

CHAPTER 40

ZONING CODE

ARTICLE I - GENERAL PROVISIONS

**40-1-1**        **TITLE.** This Code shall be known, cited, and referred to as the “Zoning Code of the Village of St. Jacob, Illinois.”

**40-1-2**        **PURPOSE.** In accordance with State law, this Code regulates lots, structures, and uses in order to preserve, protect, and promote the public health, safety, and welfare. More specifically, this Code is intended to assist in achieving the following objectives:

(A)            to encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites;

(B)            to protect and enhance the character and stability of sound existing residential, commercial, community, highway business, and industrial districts, and to gradually eliminate nonconforming uses and structures;

(C)            to conserve and increase the value of taxable property throughout the Village;

(D)            to ensure the provision of adequate lights, air, and privacy for the occupants of all buildings;

(E)            to protect persons and property from damage caused by fire, flooding and improper sewage disposal;

(F)            to provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;

(G)            to ensure the proper design and improvement of mobile home parks;

(H)            to promote the use of signs which are safe, aesthetically pleasing, compatible with their surroundings, and legible in the circumstances in which they are seen;

(I)            to provide for the efficient administration and fair enforcement of all the substantive regulations in this Code;

(J)            to divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings structures and land for residential, business and manufacturing and other specified uses;

(K)            to establish building lines and the location of buildings designed for residential, business, manufacturing or other uses within such area;

(L)            to prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;

(M)            to prevent additions, or alterations or remodeling of, existing building or structures in such a way as to avoid the restrictions and limitation imposed hereunder;

(N)            to prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them, and;

(O)            to define and limit the powers and duties of the administrative officers and bodies as provided herein.

(See 65 ILCS 5/11-13-1)

**40-1-3**            **JURISDICTION.** This Code shall be applicable only within the corporate limits of the Village.

**40-1-4**            **INTERPRETATION, CONFLICT WITH OTHER ORDINANCES.** Every provision of this Code shall be construed liberally in favor of the Village and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted and effective ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail. If there are contradictions within this Code, the most stringent application shall apply.

**40-1-5**            **DISCLAIMER OF LIABILITY.**

(A)                Except as may be provided otherwise by statute or ordinance, no official, board member, agent, or employee of the Village shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. (See “**Local Governmental and Governmental Employees Tort Immunity Act**”, Ill. Comp. Stats., Ch. 745; 10/1-101 et seq.)

(B)                Any suit brought against any official, board member, agent, or employee of the Village as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the Village Attorney until the final determination of the legal proceedings.

**40-1-6**            **SEVERABILITY.** If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

**40-1-7**            **REVIEW.** This Code shall be reviewed annually after its effective date by the Plan Commission and the Zoning Board of Appeals. After the review, they shall file their reports and recommendations with the Mayor and the Village Board.

## ARTICLE II - DEFINITIONS

**40-2-1**            **CONSTRUCTION OF TERMS.** In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A)                Words and phrases shall have the meanings respectively ascribed to them in **Section 40-2-2** unless the context clearly indicates otherwise; terms not defined in **Section 40-2-2** shall have their standard English meanings.

(B)                Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C)                Words used in the present tense shall include the future tense.

(D)                Words used in the singular number shall include the plural number, and the plural shall include the singular.

(E)                The term "shall" is mandatory; the term "may" is discretionary.

(F)                All distances shall be measured to the nearest integral foot; six inches (6") or more shall be deemed **one foot (1')**.

(G)                References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(H)                A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

(I)                The words "lots," "parcel," "tract," "and "site" shall be synonymous.

(J)                The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

**40-2-2**            **SELECTED DEFINITIONS.**

**"ABUTTING"**: As applied to lots, "abutting" means having a common lot line or district line, or so located in relation to each other that there would be a common lot line or district line but for the existence of a street, alley, or other public right-of-way.

**"ACCESS WAY"** means a curb cut, ramp, driveway, or other means for providing vehicular access to an off-street parking or loading area.

**"ACCESSORY USE"** means any structure or use that is:

(A)                subordinate in size or purpose to the principal structure or use which it serves;

(B)                necessary or contributing to the comfort and convenience of the occupants of the principal structure or use served; and

(C)                is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building use served; and

(D)                the gross horizontal floor area of the largest of any one horizontal level is not more than **ten (10) percent** of the area of the lot on which the principal structure is situated, and which is not higher than the principal structure, and in residentially zoned districts shall not exceed **fifteen (15) feet** in height.

**"ADJACENT"**: Lying near, in the vicinity of, next to, adjoining.

**“ADMINISTRATOR”** means the official appointed by the Mayor, with the advice and consent of the Village Board of Trustees to administer this Code, or his representative. (Synonymous with **“Zoning Administrator”**, **“Building and Zoning Officer”** or **“Zoning Official.”**)

**“AGRICULTURE”** means any one or any combination of the following: The growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, or animal/poultry husbandry. The term “agriculture” encompasses the farmhouse and accessory uses and structures customarily incidental to agricultural activities.

**“AGRICULTURAL BUILDING OR STRUCTURE”** for the purpose of this Code, an “agricultural building or structure” shall imply any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

**“AIRCRAFT”**: Any contrivance, now known or hereafter invented for use in or designed for navigation of or flight in the air.

**“AIRPORT (LANDING STRIP, HELIPORT OR AIRCRAFT STOP)”**: Any premises which are used or intended for use for the landing and take off of aircraft; and any appurtenant areas which are used or intended for use for buildings incidental to aircraft services, together with all buildings and structures thereon.

**“AISLE”** means a vehicular traffic-way within an off-street parking area, used as a means of access/egress from parking spaces.

**“ALLEY”** means a public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street and which is not generally used as a thoroughfare by both pedestrians and vehicles, or which is not used for general traffic circulation or which is not a minimum of **twenty (20)** feet and in excess of **thirty-nine (39)** feet in width at its intersections with a street.

**“ALTER”** means to change the size, shape or use of a structure, or the moving from one location to another.

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

**“ANCHOR”** means any approved device to which a mobile home is tied down to keep it firmly attached to the stand on which it is placed.

**“APARTMENT”**: **One (1)** or more rooms in an apartment building or combination apartment and commercial building, arranged, intended or designed or occupied as a dwelling unit of a single family, an individual or a group of individuals.

**“APARTMENT HOTEL”**: A multiple-family dwelling which furnishes for its tenants services customarily provided by hotels, but which does not furnish such services to the transient public.

**“ASSEMBLY USE”**: All buildings and structures, or parts thereof, which are used or designed for the gathering together of persons for purposes such as civic, social, or religious functions, recreation, food or drink consumption or awaiting transportation.

**“ASSEMBLY USE OUTDOOR”** shall include structures used for outdoor assembly intended for participation in or reviewing activities, including grandstands, bleachers, coliseums, stadiums, amusement park structures and fair or carnival structures.

**“ASSEMBLY USE RELIGIOUS”** shall include all buildings used as churches and for similar religious purposes.

**“ASSEMBLY USE STRUCTURES”** shall include all building and places of public assembly, without theatrical stage accessories, designed for use as dance halls, nightclubs, and for similar purposes, including all rooms, lobbies, and other spaces connected thereto with a common means of egress and entrance.

**“ASSEMBLY USE THEATERS”** shall include all theaters and all other buildings and structures, or parts thereof, intended for the production and viewing of performing arts or motion pictures; and which are usually provided with fixed seats.

**“ATTACHED”** as applied to buildings, means having common wall and/or a common roof.

**“AUTOMOBILE SERVICE STATION”**: Any building or premises used for the dispensing, sale or offering for sale at retail to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles, and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conduct of major auto repairs, automobile wrecking, automobile sales, or automobile laundries; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

**“BASEMENT”** means a story having more than **one-half (½)** of its height below the average level of the adjoining ground. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes.

**“BILLBOARD”** means any single- or double- faced sign displaying messages or advertising not associated with the premises on which the sign is located or to which it is affixed, the billboard to be **four (4) square foot** or larger.

**“BITUMINOUS CONCRETE”** means a mixture of petroleum by-products and gravel used for paving to form a smooth, permanent surface. It does not mean “oil and chip”.

**“BLOCK”** means an area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways or exterior boundaries or a subdivision unless the exterior boundary is a street, highway, or way), or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or corporate boundary lines.

**“BOARD OF APPEALS”** means the Zoning Board of Appeals of the Village.

**“BOARDING HOUSE”** means a building other than a hotel or restaurant where meals are provided for compensation to **three (3)** or more persons, but not more than **ten (10)** who are not members of the keepers family, but not open on a daily overnight or per meal basis to transient guests.

**“BUFFER STRIP”** means an area of land undeveloped except for landscaping fences, etc., used to protect a use situated on one lot from the deleterious effects of the use on the adjacent lot.

**“BUILDING”**: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, animals, or chattels; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

**“BUILDING HEIGHT”**: The vertical distance measured from the average elevation of the proposed finish grade at the front wall of the building to the highest point of the roof.

**“BUILDING LINE”** means the line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.

**“BUILDING LINE SETBACK”**: The distance between the building line and the street right-of-way line.

**“BULK”** means any one or any combination of the following structural or site design characteristics:

- (A) size or height of structure;
- (B) location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (C) lot area;
- (D) yards or setbacks;
- (E) gross floor area of buildings in relation to lot area (floor area ratio).

**“BULK PLANT”**: A bulk storage plant shall mean any place where flammable liquids of **ten thousand (10,000) gallons** or more are received by tanker, barge, pipeline, tank car, tank vessel or truck and are stored or blended in bulk for the purpose of distributing such liquids by tank truck, pipeline, tank car, tank vessel or container.

**“CAMPING TRAILER”**: A mobile structure designed for temporary occupancy.

**“CAMPING TRAILER PARK”**: A lot developed with facilities for accommodating temporarily occupied camping trailers.

**“CENTERLINE”** means:

- (A) the centerline of any right-of-way having a uniform width;
- (B) the original centerline where a right-of-way has been widened irregularly;
- (C) the new centerline, whenever a road has been relocated.

**“CERTIFICATE OF ZONING COMPLIANCE, FINAL”** means a permit issued by the Administrator indicating that a lot or newly completed structure or use complies with all pertinent requirements of this Code and therefore, may be occupied or used.

**“CERTIFICATE OF ZONING COMPLIANCE, INITIAL”** means a permit issued by the Administrator indicating a proposed lot, structure, or use is in conformity with the requirements of this Code.

**“CLINIC”** means a place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons, but who are not provided with room or board nor kept overnight on the premises.

**“CLUB/LODGE”** means a non-profit association of persons who are bonafide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**“COMMERCIAL USE/ESTABLISHMENT”** means any use or establishment wherein goods or services are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

**“COMMUNITY RESIDENCE”**: A group home or specialized residential care home serving unrelated persons with handicaps which is licensed, certified or accredited by appropriate local, state or national bodies. 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 communicable disease.

**“COMMUNITY RESIDENCE LARGE”**: A community residence serving **nine (9)** to **fifteen (15)** persons with handicaps.

**“COMMUNITY RESIDENCE SMALL”**: A community residence serving **eight (8)** or fewer persons with handicaps in a family-like atmosphere.

**“CONFORMING”** means in compliance with the applicable provision of this Code.

**“CONVENIENCE/GASOLINE SERVICE STATION”** means a building or premises or portion thereof used for retail sales of gasoline, oil and accessories or motor vehicles, and general convenience service goods to include the retail sale of alcoholic beverages, not for consumption on the premises where it is sold.

**“CORRECTIVE ACTION ORDER”** means a legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this Code.

**“COURT”**: An open unoccupied space other than a yard on the same lot with a building, which is totally or partially enclosed by a building or buildings and is completely open to the sky.

**“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 front of each street. Where no curb elevation has been established, the level of the center line of the street shall be considered the “curb level”.

**“DAY CARE CENTER”** means an establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children of pre-elementary or elementary school age.

**“DECK”**: An open porch which has no roof, is generally open on the sides, is above ground level and its intended use is for leisure enjoyment.

**“DETACHED”**: As applied to buildings, means surrounded by yards on the same lot as the building.

**“DEVELOP”** means to erect any structure or to install any improvements on a tract of land or to undertake any activity (such as grading) in preparation therefore.

**“DIMENSIONS”** refers to both lot depth and lot width.

**“DISTRICT, ZONING”** means a portion of the territory of the Village wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this Code.

**“DRIVE-IN RESTAURANT OR REFRESHMENT STAND”**: An establishment principally used for the sale of fast order food for consumption off the premises or in parked cars on the premises. Fast order food means food that is:

- (A) primarily intended for immediate consumption;
- (B) available after a short waiting time; and
- (C) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

**“DRIVEWAY”** means a minor way commonly providing vehicular access to a garage or off-street parking area.

**“DWELLING”** means a building or portion thereof designed or used primarily as living quarters for **one (1)** or more families, but not including hotels, motels, or other accommodations for the transient public. Modular dwellings on permanent foundations shall be treated in the same manner as conventionally constructed dwellings.

**“DWELLING, MULTIPLE-FAMILY”** means a building or portion thereof containing **three (3)** or more dwelling units.

**“DWELLING, SINGLE-FAMILY”** means a dwelling containing **one (1)** dwelling unit and intended for the occupancy of **one (1)** family.

**“DWELLING, TWO FAMILY”** means a dwelling containing **two (2)** dwelling units.



**“DWELLING UNIT”** means two (2) or more rooms designed or used as living quarters by one family. A “dwelling unit” always includes a bathroom and a kitchen.

**“EASEMENT”** means a right to use another person’s real property for certain limited purposes.

**“EDUCATIONAL INSTITUTION”**: A public, parochial, charitable, or non-profit junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

**“ENCLOSED”**: As applied to a building, means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

**“ENLARGE”** means to increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

**“ERECT”** means to build or construct.

**“ESSENTIAL GOVERNMENTAL OR PUBLIC UTILITY SERVICES”**: The erection, construction, alteration or maintenance by public utilities or municipal departments, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or the furnishing of adequate service by such public utilities or municipal departments or commission or for the public health or safety or general welfare, but not including buildings.

**“ESTABLISHMENT”** means either of the following:

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

**“EXISTING”** means actually constructed or in operation on the effective date of this Code.

**“EXTEND”**: To increase the amount of floor area or land area devoted to an existing use.

**“FAMILY”**: One (1) person, or two (2) or more persons related by blood, marriage or legal adoption; or up to four (4) unrelated persons maintaining a common household in a dwelling unit.

**"FARM HOUSE"**: A detached dwelling on a tract of land of not less than ten (10) acres and occupied by a family whose income is primarily derived from agricultural activities conducted on the premises.

**"FENCE"**: Any construction of wood, metal, wire, mesh, masonry, or other material erected for the purpose of assuring privacy, protection or restraining animals and to be maintained to original specifications by the property owner as long as a fence is required. A solid fence shall provide at least ninety percent (90%) density.

**"FLOOR AREA"**: As used in determining floor/area ratios and parking requirements

**"FLOOR AREA, GROSS"** means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior face of the exterior walls or from the center of the common walls of attached building. "Gross Floor Area" includes basement floors; attic floor space, halls, closets, stairwells, space devoted to mechanical equipment, and enclosed porches.

**"FREIGHT TERMINAL"**: As applied to motor carriers subject to the Illinois Compiled Statutes, Chapter 625, 18c-1101 et seq., a station for commercial motor vehicles wherein said motor trucks are stored, repaired or parked.

**"FRONTAGE"** means the lineal extent of the front (street side) of a lot or establishment.

**"GARAGE, BUS OR TRUCK"**: A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors, and commercial vehicles exceeding one and one-half (1 1/2) tons capacity.

**"GARAGE, PRIVATE"** means a garage for four (4) or less passenger motor vehicles without provision for repairing or servicing such vehicles (s) for profit.

**"GARAGE, PUBLIC"**: A building other than a private garage, used for the care, incidental servicing, and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire, or sale within the structure, but not including trucks, tractors, truck-trailers and commercial vehicles exceeding one and one-half (1 1/2) tons capacity.

**"GOVERNMENT"**: The act or process of administrating public policy in a political unit; a political jurisdiction, the office or function thereof.

**"HEREAFTER"** means any time after the effective date of this Code.

**"HOME OCCUPATION"**: Any business, profession, or occupation conducted for gain or support entirely within a dwelling or on residential premises in conformity with the provisions of this Code. (See Section 40-7-4)

**"HOSPITAL"**: An institution devoted primarily to the maintenance and operation of facilities around-the-clock for the diagnosis, treatment, or care for members of the general public suffering from disease, injury, or other abnormal physical conditions. The term "hospital" as used in this Code does not include institutions operating solely for the treatment of insane persons, drug addicts, and alcoholics, nor does it include convalescent or nursing homes.

**“HOTEL”**: An establishment containing lodging accommodations designed for use by travelers or temporary guests. Facilities provided may include a general kitchen, maid service, desk service, meeting rooms, restaurants, cocktail lounges, and similar ancillary uses, but not cooking facilities in guest rooms.

**“IMMOBILIZE”**: As applied to a mobile home, “immobilize” means to remove the wheels, tongue and hitch and place on a permanent foundation.

**“INTERSECTION”** means the point at which **two (2)** or more public rights-of-way (generally streets) meet.

**“JUNKYARD”** means a tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or parts thereof), and metals, glass, paper, plastic, rags, and rubber tires. (A lot on which **three (3)** or more inoperable or abandoned vehicles are stored shall be deemed a junkyard).

**“KENNEL”**: Any structure or lot on which **five (5)** or more domesticated animals over **four (4)** months of age are kept.

**“LIVING AREA”**: Habitable area of dwelling excluding garage and basement. (Ord. No. 99-422; 06-17-99)

**“LOADING SPACE”**: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

**“LOT”** means a tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A “lot” may or may not coincide with the “lot of record.”

**“LOT, CORNER”** means a lot having a least **two (2) adjacent sides** that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

**“LOT, THROUGH”** means a lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets.

**“LOT AREA”** means the area of a horizontal plane bounded by the front, side, and rear lines of a lot.

**“LOT COVERAGE”** means the portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

**“LOT DEPTH”** means the average horizontal distance between the front lot line and the rear lot line of a lot.

**“LOT LINE, FRONT”** means the lot line abutting the street.

**“LOT LINE, REAR”** means an interior lot line which is most distant from and most nearly parallel to the front lot line.

**“LOT LINE, SIDE”**: Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. (A side lot line separating a lot from another lot or lots is called and interior side lot line.)

**“LOT OF RECORD”** means an area of land designated as a lot on a plat of subdivision recorded with the County Recorder of Deeds in accordance with State law.

**“LOT SIZE REQUIREMENTS”** refers to the lot area, width and depth requirements of the applicable district.

**“LOT WIDTH”** means the mean horizontal width of a lot measured at right angles to the side lot lines at the building line.

**“MAINTENANCE”** means the routine upkeep of a structure, premises or equipment including the replacement or modification of structural components to the extent necessary to keep said structure in sound condition.

**“MANUFACTURED OR PREFABRICATED HOUSING”** means a partially constructed factory fabricated building unit which will be substantially assembled on-site, utilizing premanufactured component parts. This term shall not be construed to include “mobile homes”, “immobilized mobile home”, or “modular homes”.

**“MOBILE (MANUFACTURED) HOME”** means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location at which it is intended to be permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term “mobile home” shall only include manufactured homes constructed after **June 30, 1976**, in accordance with the Federal **“National Manufactured Housing Construction and Safety Standards Act of 1974”**. Compliance with this standard is indicated by a 2-inch by 4-inch metal plate attached to the exterior tail light end of the mobile home. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a **“mobile home”**, but shall be an **“immobilized mobile home”**. A mobile home should not be confused with a **“camping trailer”** or **“recreational vehicle”**. (See 210 ILCS 115/2.10)

**“MOBILE HOME; IMMOBILIZED”** means any mobile home resting on a permanent foundation with wheels, tongue, and hitch permanently removed. The Village Board establishes the following criteria to complete the immobilization of a mobile home:

(A) the foundation shall extend into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation.

(B) as an alternative to paragraph (A) above, piers may be used, extending into the ground below the frost line and sufficient in number to properly support the mobile home.

(C) to complete the immobilization, wheels, tongue, and hitch must be removed. Axles may be removed.

**“MOBILE HOME PARK”** means a parcel of not less than **two (2)** acres in area in single ownership/control, developed with facilities for accommodating occupied mobile homes in accordance with the requirements of this Code. (See 210 ILCS 115/2.5)

**“MOBILE HOME SPACE”** means a portion of a mobile home park designed and improved for the placement of one mobile home and private use of the occupants thereof.

**“MOBILE HOME STAND”** means the part of a mobile home space beneath the mobile home that includes the concrete slab on which the home is placed and to which it is anchored.

**“MOBILE OR PORTABLE MARQUEE”** is a term used to describe any sign designed to be moved from place to place, including but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

**“MODULAR HOME”** means a substantially constructed factory fabricated building unit transported to a building site, mounted on a permanent foundation and designed for residential use as a “single-family dwelling” unit. “Modular home” shall not be construed to include “mobile homes”, “immobilized mobile homes”, “manufactured housing” or “prefabricated housing”.

**“MOTEL OR MOTOR HOTEL”** means a series of attached, semi-attached or detached sleeping or living units for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities; said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

**“NONCONFORMING”**: As applied to a lot, structure or use, means;  
(A) lawfully existing on the effective date of this Code, but  
(B) not in compliance with the applicable provisions thereof.

**“NUISANCE”** means anything, condition, or conduct that endangers health or unreasonably offends the senses or obstructs the free use of property or essentially interferes with the comfortable enjoyment of life or property.

**“NURSERY”** means a tract of land on which trees, shrubs, and other plants are raised for transplanting and/or sale, and including any structure in which said activities are conducted.

**“NURSERY SCHOOL OR DAY CARE CENTER”** means an establishment for the part-time care and/or instruction at any time of day or **four (4)** or more unrelated children of pre-elementary or elementary school age.

**“NURSING HOME”** means a building used as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care.

**“OFFICE”** means any building or portion thereof in which the business (usually clerical and administrative affairs) or a commercial/service enterprise or professional person is transacted.

**“OFFICIAL MAP”** means the portion of the master plan which designates land necessary for public facilities or uses. It shall include streets, alleys, public ways, parks, playgrounds, school sites and other public grounds and ways for public service facilities within the whole area included within the official comprehensive plan. It can be **one (1)** or more separate geographical or functional parts or include all of any part of the contiguous, unincorporated area under the planning jurisdiction or the Village.