

## TITLE 2: ZONING

### CHAPTER 12 - DEFINITIONS

#### 2-12-1 Rules for Construction

#### 2-12-2 Definitions

### SECTION 2-12-1 RULES FOR CONSTRUCTIONS

The language set forth in the text of this Title shall be interpreted in accordance with the following rules for construction:

- A. The singular number includes the plural and the plural, the singular.
- B. The present tense includes the past and future tenses and the future, the present.
- C. The word "shall" is mandatory, while the word "may" is permissive.
- D. The masculine gender includes the feminine and the neuter.
- E. All measured distances shall be to the nearest integral foot. If a fraction is one-half (1/2) or less, the integral foot next below shall be taken.
- F. Whenever a word, a phrase or term defined hereinafter appears in the text of this Title, its meaning shall be construed as set forth in the definition thereof. The word "lot" shall include all other structures of every kind regardless of similarity to buildings; and, the phrase "use for" shall include the phrase "arranged for," "intended for," "maintained for," "designed for" and "occupied for".

### SECTION 2-12-2 DEFINITIONS

- **Accessory Use Or Building:** A use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
- **Alley:** A public way with a width not exceeding twenty feet (20') in right-of-way used primarily as a service access to the rear or side of a property which abuts on a street.
- **Automotive Service Station:** Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail. Uses permissible at an automotive service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automotive service stations, an automotive service station is not a repair garage nor a body shop (see Garage).
- **Basement:** A portion of a building located partly underground, but having less than one-half (1/2) of its clear floor-to-ceiling height above the average grade of the adjoining ground (see Cellar).
- **Bed And Breakfast Inn:** A structure having historical or architectural character occupied as a residence by the property owner and providing overnight accommodations and in some instances, a meal or meals to occupants. The bed and breakfast inn provides guest accommodations of not more than three bedrooms to guests with occupancy of one week or less (see Rooming House).
- **Buildable Area:** The total area of the parcel minus the area within the required front, rear, and side yards.
- **Building:** Any structure which is built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land (see Structure).
- **Building, Accessory:** A subordinate building or a portion of a principal building, the use of which is incidental and customary to that of the principal building.
- **Building, Detached:** A building surrounded by open space on the same lot.
- **Building, Principal:** A non-accessory building in which the principal use of the lot on which it is located, is conducted.

- **Building, Temporary:** A building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.
  - **Bulk:** The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and including the following:
    - A. Size and height of buildings.
    - B. Location of exterior walls at all levels in relation to lot lines, street or to other buildings.
    - C. All open spaces allocated to buildings.
    - D. Amount of lot area provided per dwelling unit.
  - **Cellar:** The portion of a building located partly or wholly underground, and having one-half (1/2), or more than one-half (1/2), of its clear floor-to-ceiling height below the average grade of the adjoining ground (see Basement).
  - **City:** The City of West Peoria.
  - **City Clerk:** The City Clerk of West Peoria.
  - **City Council:** The City Council of West Peoria.
  - **City Zoning Board:** The City of West Peoria Zoning Board of Appeals.
  - **Club Or Lodge, Private:** A non-profit association of persons who are bonafide members paying dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests.
  - **Curb Level:** The level of the established curb in front of a building or structure measured at the center of such front. Where no curb level has been established, it shall be deemed to be the established level of the center line of the street surface in front of a building or structure, measured at the centerline of such front.
  - **Day Care Center-Resident Occupied:** Any childcare facility receiving more than 8 children for care during all or part of a day in a family home.
  - **Day Care Center-Non Resident Occupied:** Any child care facility receiving more than 3 children for care during all or part of a day in a facility at which the proprietor does not reside.
  - **Day Care Home:** Any child care facility receiving more than 3 up to a maximum of 12 children for care during all or part of a day in a family home.. The maximum includes the family's natural, foster, or adopted children and all other persons under the age of 12.
  - **Day Care Group Home:** Any child care facility receiving up to a maximum of 16 children for care during all or part of a day in a family home. The maximum includes the family's natural, foster, or adopted children and all other persons under the age of 12.
  - **District:** A section or part of the incorporated or unincorporated portion of the City for which the use Titles are uniform.
  - **Drive-In Establishment:** An establishment which accommodates patron's automobiles on the immediate premises allowing services to the patrons in their automobiles and/or self-service by the patrons.
  - **Driveway:** All hard surfaced areas leading from the public right-of-way to a hard surfaced off-street parking area or which are used as hard surfaced parking areas. The terms Drive and Driveway are used interchangeably.
- SOURCE 97-9
- **Dwelling Unit:** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis and, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. Dwelling units are intended for use exclusively as living quarters for one family (see Family) and not more than an aggregate of two (2) roomers.
  - **Dwelling, Single Family:** A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

- **Dwelling, Two Family (Duplex):** A residential building containing two (2) dwelling units including detached and semi-detached and attached dwelling units, designed for and occupied by two (2) families.
  - **Dwelling Unit, Two-Family Attached:** A dwelling unit joined to one other dwelling unit by a party wall.
  - **Dwelling Unit, Two-Family, Semi-Detached:** A dwelling unit with its own individual outside entrance in a two-family structure where one unit is above the other.
  - **Dwelling Unit, Two-Family, Detached:** A dwelling unit in a two-family structure where both units share a common outside entrance and interior common foyer or entry hallway.
  - **Dwelling, Multiple Family (Apartment):** A detached residential building, surrounded on all sides by open space on the same lot, designed for and occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.
  - **Family:** One or more persons related by blood, marriage or adoption, or a group of not more than five (5) adults not so related.
  - **Family Care Home:** A home housing a group of not more than eight unrelated persons with handicap or impairment, who with assistance or supervision, reside together in a family-type environment as a single housekeeping unit. Excluded from this definition are current or former criminal offenders and persons whose disability arises from current use or addiction to a controlled substance. The persons in supervision shall be considered in addition to the handicapped or impaired persons in determining number of occupants permitted.
  - **Fence, Ornamental:** A fence more than 50% open and of a decorative style. Ornamental fences shall not be chain link or wire construction.
  - **Fence, Privacy:** A solid fence primarily for providing privacy or visual screening.
  - **Flood-Plain Area:** That continuous area, adjacent to a stream or stream bed or other natural drainage channels or areas, whose elevation is equal to or lower than the one hundred (100) year flood elevation as established by any Flood Plain Ordinance in effect.
  - **Garage, Public:** Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation (see Automotive Service Station).
  - **Hard Surface:** A surface composed of Portland cement concrete, white rock, crushed stone no smaller than CA-11, or blacktop. Any Portland cement concrete surface shall be not less than three and one-half (3 ½) inches of concrete with reinforced steel mesh. Any blacktop surface shall contain a compacted aggregate base with a blacktop surface not less than four (4) inches in depth. Any crushed stone surface shall contain crushed stone not less than four (4) inches in depth.
- SOURCE 97-14
- **Home Occupation:** An occupation conducted in a dwelling unit, provided that:
    - A. No person other than members of the family residing on the premises shall be engaged in such occupation.
    - B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
    - C. There shall be no change in the outside appearance of the building or premises, or other visual evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
    - D. No home occupation shall be conducted in any accessory building.
    - E. There shall be no direct sales and/or rentals of products off display shelves or racks.

F. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

- **Hotel (Or Motel):** A building or buildings designed to accommodate individual sleeping units with no provision for cooking facilities and occupied primarily by transient travelers. The term "hotel" includes inn and lodge. The term "motel" includes motor hotel, motor lodge, tourist court and similar terms.
- **Junk Yard:** An open area or fenced-in enclosure where used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.
- **Off-Street Loading:** A space, accessible from a street, alley or way, in a building or on a lot for the use of trucks while loading or unloading merchandise or materials.
- **Landowner:** A landowner shall mean the legal or beneficial owner or owners of land. The holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purpose of this Title.
- **Lodging Room:** A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.
- **Lot:** For purposes of this Title, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:
  - A. A single lot of record.
  - B. A portion of a lot of record.
  - C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.
  - D. A parcel of land described by metes and bounds.
  - E. Provided, that in no case of division or combination shall any residential lot or parcel be created which does not meet the minimum lot requirements of this Title.
- **Lot Area:** The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.
- **Lot, Corner:** A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty five degrees (135°) or less.
- **Lot, Depth:** The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
- **Lot Line:** A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.
- **Lot Of Record:** A lot which is part of a subdivision recorded in the office of the Peoria County Recorder of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

- **Lot, Reversed:** A lot on which the frontage is at right angles or approximately right angles [interior angle less than one hundred thirty-five degrees (135°)] to the general pattern in the area.
- **Lot, Through:** A lot defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.
- **Lot, Mobile Home:** The area assigned to a mobile home in a mobile home park.
- **Lot Width:** Width of lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street pavement) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the eighty percent (80%) requirement shall not apply.
- **Mobile Home:** A mobile home is any vehicle or similar portable structure originally constructed with wheels, whether or not the wheels are still contained hereon, and designed and constructed to permit occupancy for dwelling or sleeping purposes.
- **Mobile Home Park:** A mobile home park means any plot of ground upon which two (2) or more independent trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
- **Motel:** See Hotel.
- **Motor Freight Terminal:** A building or premises in which freight is received or dispatched by motor vehicle.
- **Parking Space/Lot:** Striped, hard surfaced space within a parking area or a building of not less than one hundred fifty-seven and one-quarter (157.25) square feet (eight and one-half (8 1/2) feet by eighteen and one-half (18 1/2) feet, and a vertical clearance of at least seven (7) feet), exclusive of access drives, aisles, ramps, columns, or office and work area, for the storage of one-passenger automobiles or commercial vehicles under two-ton capacity.

SOURCE 02-14

- **Planning Commission:** The West Peoria Planning Commission. The term Planning Commission and Plan Commission are used interchangeably.
- **Principal Use:** The primary use of an other than vacant lot. A lot will normally have one principal use and permitted accessory uses such as garages or outbuildings related to the principal use.
- **Public Service Area:** An area including such uses as fire and police stations, telephone exchanges, radio and television transmitting and relay stations and towers, filter plants and pumping stations and similar uses.
- **Recreational Vehicle:** Vehicle utilized for occasional recreational use including boat, trailer, or camper. For purpose of this Title a boat mounted on a trailer shall be considered one recreational vehicle.
- **Refuse:** All waste products resulting from human habitation, except sewage.
- **Repair Garage:** See Garage, Public.
- **Rest Home (Nursing Home):** A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such a home does not contain equipment for surgical care or for treatment of disease or injury, nor does it include maternity care nor care for mental illness or mental infirmities.
- **Rooming House (Tourist Home):** A building, or portion thereof, containing lodging rooms which accommodate three (3) or more persons who are not members of the keeper's family, and where lodging rooms or meals, or both, are provided for compensation.
- **Sanitary Landfill:** A method of disposing of refuse by spreading and covering with earth. Where sanitary landfill is referred to in this Ordinance, it shall be construed to be a landfill meeting the Titles of the Illinois Environmental Protection Agency and the Illinois Pollution Control Board.
- **Semi-Detached:** See Dwelling Unit.

- **Setback:** The minimum horizontal distance permitted between the front line or side line of the building and nearest the street line, disregarding steps and unroofed porches.
- **Sign:** A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land; and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not include any display of official court or public office notices nor shall it include a sign located completely within an enclosed building unless the context shall be exposed to view from a street.
- **Sign, Area:** Sign Area, used interchangeably with “gross sign area,” is the area encompassed within the shortest line drawn around the perimeter of the display, message or wording to include all letters and designs which are part of the sign.
- **Sign, Business:** A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon the premises where such sign is located, or to which it is affixed.
- **Sign, Directional:** A directional sign is a sign that provides instruction regarding parking, driveways, and entrances or exits.
- **Sign, Flashing:** Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this Title, any moving, illuminated sign shall be considered a flashing sign.
- **Sign, Free Standing:** A free standing sign is a sign erected on a freestanding framework supported and affixed by one or more uprights or braces in or upon the ground.
- **Sign, Gross Surface Area Of:** The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.
- **Sign, Illuminated:** An illuminated sign is a sign that is illuminated by internal or external light generated or caused by the application of electricity.
- **Sign, Informational:** An informational sign is a sign that informs the public of the name of the business or facility located on a particular zoning lot.
- **Sign, Low Silhouette:** A low silhouette sign is a sign that is no taller than one (1) foot and no wider than eight (8) feet and no deeper than one (1) foot.
- **Sign, Nonconforming:** A nonconforming sign is a sign that complied with the applicable laws when established, but does not conform to the provisions of this Title.
- **Sign, Roof:** A roof sign is a sign attached to the roof of a building.
- **Sign, Off-Premise:** An off-premise sign is a sign that advertises goods, products, services or facilities or directs persons to a location different from the zoning lot where the sign is installed.
- **Sign, Wall:** A sign attached to the wall of a building.
- **Special Use:** Use permitted only after public hearing and procedural requirements outlined in Chapter II of this Title. Special use and special exception are used interchangeably.
- **Stored:** When referring to parking of vehicles, the parking of vehicles for 72 hours or more.
- **Story:** That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above.
- **Street (Avenue, Drive, Place, Road, Terrace, Parkway, Boulevard Or Court):** Right-of-way of a required width, which affords a primary means of access to abutting property.
- **Street Line:** The dividing line between a lot and a contiguous street.

- **Structural Alterations:** Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.
- **Structure:** Anything erected, the use of which requires a fixed location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, other advertising medium, accessory shed, tool room, or other similar building (whether fixed in location or placed on skids) detached or projecting, shall be construed to be a structure.
- **Unrelated Group Family Home:** Home for a group of not more than five unrelated adults living together as a common household.
- **Use:** The purpose or activity for which the land., or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.
- **Use, Accessory:** See Accessory Use.
- **Use, Principal:** See Principal Use.
- **Use, Special:** See Special Use.
- **Yard:** An open space on a lot which is unoccupied and unobstructed by building structures from ground level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard Titles for the zoning district in which such lot is located.
- **Yard, Front:** A yard extending along the full width of the front lot line between side lot lines.
- **Yard, Rear:** A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.
- **Yard, Side:** A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, the yard upon which the building fronts shall be considered the front yard. The yard facing the other street shall be considered the side street yard and the yards between the corner yard and adjoining properties shall be interior side yards.
- **Zoning Lot:** A single unified tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single or unified ownership or control. Such lot shall have frontage on a street; shall be of at least sufficient size to meet minimum zoning requirements for use, coverage and area; and shall provide such yards and other open spaces as herein required.