

DIVISION 2

RULES AND DEFINITIONS

- 2.01 Rules of Construction: The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:
- A. Words used in the present tense shall include the future; and words used in the singular numbers shall include the plural number, and the plural, the singular, unless the context clearly indicates the contrary.
 - B. The word “shall” and “must” are mandatory and not discretionary; the words “may” or “should” are permissive.
 - C. The word “lot” shall include the words “plot”, “piece” and “parcel”.
 - D. The phrase “used for” shall include the phrase “arranged for”, “intended for”, “designed for”, “maintained for” and “occupied for”.
 - E. The word “County” means Ogle County, Illinois.
 - F. The word “Board” means the Ogle County Zoning Board of Appeals.
 - G. “HEW Committee” means the Health, Education and Welfare/Solid Waste Committee of the Ogle County Board.
 - H. All measured distances shall be to the nearest integral foot. If a fraction is one-half (½) foot or more, the integral foot next above shall be taken.
- 2.02 Definitions: The following words and terms shall have the meaning set forth except where otherwise specifically indicated, and shall apply in interpretation and enforcement of this Ordinance. Words and terms not defined shall have the meaning indicated by common dictionary definition.

ABANDONMENT: An action to give up one’s right or interest in property.

ACCESSORY BUILDING OR USE: A use, building or structure subordinate to the principal use, building or structure and which is located on the same zoning lot serving a purpose customarily incidental to the principal use, building or structure. Accessory uses may be a part of or separate from the main building, structure or use and shall be located on the same lot as the principal use, building or structure, except as otherwise specified.

ACCESSORY POLLUTION CONTROL FACILITY USES: A use which (a) is subordinate to and serves a Pollution Control Facility; (b) is subordinate in area, extent or purpose to the Pollution Control Facility served; © contributes to the comfort, convenience or necessity of the Pollution Control Facility served; whether or not it is located on the same zoning lot with the use served. Said Accessory Pollution Control Facility Uses include but are not limited to all necessary or required drainage and detention facilities, vehicle and equipment storage areas, borrow pits and stock piles, etc.

ACREAGE: Any tract or parcel of land having an acreage of one or more which has not been subdivided by metes and bounds or platted.

ADJACENT: Adjoining, abutting, bordering, touching, or contiguous.

ADULT USES: The definition of “adult uses” specifies the following types of establishments:

Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. (See the end of the list of adult-use establishments for the ordinance's definition of "specified sexual activities" or "specified anatomical areas".)

Adult Bookstore: An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult Cabaret: A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater: A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.

Massage Parlor: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Specified Anatomical Areas: As used herein, specified anatomical areas means and includes any of the following: 1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: As herein, specified sexual activities means and includes any of the following: 1) the 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; or 4) excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 3, above.

AGRIBUSINESS: Agriculturally related business such as, but not limited to, anhydrous ammonia facilities; bulk fertilizer facilities, grain elevators, grain storage, sale and repair of farm implements; liquid petroleum products; animal feed storage; seed research and production; sale of seed, wholesale and retail; preparation, grinding and mixing, wholesale and retail; livestock depots and buying or sale yards, provided sufficient evidence accompanies the application that adjoining or neighboring properties will not be adversely affected by the pollution of air or water.

AGRICULTURAL LABOR HOUSING: One or more buildings, tents, trailers, together with the land appertaining thereto, established, operated or used as living quarters for six (6) or more seasonal or temporary workers engaged exclusively in agricultural activities, including, for the purpose of this definition, related food processing.

AGRICULTURE: Land, or land and buildings, the principal use of which includes one of the following: the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, dairying, floriculture, horticulture, nurseries, pasturage, viticulture, greenhouses, and accessory uses customarily incidental to agricultural activities including but not limited to, farm dwellings. (May 16, 2006)

AIRCRAFT HANGARS/TIEDOWNS: An area used for the temporary storage of aircraft, either enclosed or unenclosed.

AIRCRAFT REPAIR AND SERVICE: General repair, rebuilding or reconditioning of aircraft.

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 or taking off of aircraft and hang gliders, including all necessary taxiway, aircraft storage and tie down areas, hangars and other necessary buildings and open spaces.

ALLEY: A public way, not more than thirty (30) feet wide, which affords only a secondary means of access to abutting property.

ALTERATION: Alteration means any change in size, shape, character, occupancy, or use of a building or structure.

AMENDMENT, MAP: An amendment to the Zoning District Maps of this Ordinance, which affects an individual parcel or parcels of land.

AMENDMENT, TEXT: An amendment to the text of this Ordinance which affects the whole County.

ANIMAL HOSPITAL: Any building or portion thereof designed or used for the care, observation or treatment of domestic animals or pets.

APARTMENT: A room or suite of rooms in a multiple-family building, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities permanently installed shall always be included for each apartment. (See also, "Dwelling, Multi-Family").

ARTICLES OF RULES AND PROCEDURES: The Articles of Rules and Procedures, Regional Pollution Control Facility Committee, enacted by the County Board with respect to the siting of Regional Pollution Control Facilities pursuant to the "Environmental Protection Act", *Illinois Compiled Statutes, Chapter 415, Paragraph 5/1 et seq.*

AUDITORIUM: A room, hall or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations.

AUTOMOBILE LAUNDRY (CAR WASH): A drive-in or drive-through facility where motor vehicles are washed with the use of a conveyor and blower, or other cleaning devices, or a facility providing space, water and equipment for the hand washing of motor vehicles, whether by customer or the operator.

AUTOMOBILE REPAIR, MAJOR: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair and painting of vehicles.

AUTOMOBILE REPAIR, MINOR: Incidental repairs, replacement of parts, and motor service to automobiles, but not including any operation specified under "Automobile Repair, Major".

AUTOMOBILE SERVICE STATION OR FILLING STATION: A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease, for operation of automobiles, is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises, and including minor automobile repairs. Automobile service stations shall not include sale or storage of automobiles or trailers (new or used).

AUTOMOBILE AND TRAILER SALES AREA: An open area, other than a street, used for the display or sale of new or used automobiles or trailers, and where no repair work is done except for minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

AUTOMOBILE WRECKING YARD: Any place where inoperable motor vehicles or the parts thereof, or any other inoperable machinery or parts thereof, are stored in the open and are not being restored to operation; or, any land, building or structure used for the wrecking or storing of such motor vehicles or machinery, or the parts thereof. The presence on any lot or parcel of land of two or more inoperable motor vehicles or pieces of machinery which, for a period of fifteen (15) days, have not been capable of operating under their own power and from which parts have been or are to be removed shall constitute prima-facie evidence of an automobile wrecking yard.

AWNING: An awning shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a thoroughfare when the same is so erected as to permit its being raised to a position flat against the building when not in use.

BANK AND FINANCIAL INSTITUTIONS: Commercial banks, currency exchanges, saving and loan associations, brokerage offices and other similar financial institutions, but not including loan offices, financial companies and pawn shops.

BASEMENT: A story partly or wholly underground. Where more than one-half (½) of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for the purposes of height measurement.

BED AND BREAKFAST ESTABLISHMENT: An owner-occupied dwelling unit, or portion thereof, where short term lodging rooms, with or without meals, are provided for compensation. The owner of the establishment shall live on the premises or in adjacent premises.

BLOCK: A tract of land bounded by streets, or, in lieu of a street or streets, by public parks, cemeteries railroad right-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines of municipalities.

BOARDING HOUSE: A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding house is designed to be occupied by overnight or weekly guests.

BOAT LANDING: Any ramp, dock, mechanism or device by means of which a boat, whether powered or not, can be transferred from a trailer to the water.

BOAT LANDING, COMMERCIAL: Any boat landing which is open to the public, or to members of any club or organization upon the payment of the fee or charge to the owner, lessee or occupant of the land on which the boat landing is located.

BORROW PIT: Any place or premises where dirt, soil, sand, gravel or other material is removed, by excavation or otherwise, below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or to building, construction or operation of the premises.

BUILDING: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels. Any structure with interior areas not normally accessible for human use such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures are not considered as buildings.

BUILDING, ACCESSORY: See “Accessory Building, Structure or Use.”

BUILDING AREA: The area remaining on a building lot after all minimum yard requirement of this chapter have been complied with.

BUILDING COVERAGE: The area on a zoning lot occupied by buildings and structures, including accessory buildings.

BUILDING, DETACHED: A building surrounded by open space on the same zoning lot.

BUILDING, HEIGHT OF: The vertical distance from grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, spires, elevator penthouses, cooling towers and similar projections other than signs shall not be included in calculating building height.

BUILDING, PRINCIPAL: A non-accessory building in which the principal use of the zoning lot on which it is located is conducted.

BUILDING LINE: The line nearest the front of and across a zoning lot, establishing the minimum open space to provide between the front line of a building or structure and the street right-of-way.

BUILDING, TEMPORARY: Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

BUILDING WRECKING YARD: An open area where collapsed buildings, or the material(s) remaining after building demolition, including mobile homes and recreational vehicles, are being stored in the open and are not being restored to a useable and/or safe condition; or, any land, building or structure used for the wrecking/demolition of buildings and mobile homes and/or recreational vehicles.

BULK: The term used to indicate the size and setbacks of buildings or structures and location of the same with respect to one another and including the following:

1. Size and height of buildings;
2. Location of exterior walls at all levels in relation to lot lines, streets or other buildings;
3. Gross floor area of buildings in relation to lot area (floor area ratio);
4. All open spaces allocated to the buildings;
5. Amount of lot area per dwelling unit;
6. Required parking areas.

BUSINESS ESTABLISHMENT: A building, structure or land use in whole or in part as a place of business, the ownership, or management of which is separate and distinct from the ownership or management of any other place of business located on the same or other lot.

BUSINESS OR SERVICE: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or materials, or where services are offered for compensation.

BUS LOT: Any lot or land area used for the storage or layover of public passenger buses or motor coaches.

CAMPER: A recreational motor vehicle converted or equipped and primarily used for living quarters or for human habitation, rather than for the transportation of freight, goods, wares and merchandise and not used as a commercial vehicle.

CAMPGROUND: Any parcel or tract of land under the control of any person, organization, or governmental entity wherein sites are offered for the use of the public or members of an organization for the establishment of temporary living sites for two or more recreational vehicles or camping units.

CAMPING UNIT: A tent or other type of portable shelter intended, designed, or used for temporary human occupancy.

CANOPY: A canopy shall include any structure, other than an awning, made of cloth or metal with frames attached to a building, projected over a thoroughfare, and carried by a frame supported by the ground or sidewalk.

C/N RATIO: The ratio of the amount of carbon to the amount of nitrogen, by weight, that is present in a substance.

CARPORT: A roofed automobile shelter with two (2) or more open sides.

CAR WASH: (See "Automobile Laundry")

CEMETERY: A parcel of land or building dedicated to, and at least a portion of which is being used for the interment of human remains. A cemetery may include crematories, mausoleum and columbarium.

CEMETERY, PET: A parcel of land or structure dedicated to, and at least a portion of which is being used for, the internment of small (domestic) animal or pet remains. A pet cemetery may include an administrative building, chapel, crematory and maintenance shop.

CHILD CARE HOME: A private residence where care, protection and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider.

CHILD CARE FACILITY: A building or structure other than a private residence where care, protection and supervision are provided, on a regular schedule, at least twice a week to children, including children of the adult provider.

CLINIC, MEDICAL OR DENTAL: A medical center or medical clinic is an establishment where three (3) or more licensed physicians, surgeons, or dentists engage in the practice of medicine or dentistry, operating on a group basis with pooled facilities, such as coordinated laboratory, X-ray and allied departments, and the diagnosis and treatment of humans, which need not, but may include a drug prescription center (not a drug store) for the dispensing of drugs and pharmaceutical products to the patients of said physicians, surgeons and dentists.

CLUB OR LODGE, PRIVATE: A non-profit association or persons who are bonafide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises, to members and then guests, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of food and alcoholic beverages is in compliance with the applicable federal, state, county and municipal laws.

COMMUNITY CENTER: A place, structure, or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community and not operated for profit.

COMMUNITY CENTER, THEATRICAL: A building or portion thereof, used for a not-for-profit organization chartered by the State of Illinois, or local political jurisdiction, which has as its purpose(s) the promotion, instruction, study and production of theater art forms.

COMMUNITY RECREATIONAL FACILITY: A facility that includes swim and/or other racquet sport facilities, not operated for profit. Membership shall be restricted to people living in a specific geographical area and shall not be based upon any other criteria.

COMMUNITY SEWER AND/OR WATER SYSTEM: Any system, other than an individual septic tank or individual well, operated by a municipality or a public utility for the disposal of wastes and the furnishing of water, or either, to residential, industrial and/or commercial users, or any privately operated systems for the distribution of water from a single well, or a system of wells, and/or the collection and disposal of wastes in a central septic tank, or system of central septic tanks; provided, that such privately operated water and/or sewer system shall comply with all applicable Statutes of the State of Illinois, and all applicable regulations and ordinances of all departments, commission, agencies and political subdivisions of the State of Illinois.

COMPOST: The humus-like product of the process of composting waste, which may be used as a soil conditioner.

COMPOSTING: The biological treatment process by which micro organisms decompose the organic fraction of waste, producing compost.

COMPOSTING AREA: Any area of a composting facility where waste, composting material or compost is unloaded, stored, staged, stockpiled, treated or otherwise managed.

COMPOSTING MATERIAL: Solid wastes which are in the process of being composted.

CONTIGUOUS: See "Adjacent".

CONFORMING BUILDING OR STRUCTURE: Any building or structure which (a) complies with all the regulations of this Ordinance or of any amendment thereof governing bulk of the district in which said building or structure is located; or (b) is designed or intended for a permitted use or conditional permitted use as herein allowed in the district in which it is located.

CONFORMING USE: Any use of a building or land which conforms with the regulations of the district in which the building or land is situated. If the use is a permitted use, but does not conform with the intensity of use regulations of the district in which it is situated, then the use shall not be deemed to be a conforming use.

CONSERVATION EASEMENT: A non-possessory interest in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic or open space values of real property, assuring its availability for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the natural, historical, architectural, archaeological or cultural aspects of real property.

CONVENIENCE STORE: A retail establishment having a gross floor area of 5,000 square feet or less, primarily selling foods as well as other household goods customarily sold in larger food markets and supermarkets.

CONVENTIONALLY DESIGNED SUBDIVISION: Residential developments where all the land is divided into house lots and streets, with the only open space typically being undevelopable wetlands, steep slopes, flood plains and storm water management areas.

DEDICATION: Intentional transfer by the developer to the public of ownership of or an interest in land for a public purpose. Dedication may be effected by formal conveyance, or by any other method recognized by the laws of the State of Illinois.

DENSITY: The number of dwelling units per acre of gross land area.

DEVELOPER: Any person, persons, corporation, or government agency undertaking any development as defined in this Ordinance. The term “developer” includes such commonly used references as “subdivider”, “owner”, and “proprietor”.

DEVELOPMENT: Any subdivision of land as defined in the *Ogle County Land Subdivision Regulations Ordinance*, or the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

DEVELOPMENTALLY DISABLED PERSON: A person suffering from a developmentally disabling disease or condition including, but not limited to, mental retardation, epilepsy, autism, cerebral palsy or dyslexia.

DISTRICT: A section or part of the unincorporated portion of the County wherein this Ordinance is in force, within which certain uniform regulations and requirements or various combinations there apply under the provisions of this Ordinance.

DRIVEWAY: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

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

DWELLING, ATTACHED: A dwelling which is joined to another dwelling at one or more sites by a party wall or walls.

DWELLING, DETACHED: A dwelling which is entirely surrounded by open space and is not connected to any other dwelling unit by roof, walls or porches on the same lot.

DWELLING, GROUP: A residential building providing a common kitchen and/or bathroom facilities for five (5) or more unrelated persons. Examples of group dwellings include rooming houses, boarding houses, fraternities, sororities, and dormitories.

DWELLING, MODULAR: A building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilation and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation. “Permanent foundation” means a closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground below frost level. (December 22, 2008)

DWELLING, MULTIPLE FAMILY: A multiple-family dwelling unit is a building or portion thereof, consisting of three (3) or more dwelling units with varying arrangements of entrance and party walls. The definition of multiple-family dwelling unit may include, but shall not be limited to the following terms: apartment, condominium cooperative, quadrominium, three-flat and triplex.

DWELLING, ROW (PARTY WALL): A row of two (2) to six (6) attached one-family party-wall dwelling, not more than two and one-half (2 ½) stories in height nor more than two (2) rooms in depth, measured from the building line.

DWELLING, SINGLE-FAMILY: A detached dwelling unit designed exclusively for use and occupancy by one (1) family.

DWELLING, TWO-FAMILY: A two family dwelling unit is a building consisting of two (2) dwelling units which may be either attached, side-by-side, or one (1) above the other, with each dwelling unit having a separate or combined entrance or entrances.

DWELLING UNIT: One (1) or more rooms in a residential building which are arranged, designed, used or intended for use by one family, for living or sleeping purposes and which includes complete kitchen facilities permanently installed, shall be included in each dwelling unit.

DWELLING UNIT, EFFICIENCY: A dwelling unit consisting of one (1) principal room for living, sleeping, and eating plus facilities for cooking and completed bath and toilet facilities.

DWELLING UNIT, FARM: A single-family dwelling unit located on a farm which is used or intended for use by the farm's owner, or person employed thereon. Only one farm dwelling shall be permitted on each farm.

DWELLING UNIT, NON-FARM: A single-family dwelling unit which is not a farm dwelling unit and which is designed for occupancy by a single family.

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.

FAIRGROUNDS: A public or private facility open to the public during certain periods and on which permitted activities may include, but are not limited to: livestock exhibition; art, crafts and other material exhibits; equestrian activities; temporary sales of goods, services and miscellaneous concessions; and dwellings for watchmen or caretakers.

FAMILY: A family is one (1) or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons not so related maintaining a common household in a dwelling unit.

FAMILY CARE HOME FOR THE DEVELOPMENTALLY DISABLED: A dwelling for fifteen (15) or fewer developmentally disabled persons, in which the program size and content are structured to meet the individual social habilitative, and respite needs of the persons residing therein, in a residential community setting. Prior to admitting residents, this dwelling shall comply with applicable licensing standards of the appropriate Federal, State, or local agencies, and may in addition, house such minimum staff persons as may be received to meet the standards of the licensing agencies.

FARM: Real property comprising at least forty (40) contiguous acres, in one ownership, that is used primarily for the commercial, soil-dependent cultivation of agricultural crop production and/or for the raising of livestock. The term "one ownership" shall include an individual, corporation, business trust, estate, trust, partnership, association, or two or more persons having a joint or common interest in the land. For purposes of this Ordinance, "farm" does not include property which is primarily used for residential purposes even though some farm products may be grown or farm animals bred or fed on the property incidental to its primary use. (5/20/03)

FENCE: Any artificially constructed barrier, other than a building, of any material or combination of materials erected to close or screen areas of land.

FINANCIAL ASSURANCE: Reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit. (9/03)

FLEA MARKET: An occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

FLOOD PLAIN: Flood plains are those land areas subject to flooding. A flood occurs when heavy rains or snow melt send more water downstream than the carrying channel can handle. Flood plain development is regulated in the unincorporated areas of the County by the *Special Flood Hazard Areas Ordinance*.

FREEWAY: A major highway having no intersections at grade and having fully controlled access, hence “free” from conflicts and interruptions.

FREIGHT FORWARDING: Establishments primarily engaged in undertaking the transportation of goods from shippers to receivers for a charge covering the entire transportation route, and in turn, making use of the services of other transportation establishments as instrumentalities in effecting delivery.

FREIGHT TERMINAL: A building, structure, parcel of land or portion thereof in which (a) freight is shipped by airplane, motor truck or railroad; or (b) freight is received, assembled, sorted and/or rerouted for local, intrastate or interstate shipment. (see definition of Freight Forwarding) Stored freight shall not be interpreted as operating a warehouse.

FRONTAGE: The length of any one property line of a premises, which property line abuts a legally accessible street right-of-way. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated in this (definitions) Section.

GARAGE, COMMUNITY: A building or portion thereof, other than a public or repair garage, providing storage for motor vehicles but no other services, such garage to be in lieu of private garages within a block or portion of a block.

GARAGE, PRIVATE: A private garage is an accessory building or an accessory portion of the principal building or both which is intended and used to store motor vehicles.

GOLF COURSE (PUBLIC, SEMI-PUBLIC OR PRIVATE): Grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto and consisting of not less than sixty (60) acres for each standard nine-hole course, and thirty (30) acres for each nine-hole “par-3” course.

GOLF, MINIATURE: A commercial recreational facility, resembling golf, containing short “holes”, the majority of which are under one hundred (100) feet in length, and primarily utilizing putting irons.

GRADE: A reference plane representing the average finished ground level adjoining the building 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 point (s) 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 located six (6) feet from the building.

GROSS FLOOR AREA (for the purposes of determining requirements for off-street parking and loading): The floor area shall mean the sum of the gross horizontal area of the several floors of the buildings or portion thereof, devoted to such use, including accessory storage area located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

However, floor area for the purpose of measurement of off-street parking spaces shall not include floor area devoted primarily to storage purposes. The following areas shall not be included for the purpose of measurement off-street parking spaces:

- a. Floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space.
- b. Basement floor area other than area devoted to retaining or service activities or the production or processing of goods, or to business or professional offices.

GROUP QUARTERS: A dwelling that houses unrelated individuals (fraternities, sororities, dormitories and the like).

GROUND FLOOR AREA: The lot area covered by a principal building measured at grade from the exterior walls but excluding open porches or terraces, garages or carports.

GUEST, PERMANENT: A permanent guest is a person who occupies or has the right to occupy a hotel or apartment hotel accommodation as his/her domicile and place a permanent residence.

GUN CLUB: A facility used for target shooting, trap or skeet, including rifle and pistol clubs.

GYMNASIUM: A building or portion thereof used for athletic training or sports activities, including accessory seating for spectators.

HALFWAY HOUSE: A home for not more than nine (9) persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or anti-social or criminal conduct, together with not more than two persons providing supervision and other services to such persons, eleven of whom live together as a single housekeeping unit.

HAZARDOUS WASTE: As defined in the Illinois Environmental Protection Act.

HAZARDOUS WASTE DISPOSAL SITE: A site at which hazardous waste is disposed.

HOME OCCUPATION: An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

HOTEL, APARTMENT: A hotel in which at least ninety percent (90%) of the hotel accommodations are for occupancy by permanent guests. An apartment hotel having not less than fifty (50) guest rooms, may have a dining room open to the public which is accessible only from an inner lobby or corridor.

HOTEL OR MOTOR HOTEL (MOTEL): A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

HOUSEHOLD PET: Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds and rodents.

JUNK: Includes, but is not limited to old, dilapidated scrap or abandoned metal, paper, cardboard, building and construction material and equipment (including, but not limited to wood, lumber, concrete, etc.), bottles, glass, tin cans, appliances, furniture, beds and bedding, rags, rubber, boats, tires, inoperable motor vehicles, machinery parts, and any other manufactured or constructed object which has outlived its usefulness in its original form (notwithstanding the fact that the object may have scrap value or could be reconditioned) where such object(s), due to its/their present condition and/or visibility, may reasonably be construed to be unsightly, dangerous or unsanitary.

JUNKYARD: An open area where junk, as defined herein, is bought, sold, exchanged, stored, baled, packed, disassembled, or handled including automobile and building wrecking yards. (May 16, 2006)

KENNEL, PRIVATE: Any building or buildings or land designed or arranged for the care of dogs and cats belonging to the owner of the principal use, kept for the purposes of show, hunting, or as pets.

KENNEL, COMMERCIAL: A facility, either State licensed or not, housing dogs, cats or other household pets where grooming, breeding, boarding, training or selling of animals is conducted as a business.

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

LANDSCAPED SURFACE AREA RATIO (LSAR): The area of land devoted to pervious landscaping divided by the site area in accordance with the following formula:

LSR = $1 - [(ba + pa + oa)/s]$; where,

LSR = landscape surface ratio

ba = building area, the area covered by buildings from the maximum outside dimensions

pa = parking areas, all areas used for parking or loading, or access to those areas, that is otherwise not landscaped

oa = other area, all other paved areas, including patios, walks, entryways, etc.

s = site area, the actual area of the site, minus all existing road right-of-way

LANDSCAPE WASTE: All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

LANDSCAPE WASTE COMPOSTING FACILITY: An establishment for the composting of waste materials accumulated as the result of the care of lawns, shrubbery, vines and trees. However, property on which the principal use is residential and on which composting of such materials, accumulated exclusively on-site, is conducted, shall not be considered a landscape waste composting facility.

LAUNDROMAT: A business that provides coin-operated self-service type washing, drying, dry-cleaning and ironing facilities; providing that a) not more than four (4) persons, including owners, are employed on the premises; and, b) no pick-up or delivery service is maintained.

LIVESTOCK: Cattle, horses, sheep, goats, swine, poultry or any other domestic animals or fowl which are raised for use or sale.

LIVESTOCK MANAGEMENT FACILITY: An enclosure designed or used for the purpose of concentrated feeding or fattening of livestock or management of livestock for marketing or production.

LOADING SPACE: A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks.

LODGING HOUSE: See "Boarding House".

LOT: A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

LOT AREA: The area of horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

LOT, ASSESSOR'S: A lot identified on an assessor's plat. An assessor's lot may or may not coincide with a lot of record or a zoning lot.

LOT, CORNER: A lot of which at least two (2) adjacent sides abut for their full length upon streets, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees.

LOT COVERAGE: Lot coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and include all projections other than open porches, fire escapes, or the first three (3) feet of roof over-hang. Roads, driveways, parking lots and swimming pools shall not be included in the maximum lot coverage requirement.

LOT DEPTH: The average horizontal distance between the front and rear lot lines.

LOT, INTERIOR: A lot other than a corner.

LOT, KEY: A lot that meets the minimum size and width for the zoning district in which it is located that is between a reserve (flag) lot and the public road on which the reserve (flag) lot and the key lot front. (05/20/03)

LOT LINE(S): The lines bounding a lot as defined herein.

LOT LINE, FRONT: That boundary between a lot and the street right-of-way on which it fronts.

LOT LINE, REAR: The lot line most nearly parallel to, and most distant from, the front line; on corner lots the rear lot line shall be opposite the front of the structure, except that in the case of uncertainty the Zoning Administrator shall determine the rear lot line. If the rear lot line is less than ten (10) feet in length, such rear lot line shall be determined to be a line which is not less than ten (10) feet in length, which line shall be parallel to, and at the maximum distance from, the front lot line.

LOT LINES, SIDE: Lot lines which are not front or rear lot lines.

LOT OF RECORD: A lot that is part of a subdivision, the plat of which has been duly recorded in the office of the Ogle County Recorder, or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office of the Ogle County Recorder, provided such lot was of a size that met the minimum dimensions for lots in the district in which it was located at the time of recording, was recorded prior to the effective date of the *Ogle County Zoning Ordinance* (March 9, 1965), or has been otherwise approved.

LOT, RESERVE (FLAG LOT): A lot where access is obtained by way of a narrow strip of land (reserve strip) from a dedicated street only, where each lot shall contain the minimum amount of land required for the zoning district in which it is located exclusive of the portion of the lot used as a reserve strip. Reserve (Flag) Lots are allowed only in accordance with the provisions of Division 6, Section 6.05 of this Ordinance. (05/20/03)

LOT, THROUGH (DOUBLE FRONTAGE): A lot that has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. Through or double frontage lots are not permitted, except where lots back upon a major street, upon a body of water in separate or individual ownership, or in manufacturing and business subdivisions.

LOT WIDTH: The horizontal distance between the side lot lines, measured within the lot boundaries at the front building line.

LOT, ZONING: A single tract of land, which is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control and which meets all requirements of this Ordinance. The division of a zoning lot may or may not result in the creation of two or more zoning lots and a zoning lot or lots may or may not coincide with a lot of record.

MANUFACTURED HOME: A structure, transportable in one (1) or more sections, which is to be used as a single-family dwelling and which complies with all of the required conditions of Section 6.15 of this Ordinance.

MAP AMENDMENT: See "Amendment, Map".

MARQUEE: A marquee shall include any hood or awning of permanent construction projecting from the wall of a building above an entrance and/or extending over a thoroughfare.

MINI-WAREHOUSE: See "Self-Service Storage Facility".

MOBILE HOME: A structure for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from place of its construction to the location, or subsequent

locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons. A mobile home does not include dependent mobile home, camper, house trailer, recreational vehicle, private living coach, house car or any other sports or camping trailers not identified.

MOBILE HOME SUBDIVISION: Any area or subdivision developed primarily for the installation of mobile homes but from which single-family houses are not restricted. All installations and structures in any case shall conform to the provisions of the Ogle County Subdivision Ordinance. Not included are sales lot on which unoccupied mobile homes or trailers, whether new or used, are parked for purposes of inspections and sale.

MOBILE HOME PARK: Any area or premises on which are parked two (2) or more mobile homes or any premises on which space for parking of mobile homes is rented, or held out for rent, or on which free occupancy or camping is permitted to the owner or users of mobile homes for the purpose of securing their trade. The term “mobile home park” does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purpose of inspection and sale.

MOBILE OFFICE: A structure for office use only and so constructed as to permit its transport on wheels, temporarily (or permanently) attached to its frame, from place of its construction to the location, or subsequent locations, at which it is intended to be an office and designed to permit the occupancy thereof as an office place for one or more persons.

MOTEL: See “Hotel”.

MOTOR CARRIER FACILITY, CLASS I: A property upon which a person or company that provides transportation of freight or passengers using commercial motor vehicles keeps, parks or stores said commercial motor vehicles where the total combined number of trucks and trailers shall not exceed eight (8) and provided vehicle maintenance is conducted only on vehicles owned and operated by the owner of the property upon which the motor carrier facility is conducted. The temporary and/or periodic keeping, parking or storing of one (1) truck and/or one (1) trailer shall not constitute a “Motor carrier facility, Class I”. Commercial motor vehicles kept, parked or stored on a farm as defined herein shall not constitute a “Motor carrier facility, Class I” when the principal use of said commercial motor vehicles is directly related to the agricultural activities on the farm upon which they are kept, parked or stored. (December 22, 2008)

MOTOR CARRIER FACILITY, CLASS II: A property upon which a person or company that provides transportation of freight or passengers using commercial motor vehicles keeps, parks or stores said commercial motor vehicles where the total combined number of trucks and trailers exceeds eight (8), and provided vehicle maintenance is conducted only on vehicles owned and operated by the owner of the property upon which the motor carrier facility is conducted. Commercial motor vehicles kept, parked or stored on a farm as defined herein shall not constitute a “Motor carrier facility, Class I” when the principal use of said commercial motor vehicles is directly related to the agricultural activities on the farm upon which they are kept, parked or stored. (December 22, 2008)

MOTOR FREIGHT TERMINAL: See “Freight Terminal”.

MOTOR VEHICLE, INOPERABLE: Any motor vehicle from which, for a period of at least fifteen (15) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven properly and safely under its own power. “Inoperable Motor Vehicle” shall not include any motor vehicle kept within a completely enclosed building when not in use, any motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations, or to any vehicle on the premises of a place of business engaged in the lawful wrecking or junking of motor vehicles.

NON-CONFORMING BUILDING OR STRUCTURE: Any building or structure lawfully established which (a) does not comply with all the regulations of this Ordinance or of any amendment hereto governing bulk of the district in which such building or structure is located; or (b) is designed or intended for a non-conforming use.

NON-CONFORMING USE: Any building or structure and the use thereof or the use of land that does not conform with the regulations of this Ordinance or any amendment hereto governing use in the district in which it is located, but conformed with all of the codes, ordinances and other legal requirements applicable at the time such building or structure was erected, enlarged or altered, and the use thereof or the use of land was established.

NURSERY, PLANT: A farm, garden, or other cultivated land together with accessory structures designed and intended to be used only for the cultivation and sale of live vegetation.

NURSING HOME: A building intended for use as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care, licensed by the State of Illinois.

OCCUPANCY CERTIFICATE: A certificate issued by the Zoning Administrator stating the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Ordinance.

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

OPEN SALES LOT: A parcel of land used or occupied for the purpose of buying, selling or trading of all goods and commodities and including the storage of same prior to sale or exchange.

OPEN SPACE: Permanently preserved common land areas within a residential development or otherwise to be used for recreation, conservation, agricultural uses, or preserved in an undeveloped state and/or natural condition. In no event shall any area of a lot constituting the minimum lot area nor any part of an existing or future road or right-of-way be counted as constituting open space.

OPEN SPACE, COMMON: Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

OPEN SPACE SUBDIVISION: Residential developments in which dwellings are grouped together on part or parts of a parcel, with the remaining acreage preserved as open space. Open Space Subdivisions emphasize the preservation of natural resources and features as a basis for grouping of dwellings.

Homes are separated from adjacent property or other groupings of dwellings by the substantial open space that is permanently protected from development.

OPEN STORAGE: The keeping, in an area not within a completely enclosed building, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. (May 16, 2006)

ORDINANCE: Reference to "Ordinance" shall be construed as the *Ogle County Amendatory Zoning Ordinance*.

PARCEL (TRACT) OF LAND: A separately designated area of land delineated by identifiable legally recorded boundary lines, which may or may not be a lot of record.

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

PARKING AREA, PRIVATE: An open, hard-surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only, for occupants of the building or buildings for which the parking area is or buildings for which the parking area is accessory thereto. Parking area private, shall comply with requirements of Article 7 (Off-Street Parking and Loading Requirements) of this Ordinance.

PARKING AREA, PUBLIC: Parking area, public is an open, hard-surfaced area, other than a street, intended to be used for the temporary, daily off-street parking of passenger automobiles and commercial vehicle and available to

the public whether for compensation, fee, or as an accommodation to clients or customers. Commercial vehicles shall be limited to those displaying Class “B” license plates and shall not include any combination of a trailer or a semi-trailer.

PARKING SPACE: An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle.

PARKING AREA, TRUCK: A truck parking area is any land used or intended to be used for the storage and parking of trucks, trailers, tractors which includes commercial vehicles, while not loading or unloading, which displays Class “B” & “C” license plates.

PARTICULATE MATTER: Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.

PERFORMANCE STANDARD: Criteria established to control smoke and particulate matter, noise, odorous matter, toxic matter, vibration, fire and explosive hazards, glare and radiation hazards generated by or inherent in uses of land or buildings.

PLANNED DEVELOPMENT: Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings.

A planned development includes a program for the provisions, operations, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated, or maintained at general public expense.

PLANNING COMMISSION: The Ogle County Regional Planning Commission.

PLAN OF RECLAMATION: A graphic and written proposal detailing the manner in which a site that is presently being, or will be used for an extractive use (quarrying and/or mining of raw materials from the earth) will be used once the said extractive use has been depleted.

POLLUTION CONTROL FACILITY: Any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility or waste incinerator, within the meanings ascribed to these terms pursuant to the Illinois Environmental Protection Act.

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

PRIVATE SEWER: A sewer privately owned and directly controlled by the County Health Department, State of Illinois and Illinois EPA.

RAILROAD RIGHT-OF-WAY: A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.

RECREATION VEHICLE: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicle more specifically includes:

Camping Trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

Fifth Wheel Trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, that is of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed 400 ft² in the set-up mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

Motor Home: A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

Park Trailer: A recreational vehicle that meets the following criteria: (a) built on a single chassis mounted on wheels; (b) having a gross trailer area not exceeding 400 ft² in the set-up mode; and, (c) certified by the manufacturer as complying with ANSI A119.5, Standard for Park Trailers.

Travel Trailer: A vehicular unit, mounted on wheels, that is designed to provide temporary living quarters for recreational, camping, or travel use, that is of such size or weight as not to require special highway movement permit(s) when towed by a motorized vehicle and that has a gross trailer area not less than 320 ft².

Truck Camper: A portable unit constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

REDUCED BUILDING ENVELOPE (RBE): That portion of a lot that delineates the most suitable area of a lot for development to occur. Areas beyond the reduced building envelope areas are restricted against development in order to preserve the most suitable soils for treating sewage, and to protect unique natural areas, steep slopes, wetlands, flood plains and other similar areas from development encroachment. Reduced building envelopes are generally more restrictive than the typical building setback and yard area requirements pursuant to the *Ogle County Amendatory Zoning Ordinance*.

RESERVOIR PARKING SPACES: Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrances to a particular establishment.

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.

RESTAURANT, DRIVE-IN: An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

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 for carry-out, and where either: 1) foods, frozen desserts, or beverages are usually served 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-up or drive-through service facility or offers curbside service.

RETAIL: Retail refers to the sale of commodities directly to customers when such commodities are used or consumed by the customer and not purchased primarily for the purpose of resale.

RETREAT: An area with picnic facilities, space for camping with tents or recreational vehicles, cabins, meeting hall, swimming pool or fishing pond; all for providing recreational and study activities.

RIGHT-OF-WAY: The land opened, reserved, or dedicated for a street, sewer, water, walk, drainage course or other public use.

ROADSIDE STAND: A structure for the display and sale of agricultural products which are raised or grown on the property where such structure is located.

ROADWAY: That portion of a right-of-way, or public or private vehicular easement which is used or intended to be used for the travel of motor vehicles.

ROOMING HOUSE: See “Boarding House”.

SCHOOL: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

SCHOOL, TRADE OR VOCATIONAL: A school which offers instruction in skilled subjects such as typing shorthand, business machines, carpentry, drafting, automobile and aircraft mechanics.

SCREENING: Fencing, beams or plantings maintained for the purpose of concealing from view the area behind such fencing, beams or plantings. When a use is required to be separated from an adjoining lot or district by screening, such screening shall be of sufficient size and design to completely conceal such use when viewed from the adjoining lot or district; provided, however, that no screening shall exceed the height of eight feet (8').

SELF-SERVICE STORAGE FACILITY: A building consisting of individual, self-contained, compartmentalized, and controlled access units of varying sizes that are leased or owned for the storage of customer’s goods or wares.

SETBACK (BUILDING LINE): The required minimum distance from a road right-of-way or lot line that establishes the area within which a structure cannot be erected or placed, except as may be permitted elsewhere in this Ordinance.

SHOPPING CENTER: A group of retail stores, planned and developed for the site upon which they are built, owned and managed as a unit with off-street parking provided on the property.

SIDEWALL HEIGHT, BUILDING: The vertical distance from the average elevation of the adjacent finished grade to the bottom of the eave or rafters/roof trusses. (December 22, 2008)

SIGHT DISTANCE TRIANGLE: The triangle area of a corner lot bound by the property lines and a line connecting the two (2) points on the property lines forty (40) feet from the intersection of the property lines.

SMALL RURAL BUSINESS: A commercial enterprise conducted in a rural area within the AG-1 Agricultural District that is small in scale, subordinate at all times to established agricultural and/or residential uses, and is owned and operated by a land owner that also resides on the premises where the business is conducted. A SRB would typically (shall): 1) employ two or fewer persons (other than members of the immediate family residing on the premises); 2) be conducted from an accessory building; 3) provide a service to the area or an attraction for tourists and travelers; and, 4) supplement the County tax base. When a SRB grows to become the dominant use on a zoning lot and is no longer subordinate to established residential and/or agricultural uses, the owner/operator shall take action to either re-zone the site to an appropriate zoning classification or re-locate the business to an area that is properly zoned for the use conducted. (05/20/03)

SPECIAL FLOOD HAZARD AREAS ORDINANCE: The ordinance regulating development within the flood plain areas of the County (see Chapter 14.0 Division 18 of the *Ogle County Code*).

SPECIAL USE: See “Use, Special”.

STACKING REQUIREMENTS: For the purposes herein, stacking requirements are the number of cars that shall be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen feet (14) in height shall be considered as an additional story for each fourteen feet (14) or fraction thereof.

STABLE, PRIVATE: An accessory building in which equine are kept for private use and not remuneration, hire, or sale.

STABLE, PUBLIC: A building or land where equine are kept for remuneration, hire, sale, boarding, riding, or show.

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, the space between such floor and the ceiling above it. A basement shall be counted as a story if it is used for business or dwelling purposes and/or if more than one-half (½) of its height is above curb level, or grade level where no curb exists.

STREET: A general term denoting a public or private thoroughfare which affords the principal means of access to abutting property. The term includes all facilities which normally are found within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, court, or other such terms but shall not include pedestrian way or alley.

STRUCTURAL ALTERATION: Any change, other than incidental repairs, which would prolong the life of the supporting members of a building such as the addition, removal or alteration of bearing walls, columns, beams, girders or foundations.

STRUCTURE: Anything constructed or erected which requires location on the ground or is attached to something having location on the ground excluding a fence or free standing wall.

STRUCTURE, ATTACHED: A structure having a party wall or common wall with another structure.

STRUCTURE, DETACHED: A detached structure having no party wall or common wall with another structure. Bridges, tunnels, breezeways, and other similar means of connecting one (1) structure to another shall not, for the purpose of this chapter, be considered to constitute a party wall or common wall.

STRUCTURE, TEMPORARY: Except as hereinafter provided a temporary structure is a structure designed for a limited period of time or tenure on a zoning lot. A sign, billboard or other advertising device detached or projecting shall not be construed to be a temporary structure.

SUBSTANTIAL CONSTRUCTION, DEVELOPMENT OR WORK: 1. In a project involving structures, the completion of excavation for footings and foundations; 2. In a project involving no structures or insignificant structures, the completion of grading; 3. In a subdivision, the completion of roads and storm sewers.

SWIMMING POOL, PRIVATE: A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained by an individual for the sole use of a family and guests, without charge for admission, and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

SWIMMING POOL, PUBLIC: A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a municipality or other units of government for the general public, whether or not an admission fee is charged.

TARGET RANGE, OUTDOOR: See "Gun Club".

TAVERN OR LOUNGE: A building or part thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

TERMINAL: A depot building or area specifically designated for the storage or transfer of persons or material, or temporary storage and service of operable vehicles used in the transport of persons, goods or materials.

TEXT AMENDMENT: See “Amendment, Text”.

TRAILER: Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

TRAILER SALES AREA: See “Automobile and Trailer Sales Area”.

USE: The purpose or activity for which the land, buildings and structures thereon, is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner or performance of such activity with respect to the performance standards of this ordinance.

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

USE, PERMITTED: Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations, of this Ordinance for the district in which such use is located.

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

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

VALUE-ADDED AGRICULTURAL ACTIVITY: Any activity or process that allows farmers to retain ownership and that alters the original agricultural product or commodity for the purpose of gaining a marketing advantage. Value-added may include bagging, packaging, bundling, pre-cutting, etc.

VARIANCE: A relaxation of the terms of the Ordinance where such variances will not be contrary to the public interest and where, due to conditions peculiar to the property and not the results of the actions of the owner, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area and size of a building or structure or size of yards and open spaces. Establishment or expansion of a use, otherwise prohibited, shall not be allowed by variance nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

VETERINARY HOSPITAL: A hospital rendering surgical and medical treatment to animals, and having no limitation on overnight accommodations of such animals. Crematory facilities shall not be allowed in a veterinary hospital unless approved by the Illinois Environmental Protection Agency. For the purpose of this Ordinance where a veterinary hospital is permitted, a veterinary clinic shall also be permitted.

WAREHOUSE: A warehouse is a building, structure, or part thereof used principally for the storage of any goods, materials or merchandise, and not for retail sale of such goods, materials or merchandise.

WIND ENERGY CONVERSION SYSTEM (WECS), COMMERCIAL: All necessary devices that together convert wind energy into electricity to be sold to wholesale or retail markets, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s). (9/03)

WIND ENERGY CONVERSION SYSTEM (WECS), PRIVATE: All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to any Substation(s), where the aggregate generating capacity is 3 megawatts (MW) or less, and the WECS is located on private property for the exclusive use of the owner of the property on which the WECS is to be located. (9/03)

WECS PROJECT: The collection of WECS and Substations as specified in a Special Use Permit application pursuant to this Ordinance. (9/03)

WECS TOWER: The support structure to which the nacelle and rotor are attached. (9/03)

WECS TOWER HEIGHT: The distance from the rotor blade at its highest point to the top surface of the WECS foundation. (9/03)

WHOLESALE ESTABLISHMENT: Any building, wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale or merchandise to institutional, commercial and industrial consumers and not for resale of such goods and merchandise.

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 the purpose of 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 lots abut a street, all yards abutting said street shall be measured from the street right-of-way.

YARD, FRONT: A yard extending along the full width of the front lot line between side lot lines and from the front lot line to the front building line in depth.

YARD, REAR: A yard between the rear lot line and the rear setback line.

YARD, SIDE: A yard between the minimum side setback line and the adjacent side property line of the lot, and extending entirely from the front lot line to the rear lot line.

ZONING ADMINISTRATOR: Wherever the term “Zoning Administrator” is used, it shall mean the Zoning Administrator appointed by the County Board and such deputies or assistants as have been or shall be duly appointed. That officer is hereby authorized and it is his or her duty to administer and enforce the provisions of this Ordinance, making such determinations, interpretations and orders as are necessary thereof and requiring such plats, plans and other descriptive material in connection with application for permits as are necessary to judge compliance with the Ordinance.

ZONING BOARD: The Ogle County Zoning Board of Appeals

ZONING DISTRICTS: The districts into which the unincorporated area of Ogle County, Illinois, has been divided as set forth on the Zoning District Maps by townships in atlas form, for the purpose of zoning regulations and requirements.

ZONING MAP: The Township Zoning Map Atlas incorporated herein as a part hereof, designating zoning districts.

ZONING ORDINANCE: The duly approved and amended Ordinance which controls and regulates zoning in Ogle County.