed to constitute a fence. A hedge or series of shrubs densely planted in such a fashion so as to create a barrier sharing similar characteristics of a fence shall also be deemed to constitute a fence.

**Fence, Decorative:** Any fence installed only as an ornamental embellishment at a lot corner or adjacent to a street which may include associated plantings and/or other landscape features.

**Fence, Marketing:** Any fence installed only as an ornamental embellishment at a lot corner or adjacent to a street which may include associated plantings and/or other landscape features, which has been installed by a developer of a subdivision with the consent of the City as a temporary structure for purposes of assisting in marketing the development.

**Floor Area, Gross:** The sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes living areas; halls, closets, stairwells; space devoted to mechanical equipment and enclosed porches.

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

**Frontage:** The lineal extent of the front (street-side) of a lot.

**Foundation, Permanent:** A closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground below the frost line.

**Game Area:** Any building or portion thereof, where three or more amusement devices are located in an area or areas under the leasehold or ownership control of one person. For purposes of this definition, an area includes all common walkways, malls and pedestrian thoroughfares in any building or series of buildings connected by party walls. The presence of less than three such devices shall not be included in this definition if such devices are located wholly within an establishment and are accessory to the principal use.

**Garage, Bus or Truck:** Any building used or intended to be used for the storage of three or more passenger motor buses, or motor coaches used in public transportation, including school buses, or a building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding 1½ ton capacity.

**Garage, Private:** A detached accessory building or portion of the principal building designed, arranged, used or intended to be used for the storage of automobiles of the occupants of the premises.

**Garage, Public:** A building, other than a private garage, used for the care, incidental servicing, and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire or sale within the structure, but not including trucks, tractors, truck trailers and commercial vehicles exceeding 1½ ton capacity.

**Group Home:** A single dwelling unit occupied on a relatively permanent basis in a family-like environment by unrelated persons with disabilities. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents are present at the dwelling, shall be required, unless a special use permit is issued.

**Guest House:** Living quarters within a detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling unit.

**Historic Preservation District:** An area designated by an ordinance of the City Council and which may contain within definable geographic boundaries one or more designated landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the designated Historic Preservation District.

**Home Occupation:** Any business, professional or commercial activity that is conducted in whole or in part in a dwelling unit, is clearly incidental, secondary, and subordinate to the principal residential use of the dwelling unit, and does not change the essential residential character of such dwelling unit.

**Hospital or Sanitarium:** An institution open to the public in which patients or injured persons are given

medical or surgical care, or for the care of contagious diseases or incurable patients.

**Hotel or Motel:** A building in which more than five rooms or suites are reserved to provide living and sleeping accommodations for temporary guests, with no provisions in said rooms for cooking in any individual room or suite.

**Householder:** The occupant of a dwelling unit who is either the owner or lessee thereof.

**Impervious Surfaces:** All buildings, structures, parking lots and facilities, sidewalks, driveways and service drives, graveled areas, paved recreational areas and other elements that do not readily absorb or retain rainwater.

**Intensity:** To increase the level or degree of use.

**Intersection:** The point at which two or more public rights-of-way (generally streets) meet.

**Junk Yard:** The use of more than 200 square feet of any lot where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

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

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

**Landmark:** Any building, structure or site which has been designated as a "Landmark" by an ordinance of the City Council, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance.

**Line of Building (for measuring yards):** A line parallel to the nearest lot line drawn through the point of a building or group of buildings nearest to such lot line, exclusive of such features specified as being permitted to extend into a yard.

**Loading and Unloading Space, Off-Street:** An open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors and trailers to avoid undue interference with the public use of streets and alleys. Such space shall be not less than 10 feet in width, 45 feet in length and 14 feet in height, exclusive of access aisles and maneuvering space.

**Lodging or Rooming House:** A building with not more than five guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or to overnight guests.

**Lot:** A parcel of land occupied or intended for occupancy by a use permitted in this Zoning Code, including one or more principal buildings and accessory buildings or structures as permitted by the City, yards, and open spaces required in this Zoning Code for off-street parking or loading facilities, and having its principal frontage upon a street or upon an officially approved place. Such parcel of land shall be established by a plat of subdivision approved by the City and recorded with the County Recorder's Office. The word "lot" when used alone shall mean a "zoning lot" unless the context of this Zoning Code clearly indicates otherwise.

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

**Lot, Corner:** A parcel of land situated at the intersection of two or more streets or adjoining a curved street at the end of a block.

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

**Lot Depth:** The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

**Lot Frontage:** The front of a lot shall be that boundary of a lot along a public or private street. For a corner lot the owner may elect either street line as a front lot line for the purposes of orientation of a dwelling or building thereon, except if the front of the lot is designated on the plat of subdivision. Notwithstanding the choice of such orientation, a corner lot shall be deemed to have two front yards for the purposes of establishing setback requirements. See also Building Front.

**Lot, Interior:** A lot other than a corner lot, through lot, or reversed corner lot.

**Lot Line, Front:** The front property line of a zoning lot. See Lot Frontage for additional requirements.

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

**Lot Line or Property Line:** A line dividing one lot from another, or from a street or right-of-way, or from any public place.

**Lot Line, Rear:** The lot line or lines most nearly parallel to and most remote from the front lot line.

**Lot Line, Side:** The lot line or lines other than front or rear lot lines, except for corner lots, where the side lot line adjacent to a street shall be deemed a front lot line for the purposes of establishing setback requirements.

**Lot of Record:** A lot properly platted and recorded in the office of the McHenry County Recorder of Deeds.

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

**Lot, Through:** A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot.

**Lot, Width:** The horizontal distance between the side lot lines, measured at right angles to the lot depth at the building setback line. However, for lots where the side lot lines are not parallel, the established lot width shall be the average of the front and rear lot widths, where the lot width is the length of a straight line between the points at which the required building setback line intersects the side lot lines.

**Lot, Zoning:** See "Zoning Lot."

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

**Marquee or Canopy:** A roof like structure of a permanent nature which projects from the wall of a building and may overhang the public way.

**Mean Water Line:** The line at which the water usually stands when free from disturbing causes, including but not limited to, snow melt and rainfall.

**Medical Office:** An establishment where human patients, not animals or pets, are admitted for diagnosis and treatment by licensed physicians, medical practitioners and professional associates, who may utilize jointly the same reception area, medical supply, laboratory, auto parking and other physical accommodations.

**Motor Freight Terminal, Private:** A building in which freight, brought to said building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

**Municipal Code:** The Marengo Municipal Code of which the Zoning Code is Chapter 22.

**Municipal Facilities:** Any building, structure or appurtenance thereto, open space or parcel of property owned or leased by the City.

**NOAA:** National Oceanic & Atmospheric Administration.

**Non-Conforming Use:** Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of this Zoning Code or amendments hereto, which does not conform after the passage of this Zoning Code or amendments hereto with the use regulations of this Zoning Code.

**Noxious Matter:** Matter which is capable of causing injury or illness to living organisms or is capable of causing detrimental effects to the health of the psychological, social or economic well being of humans.

**Nursing Home or Rest Home:** A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness injuries or for surgical care.

**Nursery, Day:** See "day care center" herein.

**Nursery School:** An institution providing day care service for children from four to six years of age.

**Octave Band:** An "octave band" is a means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

**Open Space:** Open space shall include all public and private areas set aside from development in order to provide for recreational or conservation purposes, which may be either passive or active uses, and which are designated due to factors including, but not limited to, natural features worthy of protection or preservation, site significance or recreational opportunities.

**Ordinance:** Reference to "ordinance" herein shall be construed as the Zoning Code.

**Outdoor Storage:** The keeping, in an unroofed area, of any goods, material, merchandise or vehicles in the same place for more than 24 hours.

**Parcel Delivery Station:** A building in which commodities, sold at retail within the area and packaged by the retailer, are assembled and routed for delivery to retail customers located within the area.

**Park:** An open space area with recreational facilities and related accessory structures, including, but not limited to, playground equipment, picnic shelters, paths/trails, benches, tennis or basketball courts, playing fields, fences and parking lots.

**Parking:** The stationary placement of any vehicle or equipment for a continuous period of less than 48 hours.

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

**Parking Area, Public:** An open, hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under 1½ ton capacity, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

**Parking Space, Automobile:** Space within a public or private parking area of not less than 162 square feet 8½ feet by 19 feet, exclusive of access drives or aisles, ramps, columns or office and work areas, for the storage of one passenger automobile or commercial vehicles under 1½ ton capacity.

**Performance Standard:** A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare to be moved or removed.

**Planned Development:** A "planned development" is a tract of land which is developed as a unit under single ownership or control which includes two or more principal buildings, and which may not completely conform to all of the regulations of the district in which it is located. The development of a "planned development" shall be according to regulations as hereinafter set forth.

**Planning and Zoning Commission:** The City Planning and Zoning Commission. Any reference to Commission in this Zoning Code shall also mean the Planning and Zoning Commission.

**Play Equipment:** A free-standing accessory structure, exclusively for the use of children, including but not limited to swing sets, "jungle gyms" and similar recreational structures.

**Playhouse:** A free-standing accessory building, whether permanent or portable, fully or mostly enclosed with walls, roof, window(s) and a door, exclusively for the use of children. For the purposes of this definition, a treehouse shall be deemed to be equivalent to a playhouse.

**Plot:** A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

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

**Premises:** A lot and all the structures and uses thereon.

**Principal Building/Structure/Use:** The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

**Public Utility:** Any person, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, telegraph, transportation or water.

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

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

total destruction.

**Recreational Vehicle:** A term encompassing any type of vehicle used primarily for recreational pleasure. Examples are, but not limited to, travel trailers, motor homes, boats, etc.

1. Travel trailer is a structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle, not to exceed eight feet in width and a body length of 35 feet.
2. Camper trailer (pop up) is a structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle, not to exceed 24 feet in length and five feet six inches in height in a collapsed position.
3. Motor home is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle not to exceed 40 feet in length and 12 feet in height.
4. Pickup camper is a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.
5. Watercraft is any unit that is used for water travel or pleasure, 35 feet or less in length, but not to exceed 12 feet in height, either mounted on a boat trailer or unmounted; also boat trailer without boat mounted.
6. Snow mobiles are considered recreational vehicles.

**Redevelopment:** The removal of the principal buildings or structures from land and/or the construction or erection of other principal buildings or structures thereon, or the development of vacant properties.

**Right-of-Way, Public:** A strip of land which the owner/subdivider has dedicated to the City or to another unit of government for streets and alleys.

**Ringelmann Number:** The "Ringelmann Number" is the number of the area of the Ringelmann Chart that coincides most nearly with the visual density of emission.

**Satellite Dish Antenna:** Any parabolic, dish-type, circular, rectangular, concave, convex, or similarly-shaped structure, which is solid or open-web in construction, designed for receiving communications, radio, television, data, or other signals from a satellite or other sources, or for transmitting such signals to a receiving station, or both. For the purposes of this definition, a "miniature satellite dish antenna" shall mean any satellite dish antenna that has a diameter or width of one meter (approximately 39 inches) or less, and a "regular satellite dish antenna" shall mean any satellite dish antenna that has a diameter or width of more than one meter.

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

**Self-Storage, Mini Warehouse:** A building or buildings in a controlled access area that contain varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of a customer's goods or wares.

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

**Setback:** The horizontal distance between the building or structure and the lot line.

**Setback Line, Building:** See "Building Setback Line."

**Shed:** A fully or mostly enclosed accessory building or structure, also known as a "storage shed," utility shed or "tool room," that is used for sheltered storage of personal property pertaining to the principal building to which the shed is accessory.

**Smoke Units:** "Smoke Units" represent 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.

**Special Use:** A use, either public or private, of land or buildings or both, which because of its unique characteristics, cannot properly be classified as a permitted use in any particular zoning district or districts, and which, in accordance with the provisions of Section 16.3 herein, after due consideration in each case of the impact of such use upon adjoining properties and of the need or appropriateness for the particular use at the particular location, such special use may or may not be granted, and if granted, may be subject to conditions or restrictions.

**Stop Order:** A type of corrective action order used by the Administrator to halt work in progress that is in violation of this or other ordinances.

**Storage:** The stationary placement of any vehicle or equipment for a continuous period of 48 hours or more, and/or for which further evidence of storage intent may include, but is not limited to, covering said vehicle or equipment with a tarp or other type of cover, failure to keep tires inflated, removal of tires and allowing said vehicle or equipment to be in or fall into a state of disrepair by any means that renders it incapable of being driven, operated or moved.

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

**Story, Half:** A half story is that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two opposite exterior walls, are not more than 4½ feet above the finished floor of such story.

**Street:** A public way other than an alley.

**Street Line:** A line separating an abutting lot, piece or parcel, from a street.

**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, columns, beams or girders.

**Structure:** Anything constructed or erected which required location on the ground or is attached to something having location on the ground.

**Tanning Salon:** A room or booth which houses ultraviolet lamps or products containing such lamps intended to induce skin tanning through the irradiation of any part of the human body for cosmetic or non-medical related purposes.

**Tavern:** A building where liquors are sold to be consumed on the premises.

**Temporary Use Permit:** A permit issued in accordance with the provisions of this ordinance and valid for not more than one year, which allows the occupation of a temporary structure or the operation of a temporary enterprise

**Terrace, Open:** A level and rather narrow plane or platform, which for the purpose of this Zoning Code, is located adjacent to one or more faces of the principal structure and which is constructed not more than four feet in height above the average level of the adjoining ground.

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

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

**Trailer, Trailer House or Mobile Home:** A vehicle without motored power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer or mobile homes.

**Truck Parking Area, or Yard:** Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers and including commercial vehicles, while not loading or unloading, and which exceed 1½ tons in capacity.

**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.

**Used Car Lot:** A zoning lot on which used or new cars, trailers or trucks are displayed for sale or trade.

**Utility Substation:** A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

**Variation:** A divergence from bulk, setback, height, parking and loading, or other regulatory elements of this Zoning Code.

**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 by this Zoning Code, and which extends along a lot line and at a depth or width specified in the yard regulations for the district in which the zoning lot is located. In measuring a yard for the purpose of determining the depth of a front yard, the width of a side yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the principal building shall be used.

**Yard, Front:** A yard extending across the full width of the zoning lot and lying between the front line of the lot and the nearest line of a building.

**Yard, Rear:** A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the principal building.

**Yard, Side:** That part of the yard lying between the nearest line of the principal building and a side lot line, and extending from the front yard to the rear yard, or situated in between the front yard and the rear yard.

**Zoning Administrator:** The officer designated by the City as the person responsible for administering and enforcing the requirements of the Zoning Code. (See Section 17.01 herein.)

**Zoning Code:** The City of Marengo Zoning Code, which is Chapter 22 of the Marengo Municipal Code.

**Zoning District:** A division of the geographic area of the City, as shown on the Zoning Map, wherein the character and intensity of land use is regulated by the terms of this Zoning Code. Also, a geographical area for which the regulations governing uses, setback and bulk requirements, and other conditions of uses are uniform as provided for in this Zoning Code. The terms “district,” “use district” and “zone” are deemed synonymous.

**Zoning Lot:** A plot of ground, made up of one or more parcels, which is or may be occupied by a use, building or buildings including the open spaces required by this Zoning Code.

**Zoning Map:** The map or maps incorporated into this Zoning Code as a part hereof, designating zoning districts.

*pjh:Marengo.Zone\Section3.Definitions*