

## SECTION 3

### DEFINITIONS

In the construction and interpretation of this Zoning Code, the following terms shall have the meanings herein ascribed to them. Words or phrases not defined herein shall be defined as provided in the American Heritage Dictionary of the English Language, Fourth Edition.

Words used or defined in one tense shall include other tenses and derivative forms.

Words used in the singular number shall include the plural number, and words in the plural number shall include the singular number.

**Abut:** To touch or lie immediately next to, to share a common wall or lot line, or to be separated by only a street, alley, or drainage course.

**Accessory Building or Use:** A building or use that is subordinate in extent and purpose to, that is located on the same lot, and that is customarily found incident to the principal building or use, when permitted by district regulations.

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

**Addition:** A physical enlargement of an existing structure.

**Adult Booth:** Any area of an Adult Entertainment Establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any Adult Materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

**Adult Cabaret:** Any Commercial Establishment that as a substantial or significant portion of its business features or provides any of the following:

1. Persons who appear Semi-nude.
2. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description

of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

3. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.

**Adult Entertainment Establishment:** An Adult Cabaret, Adult Store, or Adult Theater, as defined in this Section.

**Adult Material:** Any of the following, whether new or used:

1. (a) Books, magazines, periodicals, or other printed matter, or digitally-stored materials; or  
(b) Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind, that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.
2. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities, or that depict or describe Specified Anatomical Areas.

**Adult Store:** Any Commercial Establishment (1) that contains one or more Adult Booths; or (2) where 25 percent or more of its stock is devoted to the sale, rental, viewing or display of Adult Materials.

**Adult Theater:** Any Commercial Establishment in which 25 percent or more of its business features or provides (1) films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities; or (2) live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

**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 tie down areas, hangars and other necessary buildings and open spaces.

**Alcoholic Liquor:** Alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

**Alley:** A public right-of-way, that affords only a secondary means of access to abutting property.

**Alteration:** Any construction or renovation to an existing structure other than repair or an addition. "Alteration" includes, but is not limited to, remodeling, renovation, rehabilitation, reconstruction, historic preservation, historic reconstruction, historic restoration, changes or rearrangement of the structural parts or elements, extraordinary repairs, plumbing fixture changes, and changes or rearrangements in the plan configuration of walls and full-height partitions. The following work is not considered to be an alteration unless it affects the use of the building or facility: normal maintenance, reroofing, interior or exterior redecoration, changes to mechanical and electrical systems, replacement of plumbing, piping, or valves, asbestos removal, or installation of fire sprinkler systems.

**Animal Shelter:** A facility used to house or contain stray, homeless, abandoned, or unwanted dogs, cats or other comparable household pets and that is owned, operated, or maintained by a public body, a humane society, animal welfare society, or other non-profit organization devoted to the protection and humane treatment of animals.

**Apartment:** A room or suite of rooms, other than a one family dwelling 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.

**Attention-Getting Device:** Any pennant, flag, valance, banner, propeller, spinner, streamer, search light, balloon and similar device or ornamentation designed for purposes of promotions, advertising or attracting attention.

**Attraction Panels With Changeable Letters:** Panels on which individual letters may be temporarily affixed in order to advertise events, special sales, products or other facts non-essential to identify the basic business conducted on the premises.

**Automobile Wash:** A building or portion thereof where automobiles are washed by mechanical devices or manually.

**Automobile Repair - Major:** General repair, rebuilding or reconditioning of motor vehicles or trailers, including body work, frame work, welding, engine work or any combination of two or more of these services.

**Automobile Repair - Minor:** The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstering service when said service is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.

**Automobile Service Facility:** Any use conducting diagnostic services, lubrication of vehicles, and minor engine repair such as tune-ups, and the sale and installation of minor parts and accessories such as tires, batteries, shocks, brakes, mufflers and tail pipes.

**Automobile Wrecking Yard:** Any place where one or more motor vehicles not in operating 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 related to motor vehicles.

**Awning:** A roof-like cover, temporary in nature, that projects from the wall of a building.

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

**Bed and Breakfast Establishment:** An operator-occupied residence providing accommodations for a charge to the public with no more than 5 guest rooms for a continuous period of 30 days or less. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, rooming houses, or food service establishments.

**Biodiesel Production, Small Scale:** The process of creating a chemical reaction between a vegetable oil or animal fat, an alcohol and a base catalyst to manufacture less than 1 million gallons a year of biodiesel, a type of energy fuel.

**Board of Trustees:** The Board of Trustees of the Village of Lake in the Hills.

**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 Village.

**Building:** Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structures by space or by walls in which there are not communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals, chattels, equipment, materials or other personal property. Any structure with interior areas not normally accessible for human inhabitation, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures, are not considered buildings.

**Buildable Area:** The space remaining on a zoning lot after having satisfied the minimum open space requirements of this Zoning Code.

**Building Code:** The Lake in the Hills Municipal Building Code, as amended from time to time.

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

**Building Frontage:** The distance between side building lines (building width) measured at the front building line.

**Building Height:** The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of any portion 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 the building is set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

**Building, Principal:** A building in which the principal use of the zoning lot is conducted.

**Building Setback Line:** A line parallel to the front, sides or rear lines of a zoning lot at a distance from such front, side, or rear lines equal to the required yard or setback established in this Zoning Code , of which no building, structure or accessory structure can be placed unless otherwise allowed by this code.

**Business Center:** See the definition for "shopping/business center."

**Campground:** A recreational area where 3 or more tents, cabins, recreational vehicles or other permanent or non-permanent type shelters are erected and maintained for camping or where space is provided for camping, temporary parking of recreational vehicles or placing of such tents, cabins, recreational vehicles or other permanent or non-permanent type shelters of any kind for a total of 10 or more persons for 6 or more camping days during a calendar year. It shall include any structure, tent, vehicle, enclosure, appurtenances or recreational equipment related to or used or intended for use as a part of such campground and an area upon which no more than 4 mobile homes are located for permanent habitation as defined in the Mobile Home and Mobile Home Park Act. (210 ILCS 115/1 et seq.)

**Canopy:** Any structure other than an awning, projecting over private or public property and carried by a frame supported by the ground, sidewalk or building superstructure.

**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:** Any land or structure dedicated to and used, or intended to be used, for the interment of human remains.

**Child Care Institution:** A child care facility where more than 7 children are received and maintained for the purpose of providing them with care or training or both. The term "child care institution" includes residential schools, primarily serving ambulatory handicapped children, and those operating a full calendar year, but does not include:

Any State-operated institution for child care established by legislative action;

Any juvenile detention or shelter care home established and operated by any county or by any public body or agency.

Any institution, home, place or facility operating under a license pursuant to the Nursing Home Care Act (210 ILCS 45/1-101)et seq.

Any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades one through 12, or taught in public elementary schools, high schools, or both elementary and high schools, and which operates on a regular academic school year basis. Any facility licensed as a "group home" as defined in this Zoning Code.

**Churches/Religious Organizations:** A building, together with its accessory buildings and uses, where persons assemble for religious worship and which building, together with its accessory buildings and uses, is maintained by a religious body organized to sustain worship.

**Clothing Donation Bin:** A bin or similar structure used for the collection of clothes, provided that the operator is a registered 501(c)(3) organization.

**Club:** A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common purpose other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and

adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests.

**Coffee Shop:** A retail business that sells primarily coffee or tea and bakery goods, a majority of which are prepared off-site, to patrons who carry out food, although some inside seating may be provided.

**Commercial Establishment:** Any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

**Commercial Vehicle:** Any vehicle having a registration other than a passenger, motorcycle, recreational, "B", or "D" plated vehicle or a "TA", "TB" or "TC" plated trailer under the provisions of the Illinois Vehicle Code and is further restricted in Section 18.4-1 of 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 which regularly provides day care for less than 24 hours per day for (1) more than 8 children in a family home, or (2) more than 3 children in a facility other than a family home, including senior citizen buildings. The term does not include (a) programs operated by public or private elementary schools or secondary level schools or institutions of higher learning which serve children who shall have attained the age of 3 years; (b) programs or that portion of the program which serves children who shall have attained the age of 3 years and which are recognized by the State Board of Education; (c) educational program or program or programs serving children who shall have attained the age of 3 years and which are operated by a school which is registered with the State Board of Education and which is recognized or accredited by a recognized national or multi-state educational organization or association which regularly recognizes or accredits schools; (d) programs which exclusively serve, or that portion of the program which serves, handicapped

children who shall have attained the age of 3 years but are less than 21 years of age and which are registered and approved as meeting standards of the State Board of Education; (e) facilities operated in connection with a shopping center or service, religious services, or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises and readily available; (f) any type of day care center that is conducted on federal government premises; (g) special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations; (h) part day child care facilities, as defined in Section 2.10 of State act; or (i) programs or that portion of the program which (1) serves children who shall have attained the age of 3 years, (2) is operated by churches or religious institutions as described in Section 501(c)(3) of the Federal Internal Revenue Code (26 U.S.C.A. 501) (3) receives no governmental aid, (4) is operated as a component of a religious, nonprofit elementary school, (5) operates primarily to provide religious education, and (6) meets appropriate state or local health and fire safety standards. For the purposes of (a), (b), (c), (d), and (i) of this definition, "children who shall have attained the age of 3 years" shall mean children who are 3 years of age, but less than 4 years of age, at the time of enrollment in the program.

**Director of Community Development:** The Village of Lake in the Hills Director of Community Development or designee.

**Dog Day Care Facility:** Any premises where three or more dogs, at any one time, over three months of age, are accepted for grooming, training, exercise or socialization, provided that overnight boarding is not permitted, and provided that the operator is properly licensed by the State of Illinois. If located outside of a Business (zoning) District, 600 square feet or 25 percent of the floor area (as outlined in Section 18.2-6B) occupied by the facility, whichever is less, may be used for retail sales related to dog care.

**Driveway:** A private or public way that leads to a house, garage or other building from a road, street or alley.

**Dwelling:** A building or portion thereof, designed and used exclusively for residential occupancy, including one-family dwelling units, but not including hotels or rooming houses.

**Dwelling, Multiple-Family:** A building or portion thereof containing three or more dwelling units, each of which may connect to a common corridor or entranceway.

**Dwelling, Single-Family Attached:** A building or portion thereof containing three or more dwelling units, each of which has a separate entrance to the exterior and its own ground floor living space.

**Dwelling, Single-Family Detached:** 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 to provide dwelling units for occupancy by two families living independently of each other.

**Dwelling Unit:** A single unit of residence which provides a kitchen or food preparation area, in addition to rooms and spaces for living, bathing and sleeping.

**Electrical Code:** The Village of Lake in the Hills Electrical Code, as amended from time to time.

**Energy Healing Center:** A facility whose main purpose is to assess a person's positive energy--without touch--and to promote and teach positive energy through the balance of mind, body and soul. Up to 25 percent of the floor area (as defined in Section 18.2-6B) occupied by the facility may be used for related retail sales. This term does not include the provision of services that require a licensed practitioner.

**Entryway Sign:** A permanent sign or other approved entryway feature located at the principal roadway entrance or entrances to a particular business center, manufacturing center or subdivision indicating only the name of such entity.

**Externally Illuminated Sign:** A sign illuminated by a source of light which is cast upon or falls upon the surface of the sign to illuminate by reflection only.

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

**Farm:** A parcel of land having an area of five acres or more which is partly under cultivation or a parcel 10 acres or more which is fenced and utilized as pasture, with or without buildings or structures located thereon.

**Farming:** The utilization of land for the growing and harvesting of crops or the keeping of domestic animals, or both.

**Fence:** A structure erected for the purpose of enclosing or visually defining an area.

**Flashing Sign:** Any illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

**Flea Market:** An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

**Flood Plain:** The area adjoining a river, stream, drainage channel, pond or a low area which is subject to flooding.

**Floodway:** The channel or bed of a river, stream, drainage channel or pond and those portions of the flood plains adjoining which are required to efficiently carry and discharge the flow of the river, stream, drainage channel or pond.

**Flood Water:** The water of any river, stream, drainage channel, low area or pond which is above or outside the channel or banks of said river, stream, drainage channel or pond.

**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 centerline of walls separating two buildings, but not including: open porches, breezeways, interior parking spaces, basements where more than one-half of the height is below grade level, or any space where the floor-to-ceiling height is less than five feet.

**Food Pantry:** A facility operated by a non-profit organization that distributes donated food and sundry grocery products.

**Frontage:** All of the property abutting on one side of a street between two specific points.

**Funeral Establishment, Mortuary, Mausoleum:** A building or separate portion of a building devoted to activities relating to the shelter, care, custody, and preparation of a deceased human body; such establishment may contain facilities for funeral or wake services.

**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 12 ton capacity.

**Gas Station:** A place where gasoline and/or fuel oil, 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. Gas stations shall not include sale or storage for longer than 72 hours of motor vehicles not in operating condition.

**Grade Level:** Any area at the main entrance level, excluding utility rooms, cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes.

**Ground Sign:** A sign completely or principally self-supported by posts or other supports independent of any building or other structure and anchored in or upon the ground.

**Group Home:** A dwelling unit occupied 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 conditional 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.

**Home Occupations:** Any business, profession, occupation, or activity which is conducted wholly within a residential structure,

that is clearly secondary and incidental to the use of that structure as a dwelling unit, and does not change the character of the residence or adversely affect the residential character of the surrounding neighborhood.

**Horticulture:** The production and storage of fruits, vegetables, grains, ornamental trees or other crops but not including the keeping or production of livestock.

**Hospital:** An institution open to the public in which patients or injured persons are given medical or surgical care.

**Hotel:** Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is served and consumed and sleeping accommodations are offered for pay to travelers and guests, whether transient, permanent or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith.

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

**Internally Illuminated Sign:** A sign, all or any part of which the letters or design of which is illuminated with incandescent, neon or other types of lamps; or a sign with painted, flush or raised letters lighted by an electric lamp or lamps attached thereto; or a sign having a border of incandescent or fluorescent lamps thereto attached and reflecting light thereon; or a transparent sign whether lighted by electricity or other illuminating feature.

**Kennel:** Any premises where three or more dogs, at any one time, over three months of age, are accepted for boarding, breeding, training or sale, including overnight boarding, provided that the operator is properly licensed by the State of Illinois. If located outside of a Business (zoning) District, 600 square feet or 25 percent of the floor area (as outlined in Section 18.2-6B) occupied by the facility, whichever is less, may be used for retail sales related to dog care.

**Land Use or Master Plan or Comprehensive Plan:** The long range plan for the desirable use of land in the Village of Lake in the Hills as officially adopted and as amended from time to time; the purpose of such plan being, among other things, to serve as a guide in the

zoning and progressive changes in the zoning of land to meet the Village's changing needs, in the subdividing and use of undeveloped land and in the acquisition of rights-of-ways or sites for public purposes such as streets, parks, schools and public buildings.

**Line of Buildings:** (for the purpose of measuring a required yard) 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.

**Livestock:** Any animals or fowl, except dogs, cats and birds owned by a resident of the premises and kept as pets.

**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.

**Long Term Care Facility:** A home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill, or any similar institution operated by a political subdivision of the State of Illinois, which provides personal care, sheltered care or nursing for 3 or more persons, not related to the owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII of Title XIX of the Federal Social Security Act (42 U.S.C.A. 1395 et seq. and 1396 et seq.).

**Lot:** When used alone a lot shall mean a zoning lot unless the context of this Zoning Code clearly indicates otherwise.

**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 front shall be the narrowest side edge of the lot fronting on a street.

However, a corner lot owner may orient his building toward either street provided proper setbacks are maintained.

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

**Lot Line:** A lot line is a perimeter line of a lot.

**Lot Line, Front:** The front property line of a lot, which abuts an existing or dedicated street. In the case of a corner lot or flag lot, the front lot line shall be as established on the plat of subdivision. If a front lot line was not established on the plat of subdivision, the front lot line shall be established by the owner at the time of the application for a building permit. The front lot line for a flag lot may be established on a lot line which is not a street frontage and which is generally either parallel or perpendicular to the street right-of-way.

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

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

**Lot Line, Side:** Any boundary of a lot which is not a front lot line or a rear lot line.

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

**Lot, 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 the right angles to the lot depth at the established front building line.

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

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

**Marquee:** Any permanent, fixed projection over public or private property serving the purpose of shelter and protection from the weather, other than a canopy.

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

**Mining:** The extraction of sand, gravel or other material from the land in the amount of 400 cubic yards or more, and removal from the site.

**Mobile Home:** A structure transportable in one or more sections, that is seven feet or more in width and 20 feet or more in length, and that is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation and whether or not on wheels, when connected to the required facilities, and includes such plumbing, heating, air conditioning and electrical systems as may be contained therein.

**Mobile Home Park:** A tract of land or two or more contiguous tracts of land which contain sites with the necessary utilities for five or more independent mobile homes for habitation either free or charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park.

**Motel:** A building or group of buildings not to exceed two stories, other than a hotel, used primarily as a temporary residence of motorists, tourists or travelers.

**Motor Freight Terminal:** A building or area in which freight brought by motor truck or rail, is assembled or stored for future delivery.

**Motor Vehicle:** Every vehicle which is self-propelled except for vehicles moved solely by human power, motorized wheelchairs, low-speed electric bicycles, and low-speed gas bicycles.

**Motorcycle Service Facility-** An indoor facility for the principal use of repair and service of self-propelled two-wheeled vehicles. Up to 25% of the floor area (as defined in Section 18.2-6B) occupied by the facility may be used for related retail sales.

**Nightclub:** A commercial establishment where food and/or alcoholic liquor are sold to be consumed on the premises and in which dancing and/or live entertainment takes place.

**Non-Conforming Building or Structure:** Any structure lawfully existing as of the effective date of this Zoning Code, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this Zoning Code.

**Non-Conforming Use:** Use of land, buildings or structures lawfully existing as of the effective date of this Zoning Code which does not comply with the regulations of this Zoning Code.

**Nursery:** Any grounds or premises on or in which nursery stock is propagated and grown or from which nursery stock is collected for sale, or any grounds or premises on or in which nursery stock is being fumigated, treated, packed or stored.

**Nursery School:** An institution providing a regular program of instruction for children from three years of age through the first grade.

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

**Open Sales Lot:** Land devoted to the display of non-accessory goods for sale, rent, lease, advertising or trade where such goods are not entirely enclosed within a building.

**Outdoor Service Area:** A porch, terrace, deck or other area of land, which is not within the interior building walls of a restaurant, where food is served and/or where more than four patrons can sit down.

**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.

**Parcel Frontage:** The distance between side lot lines (lot width) measured at the front lot line or along the set back line, whichever is less.

**Parking Space:** A suitably surfaced or permanently maintained area on privately owned property of sufficient size to store one automobile either within or outside of a building.

**Party Wall:** A single or double wall which separates two independent units.

**Pennant:** A long, narrow, relatively small flag, often triangular, used for attracting attention.

**Planning and Zoning Commission:** The Village of Lake in the Hills Planning and Zoning Commission.

**Planned Development:** A tract of land that is developed as a unit under single ownership or control, that includes two or more principal buildings and that is at least four acres in area, except for planned developments operated by a municipal corporation, which shall be at least two acres in area, and manufacturing planned developments, which shall be at least five acres in area.

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

**Portable Sign:** Any sign that is not permanently affixed to a building structure or the ground; a sign designed to be moved from place to place. Portable signs include, but are not limited to, signs attached to wood or metal frames designed to be self-supporting and moveable and signs commonly trailer mounted, which are designed to be moved from place to place.

**Projecting sign:** A sign supported by a building or other structure and which projects over any street, sidewalk, alley or other private or public way easement that projects more than 12 inches from the face of any building, structure or supporting wall.

**Property Line:** The legal boundary line separating one parcel of land from another.

**Protected Uses:**

1. A church, synagogue, mosque, or other place of worship.
2. A public or private nursery, elementary, or secondary school.
3. A child care facility, licensed by the Illinois Department of Children & Family Services.
4. A public park, playground, playing field, or forest preserve.
5. A public or private cemetery.

6. A public housing facility.

**Public Land:** Land owned or leased by a governmental unit.

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

**Public Utility Building or Structure:** A building or structure either owned or operated by public utilities.

**Recreation Center, indoor:** A facility whose main purpose is to provide the general public with leisure-time activities and where tickets are sold or fees are collected for the activity, except facilities otherwise referenced in this Zoning Code.

**Recreation, Commercial:** Any recreation for which a fee is collected.

**Recreation Equipment:** Play apparatus such as swing sets, slides, and boxes, poles for nets, picnic tables, lawn chairs, barbecue stands and similar apparatuses, but not including tree houses, swimming pools, playhouses exceeding 25 square feet of floor area and sheds utilized for storage of equipment.

**Recreational Vehicle:** Any vehicle designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by a motor vehicle. A recreational vehicle includes a travel trailer, camping trailer, truck camper, motor home and park model home.

**Remote Control Race Track -** An indoor or outdoor race track, usually fashioned from a combination of clay, other soils, rubber and other materials customarily used in remote control race tracks, which provides for the recreational use, by residents and guests, of remote controlled cars and trucks, and for the racing of miniature motorized cars and trucks, in a supervised and professionally maintained race course.

**Restaurant:** Any public place kept, used, maintained, advertised, or held out to the public as a place where food is regularly served, and without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient

number and kind of employees to prepare, cook and serve suitable food for its guests.

Class I: Sit down, substantially all the patrons sit at tables inside.

Class II: A predominant percentage of patrons sit down inside, although some may carry out food.

Class III: A predominant number of patrons carry out food although some inside seating is provided.

Class IV: All patrons carry food out.

Class V: Concession shops without seating, selling ice cream, popcorn and comparable items as the primary use.

**Restrictive Covenant:** A contract between parties that constitutes a restriction on the use of property for the benefit of the owners, other persons or the Village.

**Retail Sales:** The buying of goods or merchandise for resale to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**Roadside Stand:** A structure not permanently fixed to the ground, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall be no more than one roadside stand on any one premises.

**Roof Sign:** A sign erected, constructed upon, supported or maintained in whole or in part upon or over the roof of a building or structure.

**Rooming House:** A building or portion of a building other than a hotel, motel, apartment hotel, or residential hotel, in which sleeping accommodations not constituting an apartment are furnished for four or more persons who rent such accommodations at a specified rate for a specified time, and who occupy the premises as a permanent place of abode rather than on a temporary basis for a short term period of occupancy. An apartment is herein defined as a self-contained unit with private bath and cooking facilities.

**School, Private Business and Vocational:** An educational institution privately owned and operated by an owner, partnership, or corporation, offering courses of instruction for which tuition is charged, whether such courses of instruction are offered on the premises, by correspondence, or other methods, for the purpose of preparing individuals:

to engage in a trade or artistic occupation; or  
to engage in a manual, mechanical, technical, industrial, business, commercial, office, personal service (other than nursing), or other non-professional occupation; or

to engage in a profession, if the profession is not subject to licensing or registration under any existing statute of the State of Illinois requiring the licensing or registration of persons practicing such profession or if the school is not approved and regulated by the agency with such licensing or registration authority; or  
to improve, enhance, or add to the skills and abilities of the individual relative to occupational responsibilities or career opportunities.

**Semi-nude:** A state of dress or undress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.

**Senior Housing:** Residential age-restricted facility for persons aged 55 and older.

**Setback:** See "building set back line."

**Shopping/Business Center:** Any group of three or more buildings with a common entrance way on a business zoned lot.

**Sign:** Every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee, awning, canopy, street clock, and shall include any announcement, declaration, demonstration, display illustration, insignia or logo used to advertise or promote the interests of any person or entity when the same is placed in view of the general public.

**Social service agency:** A facility operated by a non-profit organization that provides services such as training, counseling, and therapies for people with learning and/or physical

disabilities, their families and their caregivers. Up to 25 percent of the floor area (as outlined in Section 18.2-6B) occupied by the facility may be used for retail sales operated by and for the benefit of the non-profit organization. This term does not include facilities that offer overnight care or living quarters, care by a licensed physician, distribution centers or employment agencies.

**Sound, impulsive:** A single pressure peak or a single burst of transmitted vibrations that has a duration of less than one second.

**Specified Anatomical Areas:** Any of the following:

1. Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

**Specified Sexual Activities:** Any of the following:

1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
3. Masturbation, actual or simulated.
4. Human genitals in a state of sexual stimulation, arousal, or tumescence.
5. Excretory functions as part of or in connection with any of the activities set forth in paragraphs 1, 2, 3, or 4 of this definition.

**Stock-in-Trade:** All the merchandise and equipment kept on hand and used in carrying on a business.

**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 is no floor above it, then the space between the floor and the ceiling above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

**Story, Half:** That portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than 4 1/2 feet above the finished floor of such story.

**Streamer:** A long, narrow flag, or pennant.

**Street:** A street is a public way other than an alley. Streets may be classified as minor streets, collector streets, arterial roadways or commercial/industrial streets as defined in the Lake in the Hills Subdivision Control Ordinance.

**Street, Private:** A street that is not dedicated, used or held for use for public travel.

**Street, Frontage:** A marginal access street that is generally parallel and adjacent to a major street.

**Street Width:** The width of the right-of-way, measured at right angles to the center line of the street.

**Structural Alteration:** A change or alteration, other than incidental repairs, that affect or may affect the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

**Structure, Non-Conforming:** See Non-Conforming building or structure.

**Tavern:** A commercial establishment where alcoholic liquor is sold to be consumed on the premises; food may be sold, but is incidental to the business. (Also see: Nightclub.)

**Temporary sign:** Any sign constructed in accordance with the provisions of Section 16 for a period not to exceed 30 days, or as otherwise defined and permitted in Section 16 herein.

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

**Use:** The purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Zoning Code.

**Use, Conditional:** Those occupations, vocations, skills, arts, businesses, professions and uses specifically designated in each zoning district that may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, conditions, modifications or regulations for the promotion or preservation of the public welfare, health, convenience or safety, and therefore may be permitted in such use district only by the issuance of a conditional use permit in accordance with the standards and requirements of this Zoning Code.

**Use, Non-Conforming:** See non-conforming use.

**Use, Permitted:** A use specifically designated by this Zoning Code that may be lawfully established or maintained in a particular district, provided it conforms with all of the regulations of such district.

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

**Veterinary clinic, small animals:** A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases, wherein the animals are limited to dogs, cats, or other comparable household pets, and wherein the overnight care and boarding of said animals is prohibited except when necessary in the medical treatment of the animals.

**Village:** The Village of Lake in the Hills, McHenry County, Illinois.

**Wall Sign:** A sign mounted or attached to the outside surface of a wall or building in a plane parallel to that of the supporting wall.

**Warehousing:** The storage of materials or equipment within a structure or enclosure.

**Wind energy system, ground-mounted:** A SWES (see definition below under Wind energy system, small, on-site) which is affixed to a tower or pole which is anchored to a foundation in the ground.

**Wind energy system, roof-mounted:** A SWES (see definition below under Wind energy system, small, on-site) which is affixed to a tower or pole which is anchored to a building's structural system.

**Wind energy system, small, on-site (SWES):** (Also known as windmill or wind turbine.) Any manufactured device rated to a capacity of 100 kW or less that converts wind power to another form of energy, such as electricity or heat, for use primarily on the building and property where it is located, allowing any excess energy to tie into the electrical grid via net metering.

**Window Sign:** A sign painted on, attached or affixed to or placed against any window, or hung immediately behind the window, which is displayed for the purpose of attracting the attention of the passerby to a sale, or to promotional items, or for other products or services.

**Wholesaling:** The selling of goods, equipment and materials in bulk to a retailer.

**Yard:** An open space on the same zoning lot with a principal building or group of buildings that is unoccupied and unobstructed from its lowest level upward, except as otherwise specifically permitted by this Zoning Code, and that extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

**Yard, Front:** A yard extending across the full width of a lot line adjacent to a public or private street.

**Yard, Rear:** A yard extending across the full width of a rear lot line.

**Yard, Side:** A yard extending across the full width of a side lot line.

**Zoning Code:** The Lake in the Hills Zoning Ordinance, as amended from time to time.

**Zoning District:** A geographical area within the limits of the Village in which the regulations and requirements governing the use of land are uniform.

**Zoning Map:** The map incorporated into this Zoning Code designating zoning districts.

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