

ARTICLE 3

DEFINITIONS

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Article shall have the meaning indicated when used in this Ordinance.

3.01 Definitions

Abandonment: To cease or discontinue a use or activity without intent to resume. This definition excludes temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility. Also, ceasing an activity during normal periods of vacation or seasonal closure shall not constitute abandonment.

Abutting: Having a common border with or being separated from such a common border by a right-of-way, alley or easement.

Accessory Use: (see also *Home Occupation*) A use incidental to, and on the same zoning lot as, a principal use. An accessory use is subordinate in size, extent, and/or purpose to the principal use and contributes to the comfort, convenience, and/or necessity of the principal use being served.

Adult Oriented Use: Any use which is predominately occupied by the sale, rental, lease, inspection, or viewing of media (whether print, electronic, magnetic or other) depicting or describing "specified sexual activities" or "specified anatomical areas" (which are further defined in Article 7.13), sale of materials used for "specified sexual activities," the provision of live entertainment which depicts, describes, or characterizes "specified sexual activities" or "specified anatomical areas," or any combination thereof. (1997-010)

Alley: A public or private way permanently reserved as a secondary means of access to abutting property.

Alteration: As applied to a building or structure, means a change or rearrangement in the structural parts or in the means of egress. This definition includes an enlargement of a building or structure, whether by extending a side or by increasing the height. Also, the moving of a building or structure from one location or position to another is considered an alteration.

Antenna: (see Article 7, Subsection 7.08.02)

Apartment: (see *Dwelling, Multiple-Family*)

Automatic Teller Machine: (see *Electronic Banking Facilities*) (1998-041)

Banquet Hall: An establishment which is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries, business promotional events and similar celebrations. A Banquet Hall is not open to the public and the use is therefore restricted to the invitees of the party contracting for the use of the facility. Such use may or may not include: kitchen facilities for the preparation or catering of food; the sale of alcoholic beverages for on premise consumption only during scheduled events; and/or outdoor gardens or reception facilities. A Banquet Hall shall not include a Social Club as defined in the Municipal Code.

Basement: (see also *Story Above Grade*) That portion of a building which is partly or completely below grade.

Bed and Breakfast: An owner-occupied dwelling unit having not more than five (5) bedrooms used to provide transient lodging accommodations to the public as a commercial use

Bedroom: The term bedroom includes any room used principally for sleeping purposes, an all-purpose room, a study or a den.

Buffer Area: (see also *Screening*) A strip of land established to protect one type of land use from another land use that is incompatible. Normally, the area is landscaped and kept in open space use.

Building: Any structure used or intended for supporting or sheltering any use or occupancy. To determine the number of buildings on a zoning lot, each building shall be considered a separate building when they are not joined by common wall, roof, ceiling and floor assemblies

Building, Accessory: A building which is subordinate to and serves a principle building or use. An accessory building is subordinate in size, extent, and/or purpose to the principle building or use and contributes to the comfort, convenience and/or necessity of the occupants of the principal building or use being served. Examples of accessory buildings include private garages and storage buildings. (2017-044)

Building Line: (see *Setback*)

Building, Principal: A building in which is conducted the main or the principal use of the lot on which said building is situated.

Car Wash: An area of land and/or a structure with machine (or hand) operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles not exceeding six (6) tons in gross vehicle weight.

Carry-Out Restaurant: (see *Restaurant, Fast-Food*)

Certificate of Use and Occupancy: The certificate issued by the Chief Building Official which permits the use of a building in accordance with the approved plans and specifications. It also certifies compliance with the provisions of this Ordinance for the use and occupancy of the building in its several parts, together with any special stipulations or conditions of the building permit.

Certify: Whenever this Ordinance requires that some person or agency certify the existence of some fact or circumstance to the City, the City may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the City may accept certification by telephone from some agency when the circumstances warrant it, or the City may require that the certification be in the form of a letter or other document.

Change of Use: An alteration by change of use in a building or a tract of land, heretofore existing, to a new use which imposes other provisions of this Ordinance or the Building Code governing building construction, equipment or means of egress.

Chief Building Official: The individual named the Chief Building Official or his/her designee. (2017-044)

Church: An institution that people regularly attend to participate in or hold religious services, meetings and other related activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Circulation Area: That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

City: The City of DeKalb, Illinois.

Club or Lodge: A building, along with accessory structures and facilities, primarily intended to accommodate an association of persons and in which the buildings, structures and facilities are limited and restricted to members and their guests. This definition does not include fraternities and sororities.

Commercial Use: An occupation, employment, or enterprise that is carried on for a profit by the owner, lessee, or licensee.

Community Development Director: The individual holding the position of Community Development Director or his/her designee. (2017-044)

Community Residence: A specialized residential care home serving unrelated persons with disabilities that are:

1. Attributable to mental, intellectual or physical impairments or a combination of mental, intellectual or physical impairments; and
2. Likely to continue for a significant amount of time or indefinitely; and
3. Results in functional limitations in three (3) or more of the following areas of major life activities:
 - a. self-care
 - b. receptive or expressive language
 - c. learning
 - d. mobility
 - e. self-direction
 - f. capacity for independent living
 - g. economic self-sufficiency; and
4. Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are a life-long or extended duration.

A Community Residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of a communicable disease.

Community Residence, Small: A Community Residence serving eight (8) or fewer persons with disabilities, along with necessary support staff, in a family-like atmosphere.

Community Residence, Large: A Community Residence serving more than eight (8) persons with disabilities along with necessary support staff.

Comprehensive Plan: A document containing both written and graphic information concerning the future development of the City of DeKalb and its environs. It is an officially adopted policy guide for locating land uses and streets, and other community development issues.

Conditional Use: (see *Special Use*)

Condominium: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 7,500

square feet. Convenience stores differ from other retail commercial uses in their operating characteristics and potentially adverse neighborhood effects (i.e., hours of operation, traffic generation and turning movements, noise, litter and lighting).

Council: The City Council of the City of DeKalb, Illinois.

Cul-de-Sac: A local or sub-local street, one end of which is closed, and consists of a circular turn-around. (See Article 9, Section 9.01, for the definition of local and sub-local streets).

Data Center: Buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, or, used primarily to provide, to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services, along with ancillary warehouse, administrative office, and storage buildings.

Day Care Center: A building in which any person, group of persons, agency, association or organization arranges for or cares for more than twelve (12) children.

Day Care Home: A dwelling unit in which any person or group of persons provides for the care of not more than eight (8) children inclusive of the child care provider's own children.

Deck: A platform structure of single or multiple tier construction that is either freestanding or attached to a principal or accessory building located in the rear yard or side yard and constructed above grade and unenclosed by solid or non-solid walls or a roof. If located in the side yard, an attached deck must meet principal building setbacks. (2017-044)

Density: The number of dwelling units per net acre of land. Net acreage is defined as the site area less all land allocated to street rights-of-way. With private streets, the equivalent of public rights-of-way for these streets shall be deducted from gross acreage. If there is a question regarding the width and length of such equivalent rights-of-way, the Community Development Director shall render a determination.

Development: All structures and other modifications of the natural landscape, above and below ground or water, on a particular site.

Development, Planned: Land under unified control to be planned and developed in a single development operation or a programmed series of development operations or phases. A planned development includes principal and accessory structures and uses strongly related to the character and purposes of the planned development. A planned development is built according to general and detailed plans for streets, utilities, lot and building location, landscaping, and the like. A planned development includes a program for the provision, operation, and maintenance of common areas, facilities, and improvements that are for the use by the occupants of the planned development district, but which will not be provided, operated, or maintained at public expense.

Distillery: A facility that produces alcoholic beverages on-site in quantities exceeding 20,000 gallons per year, and includes an accessory tasting room and retail sales area and/or restaurant. A tasting room allows customers to taste samples of products manufactured on-site and purchase related sales items. Sales of alcoholic beverages manufactured outside the facility are prohibited. (2017-035)

Dormitory: A building where sleeping accommodations, dining facilities and common bathroom facilities are provided for more than twenty (20) unrelated individuals, exclusive of the resident family, who are students or members of a religious order, college, university, convent, monastery or other institutional use.

Double Frontage Lot: (see *Lot, Through*)

Drive-Through Facility: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

Driveway: An open area of land other than a street, sidewalk, or other public way permitting ingress from a public street or alley or other public right-of-way to public or private property, the principal use of which is for the standing, parking, loading or unloading of a motor vehicle.

Dwelling, Single-Family Attached: A dwelling unit which is attached to another dwelling unit by a common wall extending from the floor to the ceiling and from exterior wall to exterior wall.

Dwelling, Detached: A dwelling unit which is entirely surrounded by open space on the same lot and not connected in any manner to another dwelling unit.

Dwelling, Multiple-Family: One (1) building consisting of three (3) or more dwelling units, each of which is attached to at least one other dwelling unit, by a common wall extending from floor to ceiling and from exterior wall to exterior wall, or by a horizontal structural floor assembly extending from exterior wall to exterior wall, except for a common stairwell exterior to the dwelling units.

Dwelling, Single-Family Detached: A detached dwelling unit designed for and intended for use by one (1) family or one (1) household.

Dwelling, Two-Family Attached: One (1) building consisting of two (2) dwelling units attached by a common wall extending from the floor to the ceiling and from exterior wall to exterior wall, or by a horizontal structural floor assembly extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit: A room or group of rooms meeting minimum habitable room sizes as required by the City's building code which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family or one (1) household, including sleeping, cooking, eating and sanitation facilities. This definition includes manufactured and modular homes but not mobile homes.

Easement: A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity for a specific purpose.

Electronic Banking Facilities: An unmanned banking station at which a client can access accounts, make deposits, withdraw cash, or perform other banking and financial functions. Such facilities are commonly called "Automatic Teller Machines." Wall-mounted units intended strictly for pedestrian access, or interior units, shall be considered accessory to any commercial or industrial use. Wall-mounted or freestanding Electronic Banking Facilities intended as drive-up or drive-through units shall be allowed as a special use in any commercial or industrial zoning district, pursuant to the requirements of Article 7.04, Paragraph 11, of this Ordinance. (1998-041)

Family: Two (2) or more persons related to each other by blood, marriage, adoption or other means of legal custody, plus not more than two (2) unrelated lodgers or guests, living together as a single housekeeping unit in a dwelling unit.

Fast-Food Restaurant: (see *Restaurant, Fast-Food*)

Flag Lot: (see *Lot, Flag*)

Floodplain: (see Article 11, Subsection 11.01.02)

Floodway: (see Article 11, Subsection 11.01.02)

Floodway Fringe Area: (see Article 11, Subsection 11.01.02)

Floor Area Ratio: A bulk requirement to limit the proportion of a building's size to its lot as determined by dividing the gross floor area of all buildings (inclusive of garages and accessory buildings) on a lot by the area of that lot.

Floor Area, Gross: Gross floor area shall be the floor area within the perimeter of the exterior walls of the building under consideration, including hallways, stairs, closets, thickness of walls, columns or other features. Gross floor area includes all floors that are above grade, including mezzanines and habitable attic space. It does not include basements, unenclosed porches or attics not used for human occupancy.

Floor Area, Net: (See Article 12, Section 12.07 for the definition of floor area used to compute required parking.)

Fraternalities or Sororities: An organization of a group of individuals with a common purpose under a constitution, by-laws or other rules adopted by them, and chartered by the State of Illinois as a corporation or authorized by the State of Illinois to carry on the purpose for which they are organized and recognized by an accredited school. A fraternity or sorority may be affiliated with a nationally recognized organization having an identical or similar purpose. This definition does not include any organization formed by the owner of real estate for the purpose, among others, of operating a lodging or rooming house.

Garage, Private: An accessory building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Garage, Public: (see *Parking Structure*)

Garage, Repair: (see *Vehicle Repair Facility*)

Gasoline Station: Buildings and premises where the primary use is the supply and dispensing of retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories. This definition includes self-service stations.

Grade Plane: A reference plane representing the average of finished ground level adjoining the building at all exterior walls; when the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

Group Day Care Home: A dwelling unit in which any person or group of persons provides for the care of not more than twelve (12) children inclusive of the care provider's own children.

Group Home: A dwelling unit serving not more than twenty (20) persons used as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of a communicable disease. This definition does not include Community Residences.

Habitable Space: Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Height, Building: The vertical distance from grade plane to the highest point of the building, excluding structural projections identified in Article 7, Section 7.02.

Home Occupation: An occupation, profession, or other business activity that is clearly a customary, incidental, and secondary use of a residential dwelling unit which does not alter the exterior of the building or lot or affect the residential character of the neighborhood.

Homeowners Association: A private, nonprofit corporation of homeowners that operates and maintains various common properties of a subdivision or development.

Hotel: (see also *Motel*) A facility offering transient lodging accommodations on a daily rate to the public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

Household: A group of:

1. Not more than three (3) persons not related by blood, marriage, adoption or other means of legal custody living together as a single housekeeping unit in a dwelling unit located east of Normal Road, north of Lucinda Avenue and east of the Kishwaukee River, south of Lucinda Avenue; or
2. Not more than four (4) persons not related by blood, marriage, adoption or other means of legal custody living together as a single housekeeping unit in a dwelling unit located west of Normal Road, north of Lucinda Avenue and west of Kishwaukee River, south of Lucinda Avenue.

Impound Yard: A parcel of land on which a combination of operable and/or inoperable vehicles are collected and stored until claimed by the owner or otherwise disposed of.

Junkyard: (see also *Vehicle Wrecking Yard*): A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold.

Loading Space: (see Article 12, Subsection 12.08.08)

Lodging House: A dwelling unit in which, sleeping accommodations and/or meals are provided for not more than twenty (20) persons seeking shelter on a temporary basis for indefinite periods and open to the public and transients. This definition includes only those uses operating under the authorization of a recognizable local, state or federal agency.

Lot Area: (see also *Density*) The total area circumscribed by the boundaries of a lot, except that:

1. When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary shall be the street right-of-way line, for computing the lot area. If the right-of-way line cannot be determined, a line running parallel to and 33 feet from the center of the traveled portion of the street, and
2. In a residential district, when a private road provides access to the dwelling units is located along any lot boundary, then the lot boundary shall be based on excluding what would be the area equivalent of a public right-of-way for computing the lot area.

Lot, Corner: A lot abutting on and at the intersection of two or more streets. For the establishing of building setbacks, a corner lot is considered to have two or more front yards.

Lot Depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line.

Lot, Flag: A lot with access provided to the bulk of the lot by a narrow corridor of property.

Lot Line: A line dividing one lot from another or from a street or any public place.

Lot Line, Front: (see also *Yard, Front*) On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street providing access.

Lot Line, Rear: (see also *Yard, Rear*) The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

Lot Line, Side: (see also *Yard, Side*) Any lot line not a front or rear lot line.

Lot, Through: A lot having its front and rear yards each abutting on a street (also known as “double frontage” lot).

Lot Width: The horizontal distance between side lot lines, measured at the front lot line.

Lot of Record: A lot which is part of a subdivision or a parcel of land whose boundaries have been established by some legal instrument, and is shown on a map or plat thereof, which has been legally approved by the City Council and recorded in the office of the Recorder of Deeds of DeKalb County. A “Lot of Record” may or may not coincide with a zoning lot.

Lot, Zoning: A single tract (or combination of tracts) of land located within a single block, which (by filing and recording an affidavit for the use of more than one lot at the time of application for a building permit) is designated by the owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A zoning lot or lots may or may not coincide with a “Lot of Record.”

Manufactured Home: A dwelling unit designed for long-term human habitation that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act where all parts and systems have been fabricated and assembled at a factory into at least two (2) finished, transportable components which are designed to be temporarily attached to a wheeled carriage for transportation to the building site and then joined for use on a permanent foundation. A manufactured home is at least twenty (20) feet in width at its narrowest point, is installed on a foundation system in compliance with the City's building code, is covered with exterior materials customarily used on conventional dwellings, has a roof with a pitch and materials customarily seen on conventional dwellings, is convertible to real property and is taxed as a site-built dwelling as provided by law.

Mezzanine(s): An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the area of the room in which the level or levels are located.

Micro-Distillery: A facility that produces alcoholic beverages on-site in quantities not to exceed 20,000 gallons per year, and includes an accessory tasting room and retail sales area and/or restaurant. A tasting room allows customers to taste samples of products manufactured on-site and purchase related sales items. Sales of alcoholic beverages manufactured outside the facility are prohibited. (2017-035)

Mobile Home: A transportable factory-built home designed to be used as a year-round residential dwelling with a permanent foundation, which is less than twenty (20) feet in width at its narrowest point, was built on a chassis with wheels on axles permanently attached to its body or frame and does not have facade or roof design customarily seen on conventional dwellings.

Mobile Home Park: Any parcel or parcels, under single ownership or control, with spaces designated for long-term residential use and intended for rent or lease where the residences are comprised of mobile homes.

Mobile Home Subdivision: A tract of land, subdivided into lots, designated and developed for long-term residential use and intended for sale where the residences are comprised of mobile homes.

Modular Home: A factory-built home certified as meeting the City's building codes as applicable to modular housing and subject to the same standards as site-built homes.

Motel: (see also Hotel): A building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance. Such building or group of buildings is designed, intended, or used primarily for the accommodation of automobile travelers and provides automobile parking conveniently located on the premises

Non-conforming Lot: A lot of record existing at the effective date of this Ordinance, or amendment thereto, (and not created for evading the restrictions of this Ordinance) that does not meet the minimum area requirement of the district in which the lot is located or dimensional requirements of Article 9. (See Article 19, Section 19.12 for permissible uses of certain non-conforming lots.)

Non-conforming Situation: A situation that occurs when, on the effective date of this Ordinance, or amendment thereto, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a non-conforming situation may arise because a lot does not meet minimum size requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or because land or buildings are used for purposes made unlawful by this Ordinance. Non-conforming signs shall be regarded as non-conforming situations for purposes of Article 19.

Non-conforming Use: A non-conforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a non-conforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zones area constitutes a non-conforming use).

Non-conformity, Dimensional: A non-conforming situation that occurs when the height of a structure, or the relationship between an existing building or buildings and other buildings or lot lines, does not conform to the regulations applicable to the district in which the property is located.

Office: A building or portion of a building wherein services are performed involving primarily administrative, professional, or clerical operations.

Office Park: A large tract of land that has been planned, developed, and operated as an integrated facility for several separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

Open Space: An area that provides light and air, and is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Open Space, Common: Open space within or related to a development, not in individually owned lots, but is designed and intended for the common use or enjoyment of the residents of the development. This term is synonymous with common ground, common land, and common area when used in the appropriate context.

Outdoor Storage: The keeping, in an unroofed area, of any goods, junk, material, or merchandise in the same place for more than twenty-four (24) hours.

Owner: Any person, agent, firm or corporation having a legal or equitable interest in the property.

Park: Any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking Lot, Off-Street: (see also *Parking Structure*) An area not within a building where motor vehicles may be stored for temporary, daily or overnight off-street parking.

Parking Space, Off Street: An area on a lot and/or within a parking structure intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with parking stall. Each parking space must have a means of access to a street. Tandem parking stalls in single-family detached, single-family attached and two-family attached residential uses shall be considered to have a means of access to a street so long as no vehicle is parked partially or fully within a street right-of-way. For this definition, tandem parking will be considered to be parallel parking (See Article 12, Section 12.06 for dimensional requirements).

Parking Structure: A building designed and used for the storage of four (4) or more vehicles; such a building may be operated as a business enterprise or as a public service, with or without charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Patio: An open, hard-surfaced area installed at grade unattached from either a principle or accessory structure designed and intended for recreational use by people and not as a parking space. Patios shall not be physically attached to any foundation system. (2017-044)

Person: Includes a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this Ordinance prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officer, agents or members thereof who are responsible for any violation of such section.

Place of Worship: (see *Church*)

Porch: A structure, which can be enclosed or unenclosed, that projects from the exterior wall of a building, has direct access to the street level of the building, and is covered by a roof or eaves. (2017-044)

Porch, Enclosed: a porch that is enclosed by walls, screens, lattice, or other material on two (2) or more sides. A screened-in porch shall be considered an "Enclosed Porch." (2017-044)

Porch, Unenclosed: a porch that is open on two (2) or more sides, and may have a railing along the edge. (2017-044)

Principal Use: The primary purpose or function of a building, structure, or parcel of land, or portion thereof, as determined by the Community Development Director or designee, based upon the configuration and improvement of the space and the available information regarding its use. A principal use may be a permitted or special use. (2017-009)

Public Works Director: The individual holding the position of Public Works Director or his/her designee. (2017-044)

Rear Yard: (see *Yard, Rear*)

Recommendation: An official position taken by staff, the Planning and Zoning Commission, and/or any other body that advises the City Council or other authority to approve with or without conditions, to deny, and/or to take no action on a development proposal or some similar issue.

Recreational Vehicle: A vehicle, whether self-propelled or a trailer, which is constructed with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.

Recycling Center: A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

Recycling Collection Point: An accessory use that serves as a neighborhood drop-off point for temporary storage of recoverable resources; this use does not include processing of such items.

Recycling Plant: A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Required: Shall be construed to be mandatory by provisions of this Ordinance.

Research Laboratory: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residents Association: (see *Homeowners Association*) *Restaurant:* A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building or at supplemental outdoor seating areas.

Restaurant, Fast Food: Any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or carry-out, and where either:

1. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or
2. The establishment includes a drive-through service facility or offers curbside service.

Right-Of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

Rooming House: A building in which sleeping accommodations and/or meals are provided for compensation (pursuant to previous arrangements for definite periods and not open to the public or transients) to:

1. Four (4) or more unrelated individuals where said dwelling unit is located east of Normal Road, north of Lucinda Avenue and east of the Kishwaukee River, south of Lucinda Avenue; or
2. Five (5) or more unrelated individuals where said dwelling unit is located west of Normal Road, north of Lucinda Avenue and west of the Kishwaukee River, South of Lucinda Avenue.

Salvage Yard: See *Vehicle Wrecking Yard* (1998-041)

Satellite Dish Antenna: (see Article 7, Subsection 7.08.02)

Screening: (see also *Buffer Area*) The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

Self-Service Storage Facility, Exterior Unit Access: A building or group of buildings containing storage units of varying sizes, which are leased or rented for the storage of customer goods and wares and which have exterior unit access generally consisting of roll-up doors and direct drive-up access from the outside. A "Self-Service Storage Facility, Exterior Unit Access" may also contain outdoor storage. Storage units shall not contain any hazardous materials, as defined in the City's Building Code, nor involve any wholesale or retail sale of goods. (2018-008)

Self-Service Storage Facility, Interior Unit Access: A building or group of buildings containing storage units of varying sizes, which are leased or rented for the storage of customer goods and wares and in which all storage units have an access door from an interior hallway. A "Self-Service Storage Facility, Interior Unit Access" shall not contain any outdoor storage. Storage units shall not contain any hazardous materials, as defined in the City's Building Code, nor involve any wholesale or retail sale of goods. (2018-008)

Service Station: (see *Vehicle Service Facility*)

Setback, Building Line: The required minimum horizontal distance between the closest point of an exterior wall of a building or any projection thereon and the related front, side, or rear lot line.

Shall: The term, when used in this Ordinance, “shall” be construed as “mandatory.”

Side Yard: (see *Yard, Side*)

Sign: (see Article 13, Section 13.02)

Site Coverage: The area of the site which is covered by buildings, driveways, parking lots, loading areas, but excluding open spaces, plazas, pedestrian circulation, and unpaved buffer areas.

Social Club: (see definition in Municipal Code).

Special Use: A use that would not be appropriate generally or without restriction throughout the zoning district but, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health, safety or general welfare.

Stoop: An exterior platform constructed of wood, concrete, pavers or masonry that does not exceed thirty-five (35) square feet, which provides direct access to a building and is used solely for the purposes of ingress and egress. A stoop/entryway may or may not be roofed as allowed per this Ordinance. (2017-044)

Story: (see also *Mezzanine*). That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Story Above Grade: Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:

1. More than six (6) feet above grade plane;
2. More than six (6) feet above the finished ground level for more than fifty (50) percent of the total building perimeter; or
3. More than twelve (12) feet above the finished ground level at any point.

Street: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform which are defined in Article 9, Section 9.01.

Structure: Anything erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground. (2017-044)

Structure, Accessory: A structure that is subordinate in area, extent and purpose to the principal use and building on the lot and that is customarily used for a permitted accessory use. Examples of accessory structures include signs, fences, decks, porches and pools. (2017-044)

Subdivision: Notwithstanding the exemptions provided in State Law, a subdivision is the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat, or other instrument.

Subdivision, Major: (see Article 15, Subsection 15.04.01)

Subdivision, Minor: (see Article 15, Subsection 15.04.02)

Terminal, Bus, Train: A building or area specifically designated for the assembly and boarding and unboarding of passengers to/from buses or trains.

Terminal, Motor Freight: A building or area in which freight brought by truck is assembled and/or temporarily stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

Townhouse: (see *Dwelling, Single-Family Attached*)

Through Lot: (see *Lot, Through*)

Tract: (also see *Lot of Record*). The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots."

Trailer: Any structure built on a chassis for licensing by the State as a trailer and designed for general hauling or recreational purposes.

Tree Survey: A Tree Survey locates, identifies, and measures the trees growing on a parcel of property. The position, type, and diameter (generally measured at breast height) of each living tree is typically shown. Tree Surveys are required prior to approving new construction or improvements to a property should a permit be issued

Variance: A modification of the specific requirements of this Ordinance granted by the Planning and Zoning Commission / Board of Appeals or City Council under the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district. Such modifications does not include authorizing a use not among the uses specified by this Ordinance as permitted in the district in which such property is located.

Vehicle Repair Facility: A building designed and used for the storage, care, repair or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work.

Vehicle Service Facility: A place where gasoline or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and servicing vehicles with such products is performed on the premises. A vehicle service facility may include performing minor repairs to passenger cars and trucks (replacement of parts and engine services), but not including body repairs or major mechanical overhauling.

Vehicle Wrecking Yard: (see also *Junkyard*) The dismantling, wrecking or salvage of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been, or are to be, removed for reuse or sale, shall constitute prima-facie evidence of an vehicle wrecking yard.

Video Gaming Establishment: An establishment whose primary purpose is to operate video gaming terminals, as defined in the Video Gaming Act (240 ILCS 40/1 et. Seq.), where the drawing, pouring, mixing, or otherwise serving of alcoholic liquor on the licensed premises is secondary and accessory to the operation of the video gaming terminals. In determining whether an establishment constitutes a video gaming establishment, any one or a combination of the following criteria may be considered in the City's decision, as determined by the Community Development Director: (2017-044)

1. The establishment contains video gaming terminals, as defined in the Video Gaming Act (240 ILCS 40/1 et. seq.).
2. The number of seats designated for the serving of food or beverages is 30 or less. Seats designated for a video gaming terminal, as defined by the Video Gaming Act (240 ILCS 40/1 et. seq.), are not included.
3. Establishments that have a Category 2 or 3 Food Establishment Permit from the DeKalb County Health Department (or equivalent licensure or authorization that provides predominantly for service

of food items for consumption on-site, when prepared offsite) or which do not provide for the service of any food items.

4. The gross floor area of the establishment is 2,500 square feet or less.
5. The floorplan for such facility is designated in such a fashion as to indicate that the predominant purpose of the facility is video gaming, based upon the distribution of a disproportionate area for video gaming terminals and related seating, in comparison to other seating areas in the facility. (E.g. if the facility features a video gaming terminal area that includes open floor space around it that is disproportionate in quantity or orientation to the open floor space allotted around non-video gaming terminal seating, it shall be presumed that the facility is a Video Gaming Establishment.)
6. The documentation submitted to the City in relation to such establishment, whether as a component of a liquor license application, video gaming terminal application, or any other submittal to the City, indicates that the primary or a primary purpose of the establishment is video gaming, such as through the name of the facility, the signage proposed for the facility, or the narrative or documents accompanying any such application.
7. The facility shares a name or ownership with another existing Video Gaming Establishment within the State of Illinois (applying the same criteria described herein).

For the purposes of this subsection, establishments that have a Public Entity/Non-Profit Liquor License (as defined in Chapter 38 "Intoxicating Liquors" of the Municipal Code) shall be exempt from these regulations as long as the operation of the video gaming terminals are accessory and subordinate to the principal use. (2017-009)

Wall, Common: An interior wall that separates and distinguishes two (2) or more uses located in the same building or structure. A common wall extends from floor to ceiling and from exterior wall to exterior wall, and conforms to the fire resistance requirements of the City's building code.

Wall, Exterior: A wall fully exposed to the outside air which forms the perimeter of a building or structure. Where a building or structure is not wholly surrounded by exterior walls, then the exterior wall shall be considered as the vertical projection between the roof above and the floor below.

Wall, Interior: A wall located wholly within a building or structure which separates different rooms and/or uses of such building or structure, as distinguished from an exterior or common wall.

Warehouse and Distribution Center: A building used in the storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

Wetland: An area that is defined as a wetland in the most recent editions of the Army Corps of Engineers Regulatory Definitions, 33 C.F.R. 328.3(b), the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, and/or other companion documents, manuals, or guidelines hereafter published.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. Where a lot abuts a street, all yards abutting said street shall be measured from the street right-of-way.

Yard, Front: A yard extending across the full width of the lot and lying between the required front building setback line and the front property line of the lot.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear lot line and the required rear building setback line.

Yard, Side: A yard lying between the side line of the lot and the nearest line of the required side building setback line and extending from the front yard to the rear yard.

Zero Lot Line: The location of a building on a lot in such a manner (as may be allowed in a planned development) that one or more of the building's sides rest directly on a lot line.

Zoning Map, Official: A map of the City of DeKalb delineating the boundaries of various zoning districts for determining which, regulations contained in this Ordinance apply to specific tracts or lots. Such official Zoning Map and amendments thereto, has been adopted by the City Council and is on file in the Office of the City Clerk.