

## SECTION 4: Definitions

In the construction of this ordinance, the rules and definitions contained in this Section shall be observed and applied, except when repugnant to the context of any provisions. Words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural, the singular; words used in the masculine gender shall include the feminine or neuter. The word “building” shall include the word “structure;” the word “lot” shall include the words “plot” and “parcel;” the word “premises” shall include the words “tract,” “tract of land,” “real estate;” the words “lot,” “zoning lot,” “tract,” “tract of land,” “premises” and “real estate” are interchangeable; and the word “shall” is mandatory and not directory.

4.1 **Accessory Structure or Use.** A secondary building or use, subordinate in size and placement, which is located behind the primary building, on the same lot on which the primary building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such main building or main use, when permitted by district regulations. Accessory buildings are subject to Section 11 of this ordinance and must be appropriately sized and designed to complement and coordinate with the main building in appearance. Accessory are permanent, anchored to the land, and structurally sound. An accessory building can include, but is not limited to, the following as allowed for the respective zoning districts:

- (a) A children’s playhouse, garden house, recreational facilities, including a private tennis court, or private greenhouse;
- (b) Garage, shed or building for domestic storage or small animal housing;
- (c) Horse barn, stable;
- (d) Accessory apartments subject to Section 11-A of this Zoning Ordinance;
- (e) Gazebo, pool house, cabana, in-ground swimming pool;
- (f) Off-street motor vehicle parking areas, and loading and unloading facilities;
- (g) Signs as permitted and regulated in each district incorporated in this ordinance;
- (h) Home solar, ground or building mounted;
- (i) Any other permitted structure or use that is not the primary building or use.

An accessory building does not include a radio transmitting tower, commercial solar, man-made lakes or ponds, or temporary structures. See Section 4.104, Temporary Structures and Uses.

4.2 **Accessory Living Quarter.** A complete second dwelling unit located within or attached to a principal single-family dwelling, subordinate in size to the principal dwelling unit and separated from it internally, in a manner that maintains the appearance of the structure as one single-family dwelling unit, or a freestanding structure that has been built as part of the overall site design and is similar in style such as a coach house or matching garage.

4.3 **Acreage.** A measurement of any tract or parcel of land which has not been subdivided and platted.

4.4 **Adult-Use Cannabis Craft Grower:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package

cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization or processor, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. 2019-20-19

- 4.5 **Adult-Use Cannabis Dispensing Organization:** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. 2019-20-19
- 4.6 **Adult-Use Cannabis Infuser Organization or Infuser:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. 2019-20-19
- 4.7 **Automobile service station (gas station).** Any building or premises used for dispensing or offering for sale automotive fluids or oils, having pumps and underground storage tanks; also, where battery, tire and other similar services are rendered, but only if rendered wholly within a building. Automobile service stations shall not include the sales or storage (new or used) of automobiles, trailers or other vehicles. Automobile service stations may include convenience store as a special use.
- 4.8 **Aquifer.** A subsurface water bearing strata which may be near the ground surface or may be deep strata.
- 4.9 **Attic.** A space beneath the roof and above the rooms of a dwelling or building, used for storage, not habitation.

**Available Acreage for Horse Keeping.** Available acreage for horse keeping is acreage that has nothing built on it and no other characteristic that would make it incompatible and therefore unusable for construction of necessary structures, including fenced turnout for keeping horses.

Available acreage for keeping horses is one-acre for up to two horses and one-half acre for each additional horse, subject to requirements and limitations of the respective zoning district and including one-half acre of fenced pasture and/or paddock turnout for every two horses, at least one-half acre for a barn/stable, one hay and equipment storage building and a commercial dumpster with weekly service for manure. Available acreage excludes land used or planned to be used for the primary residence and accessory structures, landscaping and lawns, all impervious surfaces, septic fields, wooded areas, steep slopes, nature preserves, sites identified in the Illinois Natural Areas Inventory or the McHenry County Natural Areas Inventory and other sites.

- 4.10 **Basement.** A story of a building wholly or partly underground. For purposes of building height measurement, the basement shall be counted as a story when more than one-half of its height is above the ground level.
- 4.11 **Bed and Breakfast.** An operator-occupied residence providing accommodations for a charge to the public with no more than 5 guest rooms for rent. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.
- 4.12 **Billboard.** Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to display official court or public office notices, or signs advertising the sale or lease of the premises on which the sign is located.
- 4.13 **Block.** A platted tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways or a corporate boundary line of the Village of Bull Valley.
- 4.14 **Buildable Area.** The space remaining on a zoning lot after the minimum open space requirements of this ordinance have been complied with.
- 4.15 **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, 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 and other similar structures are not considered as buildings, but are classified and defined, rather, as “structures.”
- 4.16 **Building Height.** The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to mean height level between eaves and ridge of a gable, hip or gambrel roof provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.
- 4.17 **Building Line.** A line or lines on the horizontal surface of the lot, parallel or nearly so to the front, side and rear lot lines. No portion of a building may extend or be built between such building line and the lot line, except as provided by this ordinance.
- 4.18 **Building, Nonconforming.** Any building which does not conform to the regulations of this ordinance prescribing the maximum floor area ratio, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.
- 4.19 **Building, Principal.** A building in which is conducted the main use of the zoning lot on which it is situated.

- 4.20 **Bulk.** The term used to describe the size and mutual relationships of buildings and other structures, as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the center line of streets, to other walls of the same building, and to other buildings or structures, and to all open spaces relating to the building or structure.
- 4.21 **Cellar.** A cellar is a space having more than one-half of its height below the ground level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.
- 4.22 **Class III Groundwater System.** “Class III groundwater” means groundwater that meets the Class III Special Resource Groundwater criteria set forth in the Board Rules Section 620.230 Class III: Special Resource Groundwater rules adopted under the Illinois Groundwater Protection Act.

Except as provided in Section 620.250, Special Resource Groundwater is: a) Groundwater that is determined by the Board, pursuant to the procedures set forth in Section 620.260, to be: 1) Demonstrably unique (e.g., irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified in Subpart D; or 2) Vital for a particularly sensitive ecological system.

- 4.23 **Club or Lodge, Private.** A non-profit association, incorporated or unincorporated, of persons who are bona fide members paying annual dues, wherein the premises upon which the association conducts its activities are restricted to members and their guests, and the affairs and management of the association are conducted by a governing group elected by the members at least annually.
- 4.24 **Cluster Development.** A design technique used to preserve open space, agricultural lands, natural site features, scenic lands, woodlands, and wetlands. In a cluster development, housing units are grouped together adjacent to natural site amenities, on smaller individual home sites or lots with guaranteed permanent interest in public or private open space. Density in a cluster development shall be no greater than that permitted, on an overall basis, in the zoning classification of the tract under consideration. Density shall be calculated on a net basis, including the open space and residential areas but excluding street rights-of-way and utility easements, flood plain, flood table lands and other wetlands.
- 4.25 **Condominium.** A type of property ownership which permits individuals to own a portion of a building in fee simple and to hold common areas jointly. A condominium is not a building or housing type; it is a form of ownership.

**Customary Farm Outbuildings and Structures.** Structures, frequently pole barns, intended to shelter larger animals on properties of 10-acres or more in agricultural zones or to serve as storage for equipment and supplies to maintain those animals or other or permitted or growing operations for the district. Does not include commercial non-agricultural uses.

- 4.26 **Day Care Facility.** A state licensed supervised child care facility providing daytime care, protection and supervision for more than three children or for well, ambulatory, or semi-ambulatory (non-bedridden) adults. For a child Day Care Facility, the total number of children counted includes the family's natural, foster and/or adopted children, and all other persons under the age of twelve (12), and does not include facilities that receive only children from a single household. A Day Care Facility does not provide overnight accommodations.
- 4.27 **District.** The division of the Village into geographic areas as shown on the zoning map of the Village of Bull Valley. The terms "district," "zone" or "zoning district" are synonymous when used to refer to areas where the character and intensity of land use are regulated by this ordinance.
- Dog Daycare and Training Club.** Private club for paying members only, that provides day care for members' dogs within strict parameters of behavioral suitability and strict compliance with nuisance ordinances, in a ratio consistent with the standards of the International Boarding and Pet Services Association and where the dogs are housed in an entirely enclosed, insulated and climate controlled building, with exercise yards restricted to day-time hours and regular breaks.
- 4.28 **Dwelling.** A building or portion thereof resting on a foundation, designed and used exclusively for residential occupancy, including one-family dwellings, townhomes or row houses (party wall), but not including multi-family dwellings, hotels, motels, boarding or lodging houses and similar uses.
- 4.29 **Dwelling Unit.** One or more rooms in a residential structure, designed for occupancy by one family for living and sleeping purposes.
- 4.30 **Dwelling – Single Family.** A building designed exclusively for use and occupancy by one family, and entirely separated from any other building space.
- 4.31 **Dwelling, Town House or Row House (Shared Wall).** A row or cluster of attached one-family shared wall dwellings which do not exceed two stories in height and are found in rows or clusters of eight or less dwelling units.
- 4.32 **Ecology Campus.** A site which is used pursuant to a campus plan for a university as a unified setting for buildings, structures and uses related to the university's mission as an ecology campus, including, but not limited to, classrooms, laboratories, faculty and administrative offices, student clubs and organizations, meeting, conference, performance and lecture rooms, retreat center activities, outdoor field studies and field stations, scientific research, wildlife observation, wetland and woodland restoration projects, soil and other conservation projects, sustainability projects, and similar studies. The ecology campus in this district is only intended to serve as an adjunct campus to the main campus of the university. The ecology campus shall not include temporary overnight lodging except when conducted in a retreat center. The ecology campus shall not include any permanent residents except for occupants of a caretaker's residence. A retreat center may be located on the ecology campus and used for university programs, while also conducting non-

university related retreat functions and providing temporary overnight lodging for both students and guests attending such functions.

- 4.33 **Erosion.** The series of natural processes by which earth, or rock materials are removed from any part of the surface of the earth, including weathering, dissolution, abrasion and corrosion.
- 4.34 **Family.** Two or more persons who are related by blood, marriage or adoption or unrelated persons who jointly occupy and have equal access to all areas of a dwelling unit and who function together as an integrated economic unit and have a shared commitment to a domestic relationship.
- 4.35 **Farmers market.** A common facility or area where two (2) or more farmers gather to sell a variety of raw fruits and vegetables and other farm and food products directly to consumers.
- 4.36 **Farmstand/Roadside Stand.** A temporary, open-air, roadside structure erected seasonally on residential property, and used for the display and retail sales of raw fruits and vegetables, and limited prepared food items as permitted by McHenry County Health Department, grown, harvested and/or prepared on the premises by the property owner, and wherein the space inside the structure is prohibited to customers.
- 4.37 **Fence.** A man made structure, forming a physical barrier between properties or uses, which is not part of a building.
- 4.38 **Flood Base Elevation.** (See Section 10.2-2).
- 4.39 **Flood Plain.** (See Section 10.2-1).
- 4.40 **Flood Table Land.** (See Section 10.2-3)
- 4.41 **Floor Area.** In a non-residential structure the floor area is the total of all usable horizontal areas on each story enclosed by the exterior walls, exclusive of basements, cellars, attics and crawl spaces. In a residential structure the floor area is the total horizontal living space on all floors enclosed by the exterior walls (measured on the outside of the walls), including partitions, closets, baths and utility rooms, and the lower level of a tri-level structure or an exposed basement; but not including cellars and attics, garages, breezeways, porches and patios, and other spaces not ordinarily used for living, eating and sleeping purposes. Unfinished areas above the ground floor living space shall be included provided that sub-flooring is laid and windows and stairways are installed in accordance with Village ordinances.
- 4.42 **Floor Area Ratio.** A number which indicates the intensity of use on a lot determined by dividing the floor area of any principal building plus the area of any accessory buildings by the area of the lot upon which they are located.

- 4.43 **Garage - Bus or Truck.** Any building used or intended to be used for the storage of three or more passenger motor buses or motor coaches used in public transportation, including school buses, or a building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding three in number.
- 4.44 **Garage - Private.** A detached accessory building or portion of the main building, designed, arranged, used or intended to be used for the storage of automobiles of the occupants of the premises, which may include not more than one truck of not more than 12 ton capacity.
- 4.45 **Greenway.** An area designated as open space, which may be dedicated to the public or maintained privately, containing natural site features, woodlands or wetlands or open areas which are to be set aside and preserved as a buffer between urbanized areas or as the edge of developed lands.
- 4.46 **Green infrastructure** is an interconnected network of “green ways”, including waterways, woodlands, parks, farms, forests, and other natural areas.
- 4.47 **Guest House.** Living quarters, without kitchen facilities, within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises for which no rental or other remuneration is charged.
- 4.48 **Halfway House.** A residence licensed, certified, or accredited by the appropriate state and/or federal agencies for the housing of a) persons who have been convicted of a crime, or who have been released from jail or prison, or b) US Military Veterans who have been diagnosed with PTSD, that is designed to facilitate their readjustment to society and learn to adapt to independent living. Halfway houses aim to assist in community transition and may provide vocational training, counseling, and other services.
- 4.49 **Homeless/Domestic Violence shelter.** A permanent facility for providing short term housing for individuals who are homeless or victims of domestic violence.
- 4.50 **Home Occupations.** The conduct of an art or profession, the offering of a service, the conduct of a business, or the handcraft manufacture of products for gain in accord with the conditions prescribed in Section 8 of this ordinance.
- 4.51 **Impervious Surfaces.** Surfaces that do not allow water to pass through or that prevent infiltration of rainwater.
- 4.52 **Loading and Unloading Space, Off-Street.** An open hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors and trailers, to avoid undue interference with the public use of streets and alleys. Such space shall not be less than 10 feet in width, 45 feet in length and 14 feet in height, exclusive of access aisles and maneuvering space.
- 4.53 **Lot.** A “zoning lot” unless the context of the ordinance clearly indicates otherwise. (See “Zoning Lot,” Section 4.110). Unless the context clearly indicates otherwise, the area of a lot includes any part thereof that is subject to rights of the public for roads and highways.

- 4.54 **Lot, Corner.** A parcel of land situated at the intersection of two or more streets or adjoining a curved street at the end of a block.
- 4.55 **Lot, Coverage.** The area of a zoning lot occupied by the principal building or buildings and accessory buildings or uses, including pools, patios, sidewalks, driveways, and other paved areas that are impervious
- 4.56 **Lot, Depth.** The horizontal distance between the front and rear lot lines exclusive of all rights of way and easements for street purposes measured in the mean direction of the side lot lines.
- 4.57 **Lot, Frontage.** The front of a lot shall be that boundary of a lot along a public street, or, if there is no public street, along any easement serving it; for a corner lot, the owner may elect either street or easement line, as the case may be, as the front lot line.
- 4.58 **Lot, Interior.** A lot other than a corner lot.
- 4.59 **Lot Line, Front.** The front property line of a zoning lot. Where a street right-of-way or easement is located across the front of a lot, the edge of the right-of-way or easement shall be considered the front lot line.
- 4.60 **Lot Line, Rear.** The rear lot line is the lot line most nearly parallel to the front lot line. Other lot lines are side lot lines.
- 4.61 **Lot, Reversed Corner.** A corner lot, the rear of which abuts the side of another lot.
- 4.62 **Lot Line, Side.** A lot line in common with another lot line, or, in the case of a corner lot, in common with a street right-of-way or easement line, which intersects the front and rear lot lines.
- 4.63 **Lot, Through.** A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot.
- 4.64 **Lot, Width.** The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.
- 4.65 **Medical Cannabis Cultivation Center** A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.
- 4.66 **Medical Cannabis Dispensary.** A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Medical Cannabis Cultivation Center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.



**Native Landscape.** A nationally maintained area of trees, shrubs, vines, ferns, flowers, forbs, sedges, grasses, and other plants composed mainly of Illinois native species. “Native landscape” does not include exotic or noxious weeds regulated under the Illinois Noxious Weed Law or the Illinois Exotic Weed Act.

**Native Species.** Trees, shrubs, vines, ferns, flowers, forbs, sedges, grasses and other plants growing in the State of Illinois before European Settlement (and specifically in the local region) or as otherwise defined by rule by the Illinois Department of Natural Resources. Illinois Native Species does not include exotic or noxious weeds regulated under the Illinois Noxious Weed Law. See Native Landscape in this chapter.

- 4.67 **Non-Conforming Recorded Lot.** A lot designated on a duly recorded subdivision plat or deed or by other lawful means which has less than the minimum lot area or dimensions prescribed for the zone in which the lot is located. A non-conforming recorded lot is one which was conforming at the time it was recorded, but which became non-conforming as a result of changes in the zoning controls. (See Section 5.5(e)).
- 4.68 **Non-Conforming Structure.** Any structure or building which does not conform to the regulations of this ordinance which prescribes floor area ratio, required yards, lot coverage, height, set-backs or distances between structures.
- 4.69 **Non-Conforming Use.** Any use lawfully established at the time of the passage of this ordinance or amendments thereto, which does not conform after the passage of this ordinance or amendments thereto with the use regulations of this ordinance.
- 4.70 **Nursery School.** A pre-school nursery where educational programs are a normal part of each day’s activities.
- 4.71 **Open Space.** Unless the context clearly indicates otherwise, a tract or tracts of land designated to remain undeveloped other than for park, recreational or agricultural uses.
- 4.72 **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, of occupants of the building or buildings for which the parking area is developed and is necessary.
- 4.73 **Parking Space.** A space within a private or public parking area of not less than 171 square feet (9’ x 19’), exclusive of drives, aisles, ramps, columns or work areas, used to store automobiles, vans or small trucks.
- 4.74 **Park.** A non-commercial facility that serves the recreation needs of residents. Parks include, but are not limited to, playgrounds, beaches, day camps, ball fields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, and park district field houses, which may have indoor recreation facilities.

- 4.75 **Passive Use Parks** include areas of native vegetation that have been preserved or restored and may have walking paths or seating that is conducive to passive enjoyment of natural vistas of native flora and fauna.
- 4.76 **Patio.** Flat, open, i.e. uncovered, space at ground level, covered with a material or materials and used for residential recreational or leisure activities.
- 4.77 **Planned Development.** A “planned development” is a tract of land which is developed as a unit under single ownership or control, which includes two or more principal buildings, and which is at least 40 acres in area.
- 4.78 **Planning and Zoning Commission.** See Section 13.6 of this Code.
- 4.79 **Premises.** The real estate, tract or tract of land in question, including improvements thereon; the zoning lot.

**Prime Farmland.** Much of Illinois is comprised of fertile flat loess, left behind by glaciers and wind millions of years ago. About 89 percent of the state’s cropland is considered prime farmland, ranking the state third nationally in total prime farmland acreage. Prime farmland is important because it provides an environmentally sound base for crop production. Prime farmland is a designation assigned by the U.S. Department of Agriculture defining land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

- 4.80 **Private Road.** A means of vehicular, pedestrian or other means of transportation ingress and egress to and from a tract of land that is not dedicated to the public or taken by governmental action.
- 4.81 **Problem Soils.** Those soils which, because of one or more of the following characteristics:
- (a) Frequent or continuous water logging;
  - (b) Periodic surface inundation by surfacing storm water runoff;
  - (c) Subsurface or ground water pollution.
  - (d) Susceptibility to erosion;
  - (e) Slow or excessively rapid internal water movement, i.e. permeability;
  - (f) Depth of bedrock deposits;
  - (g) High organic materials content;

are classified and depicted by color coding thereon as being “severe” or “very severe” for septic disposal systems or fields by the soil maps as prepared and published by the University of Illinois Agricultural Station, in cooperation with the Soil Conservation Service of the United States Department of Agriculture (“Soil Conservation Service”) in Soil Report #81, and as revised by the Soil Conservation Service in 1970, which maps are hereby adopted and by reference incorporated herein and are hereinafter referred to as “Official Soil Maps.”

- 4.82 **Public Indoor Shooting Range.** Facility for the discharging of firearms for the purposes of target practice, training, temporary competitions and other activities with firearms in compliance with specifications and rules of the National Rifle Association and/or included in the most current edition of NRA Range Sourcebook.
- 4.83 **Public Way or Highway.** Any highway, including a road, dedicated or taken by governmental action as a public thoroughfare.
- 4.84 **Residential Care Facility.** A residence licensed, certified or accredited for specialized residential care home by the appropriate state or federal agencies, that functions as a single housekeeping unit for the housing of unrelated persons with functional disabilities who share meals, recreation, social activities, and other aspects of residential living.

Residential Care Facilities exclude facilities that provide care for persons who have been convicted of a crime or who have been released from jail or prison. See also Halfway House. A Residential Care Facility does not include a Homeless/Domestic Violence Shelter, hotel, motel, rooming house or other dwelling operated for profit or for the public unless it is incidental to a lawfully established use under this ordinance, and it does not include a sorority, fraternity or other similar organization. A functional disability limits a person's ability to perform physical activities, causes a significant sensory impairment or mental illness, a need for long-term care, use assistive devices or technology and have developmental delays.

- 4.85 **Retreat Center.** A building with retreat sleeping rooms, kitchen, congregate dining facilities, chapel, meeting rooms, and indoor and outdoor recreational amenities, and which is used for purposes such as prayer, meditation, religious, family and corporate events, leadership training, team building, sports, recreation, cultural events or educational instruction, typically with temporary overnight lodging and congregate meals. *2010-11-15*
- 4.86 **Retreat Sleeping Room.** A room in a retreat center used for temporary overnight sleeping for participants in university programs or retreat center functions. Retreat sleeping rooms shall not include more than 2 beds or separate meal facilities, but instead meals are to be taken in a congregate dining facility. Retreat sleeping rooms shall generally not be rented or leased for more than 14 consecutive nights to the same individual; in the case of students and faculty, occupancy shall generally be limited to coincide with the duration of university-sponsored classes or programs in which they are participating. *2010-11-15*
- 4.87 **Roadside Stand.** A structure for the display and sale of agricultural products grown and harvested on the premises where the stand is located, and wherein the space inside the structure is prohibited to customers.
- 4.88 **Scenic Land.** A land area possessing scenic quality. Landscape character and scenic integrity are the basis for scenic quality. Landscape character is the overall visual impression of landscape attributes that provide a landscape with an identity and sense of place. It consists of the combination of physical, biological, and cultural attributes that make each landscape identifiable and distinct. It contains contain unique geographical,

geological, geophysical, floral, faunal, scenic, historical or cultural features, such features being “unique” in comparison to surrounding areas.

- 4.89 **Scenic integrity** is a measure of the wholeness or completeness of the landscape, including the degree of visual deviation from the landscape character valued by constituents. (United States Department of Agriculture, Forest Service Roadless Area Conservation, Final Environmental Impact Statement Specialist Report for Scenic Quality, November 2000.)

**Short Term Rental.** A dwelling unit or portion thereof located in the Village and offered for and occupied as overnight accommodations on a temporary basis, in the owners primary residence, to one or more paying guests in no more than six (6) guestrooms for a period not to exceed ninety (90) consecutive. The term “short term rental” shall not include “house swapping” where a homeowner switches or trades homes with another homeowner in a different town for a short period of time and no money is exchanged.

- 4.90 **Special Use.** Any use of land or buildings designed by or permitted in Section 6.

**Specialty Retail Store.** A small store which specializes in a specific range of merchandise and related items. Most specialty retail stores have an extensive depth of stock in the item that they specialized in and provide high levels of service and expertise.

- 4.91 **Stable, Commercial.** A structure in or land in which an owner/operator keeps equines primarily for commercial gain and primarily for any one or more of the following purposes: boarding, training, riding instructions and other instructions concerning the use, enjoyment and maintenance of equines, equine shows, sporting or recreational events, but excluding the boarding of fewer than five equines by private landowners. (For purposes of this section, the term “equines” includes horses, mules, ponies, donkeys and burrows.) *Amended, 2009-10-4*

- 4.92 **Stable, Private.** Provision by a resident landowner on private premises of containment and/or shelter and/or food to fewer than five equines as defined above with or without payment.

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

- 4.94 **Structure.** Anything constructed or erected which requires location on the ground or is attached to something having location on the ground.

- 4.95 **Structural Alterations.** Any change other than incidental repairs which would prolong the life of the supporting members of a building or structure, such as load bearing walls, columns, beams or girders.

- 4.96 **Surface Water.** Waters which fall on the land surface as precipitation (rain, snow, hail, etc.) and may percolate into the soil as ground water or run-off into natural drainage ways within the watershed (the area tributary to the drainage way).

**Temporary Structures or Uses.** A structure that is placed upon the land without a foundation, piers or other anchoring appropriate to the type of structure, and which is not

intended do remain on the land permanently. A temporary use of the land that is not normally permitted in the zoning district, including but not limited to tents for camping storage containers, lean-tos, run in sheds and other structures not permanently anchored. Temporary structures are prohibited, except as permitted under Zoning Code Section 12, Temporary Structures.

- 4.97 **Terrace, Open.** A level and rather narrow plane, or platform which for the purpose of this ordinance is located adjacent to one or more faces of the main structure, and which is constructed not more than four feet in height above the average level of the adjoining ground.
- 4.98 **Trailer or Mobile Home.** A vehicle designed and used for residential purposes.
- 4.99 **University.** A four-year accredited institution of higher learning authorized to grant academic degrees and providing facilities for its mission of education, research and service to others. The term "university" includes its subsidiary or affiliated organizations and non-profit organizations or foundations affiliated with the university, when they are engaged in joint projects with the university for the purposes of the EC Ecology Campus District. 2010-11-15
- 4.100 **Use.** The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.
- 4.101 **Watershed.** The land area which drains into a specific river, stream or body of water.
- 4.102 **Water Table.** The depth at which ground water is found beneath the surface of the land.
- 4.103 **Wetlands.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands such as swamps and marshes are often obvious, but some wetlands are not easily recognized, often because they are dry during part of the year or "they just don't look very wet" from the roadside. Some of these wetland types include, but are not limited to, many bottomland forests, pocosins, pine savannahs, bogs, wet meadows, potholes, and wet tundra. Allowable uses in a wetland, as in a flood plain, are very limited and generally require a permit from the McHenry County Stormwater Division and the U.S. Army Corp of Engineers (USACE). UACW base maps or McHenry County Natural Resources conservation service base maps give preliminary findings on the existence of wetlands. The wetland delineation report of a wetland specialist, accepted by the Village Board, shall also be recognized as wetlands.
- 4.104 **Woodland.** Land that is substantially covered with trees and that is unsuitable for agriculture or grazing.
- 4.105 **Yard.** An open space on the same zoning lot with a main building which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this

ordinance, and which extends above the lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

- 4.106 **Yard, Front.** A yard extending across the full width of the zoning lot and lying between the front line of the lot and the nearest line of the building.
- 4.107 **Yard, Rear.** A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the building.
- 4.108 **Yard, Side.** That part of the yard lying between the main building and a side lot line, and extending from the required front yard or from the front lot line, if there is no required front yard, to the required rear yard.
- 4.109 **Zoning Administrator.** (See Section 59).
- 4.110 **Zoning Lot.** A plot of ground, made up of one or more parcels and having a legal description of record therefor, which is or may be occupied by a building or buildings, including the open spaces required by this ordinance.
- 4.111 **Zoning Maps.** The maps incorporated into this ordinance as a part thereof.