

**ARTICLE 2 - USAGE AND DEFINITIONS****2-1 WORD USAGE**

- 2-1.1 **Definition.** Words used or defined in this Code shall have the meanings herein ascribed to them.
- 2-1.2 **Tense and Form.** Words used or defined in one tense or form shall include other tenses and derivative forms.
- 2-1.3 **Number.** Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- 2-1.4 **Number and Gender.** Wherever used in this Code, any gender shall include any other gender, the singular shall include the plural and the plural shall include the singular.
- 2-1.5 **Shall and May.** The word “shall” is mandatory. The word “may” is permissive.
- 2-1.6 **Time.** The time within which any act required by this Code is to be performed shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Illinois General Assembly, in which event it shall also be excluded. The word “day” means a calendar day.
- 2-1.7 **Person.** The word “person” includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations, and any other similar entities.
- 2-1.8 **Used For.** The phrase “used for” shall include intended for, designed for, occupied for, maintained for, and arranged to be used or occupied for whenever that interpretation would result in the regulation being more restrictive in its application to any use or structure.
- 2-1.9 **Village.** The word “Village” means the Village of Libertyville, Illinois.
- 2-1.10 **County.** The word “county” and the phrase “Lake County” mean the County of Lake, Illinois.
- 2-1.11 **Undefined Terms.** Any word not defined in Section 2-2 of this Code shall have the meaning given in any applicable Village code or ordinance or, if none, in the most recent editions of: *Illustrated Book of Development Definitions* by Muskowitz and Lindbloom; or if not found, in *Transportation and Land Developments*, published by the Institute of Transportation Engineers, or if not found, in *Webster’s International Dictionary of the English Language*.

2-1.12 **Captions, Illustrations, and Tables.** In case of any difference of meaning or implication between the text of this Code and any caption, illustration or table, the text shall control and no caption, illustration or table shall be construed to limit the scope or intent of the text of this Code.

**2-2 DEFINITIONS**

When used in this Code, the following terms shall have the meanings herein ascribed to them:

ABUT. To physically touch, to share a common wall or lot line, or to be separated by only an alley.

ACCESS. A way or means of approach to provide vehicular or pedestrian physical entrance to property.

ACCESSORY STRUCTURE. A structure which is detached from a Principal Structure or Principal Building and located on the same Zoning Lot and customarily incidental to and subordinate to the Principal Structure or Principal Building, except as otherwise expressly authorized by provisions of this Code.

ACCESSORY USE. A use which is located on the same Zoning Lot as a Principal Use and customarily incidental to and subordinate to the Principal Use.

ADJACENT. To lie near, close to, or in the vicinity.

AFFECTED PROPERTY. Property impacted by a Wind Turbine.

ALLEY. A public right-of-way not more than thirty (30) feet wide that affords only a secondary means of vehicular access to abutting property.

ALTERATION. Any change in the size, shape, character, occupancy, or use of a structure or a lot. For a sign, alteration shall mean any change in the size, shape, character, content, use or location of a sign.

ALTERATION, STRUCTURAL. See “Structural Alteration,” defined herein.

AMBIENT SOUND. The all-encompassing sound at a given location, usually a composite of sounds from many sources near and far. For the purpose of this ordinance, the ambient sound level shall mean the quietest of ten 10-second average sound levels measured when there are no nearby or distinctly audible sound sources (e.g., dogs or jets). Daytime ambient measurements should be made during mid-morning weekday hours, while nighttime measurements should be made after midnight.

AMENDMENT. See Section 16-14 of this Code.

AMUSEMENT ESTABLISHMENTS - INDOOR. A commercial entertainment land use providing recreational activities for a fee or admission charge located primarily in an indoor setting.

AMUSEMENT ESTABLISHMENTS - OUTDOOR. A commercial entertainment land use providing recreational activities for a fee or admission charge located primarily in an outdoor setting.

ANSI. The American National Standards Institute (ANSI) is a private, non-profit organization that oversees the development of voluntary consensus standards for products, services, processes systems, and personnel in the United States. The organization also coordinates U.S. standards with international standards so that American products can be used worldwide. For example, standards ensure that people who own cameras can find the film they need for that camera anywhere around the globe. ANSI accredits standards that are developed by representatives of standards developing organizations, government agencies, consumer groups, companies, and others. These standards ensure that the characteristics and performance of products are consistent, that people use the same definitions and terms, and that products are tested the same way. ANSI also accredits organizations that carry out product or personnel certification in accordance with requirements defined in international standards. The organization's headquarters are in Washington, DC. ANSI's operations office is located in New York City. The ANSI annual operating budget is funded by the sale of publications, membership dues and fees, accreditation services, fee-based programs, and international standards programs.

ANTENNA. Any structure designed for transmitting signals to a receiving station or for receiving television, radio, data, or other signals from satellites or other sources. (See Appendix A, Pages A-1 and A-2).

ANTENNA SUPPORT STRUCTURE. Any structure used for the principal purpose of supporting an antenna. (See Appendix A, Pages A-1 and A-2)

ANTENNA SURFACE AREA. An area determined by adding together the actual surface area of each solid element or part of an antenna or its antenna support structure, where "solid" is defined to include all air spaces that are fully bounded by solid elements. (See Appendix A, Pages A-1 and A-2)

APPEAL. See Section 16-7 of this Code.

APPEARANCE CODE. The Appearance Code of the Village of Libertyville. See Chapter 7 of the Municipal Code.

APPEARANCE REVIEW COMMISSION. The Appearance Review Commission of the Village of Libertyville.

AREA, GROSS. The total land and water area included in a parcel that is the subject of an application filed pursuant to this Code, excluding only land or water areas located within or under public rights-of-way or private easements of access or egress at the time of application.

AREA, NET. The gross area of a parcel less land and water areas required or proposed to be publicly dedicated, or land to be devoted to private easements of access or egress.

ARTERIAL (PRIMARY) STREET. See “Street Classifications”, defined herein.

ATTACHED DWELLING. See “Dwelling, Single Family Attached”, defined herein.

ATTIC. The unfinished space between the ceiling joist of the top story and the roof rafters.

AUTOMATIC TELLER MACHINE. An automated device that performs banking or financial functions at a location remote from the controlling financial institution.

AWNING. A roof-like covering, temporary in nature, that projects from the wall of a building.

BASEMENT. Any portion of a building partly or wholly underground. (See Appendix A, Page A-4).

BED AND BREAKFAST INN. An owner-occupied residential dwelling in which short term lodging and morning meals are provided for compensation.

BERM. A hill or contour of land that acts as a visual barrier between a lot and adjacent properties, alleys, or streets.

BLOCK. A tract of land bounded by public or private streets or by a combination of public or private streets, lands, railroad right-of-way, waterways, or boundary lines of the Village.

BOARD OF APPEALS. The Zoning Board of Appeals of the Village. See Section 15-2 of this Code.

BOARD OF TRUSTEES. The Corporate Authorities.

BUFFERING. Any means of protecting a parcel from the visual or auditory effects of an adjacent use. Buffering may include, but is not limited to, berming, fencing, landscaping, screening, setbacks, or open spaces.

BUILDING. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property. References to “building” shall in all cases be deemed to refer to both buildings and structures.

BUILDING, ACCESSORY. See “Accessory Use or Structure”, defined herein and Article 9, Part A, of this Code.

BUILDING CODE. The Building Code of the Village. See Chapter 6 of the Municipal Code.

BUILDING COVERAGE. The percentage of a lot's area covered by any building or structure. See also "Lot Coverage", defined herein.

BUILDING DEPTH. The longest straight line that can be drawn through a structure substantially parallel to the side or corner side lot lines of the lot on which it is located.

BUILDING, DETACHED. A building surrounded entirely by open space.

BUILDING OR STRUCTURE FRONT. Except as provided in "Height", defined herein, the exterior wall of a building or structure facing the front lot line of the lot on which it is located.

BUILDING HEIGHT. See "Height", defined herein.

BUILDING LINE, CORNER SIDE. A line parallel to the corner side lot line and intersecting the point of a building closest to the corner side lot line.

BUILDING LINE, FRONT. A line parallel to the front lot line and intersecting the point of a building closest to the front lot line.

BUILDING LINE, REAR. A line parallel to the rear lot line and intersecting the point of a building closest to the rear lot line.

BUILDING, PRINCIPAL. See "Principal Building or Structure", defined herein.

BUILDING WIDTH. The longest straight line that can be drawn through a structure parallel to the front lot line.

BULK AND SPACE REGULATIONS. The regulations of this Code pertaining to the permissible or required height, volume, area, floor area, floor area ratio, minimum lot area and dimensions, building coverage, lot coverage, and usable open space applicable to uses and structures. The term does not include yard or setback requirements.

BUSINESS OCCUPANCY. A single firm, institution, business, commercial, service or industrial activity that is the sole occupancy of a building or is located within a portion of a building containing separate entrance and a demising wall or walls which completely separate such activity from other activities within a building.

CANOPY. A roof-like structure of a permanent nature that projects from the wall of a building.

CAR WASH, AUTOMATIC. A building or portion thereof, containing facilities for washing vehicles using automatic production line methods such as a chain conveyor, blower, steam cleaning device or other mechanical devices.

CAR WASH, SELF-SERVE. A building or portion thereof, providing space, water and equipment for the handwashing of vehicles.

CARRY-OUT EATING PLACE. See “Eating Place, Carry-Out”, defined herein.

CEMETERY. A burial ground including structures such as mausoleums, columbariums, incidental management offices, and maintenance facilities.

CERTIFICATE OF COMPLIANCE, ZONING. See Section 16-4 of this Code.

CHANGEABLE COPY. That portion of a sign containing letters, numbers and/or similar characters that can be changed or rearranged, manually or automatically, without altering the face of the sign. Changeable Copy shall not include letters, numbers and similar symbols which are self-illuminated or generated by LCD or similar technology, except signs displayed by gasoline stations/mini-marts, but only to the extent that such signs display the cost of fuel sold by such gasoline stations/mini-marts.

CIRCULATION AISLE. The means of access to a parking or loading space for a vehicle.

CIVIC OR CIVIC USE OR PURPOSE. An undertaking in which the citizens of a community, by their cooperative action and as their central goal, seek to promote the general welfare and common good of the community; in other words, a community movement to accomplish community goals.

CLASSIFICATION OR ZONING CLASSIFICATION. The district into which a parcel of land is placed and the body of regulations to which it is subjected by this Code.

CODE. This Libertyville Zoning Code, including the Zoning Map, and any and all amendments to it as and when such amendments become effective. Unless the context specifically requires otherwise, all references to this Code shall be deemed to refer to any certificate, permit, approval, resolution or ordinance granted or adopted pursuant to this Code.

COLLECTOR (SECONDARY) STREET. See “Street Classifications”, defined herein.

COMMERCIAL BUILDING. A building the principal use of which is a commercial use.

COMMERCIAL DISTRICT. Any district whose designation begins with the letter “C”, as set forth in Article 5 of this Code.

COMMERCIAL USE. Activity involving the sale of goods or services.

COMPLETELY ENCLOSED BUILDING. A building separated on all sides from all adjacent areas, buildings, and structures by a permanent roof and by exterior walls or party walls, pierced only by windows or doors normally provided for the accommodation of persons, goods or vehicles. However, a parking structure that has less than fifty percent (50%) of its outer wall space open and that does not allow any parked vehicle within said structure to be seen from the exterior thereof shall be considered a completely enclosed building.

COMPREHENSIVE PLAN, OFFICIAL. See “Official Comprehensive Plan”, defined herein.

CONGREGATE HOUSING. Any use of a dwelling unit for the habitation of six (6) or more persons that do not constitute a family or group family household and that does not serve as an alternative to incarceration.

CORPORATE AUTHORITIES. The President and the Board of Trustees of the Village of Libertyville.

CORNER LOT. See “Lot, Corner”, defined herein.

CUL-DE-SAC. A minor street having one end open and one end permanently terminated by a vehicular turn-around.

CURB LEVEL. The street curb height at the mid-point of a lot line. Where no curb exists, the elevation of the crown of the street at the mid-point of the lot line shall be deemed to be the curb level.

DAY CARE CENTER. A Day Care Center - Adult or a Day Care Center - Child.

DAY CARE CENTER - ADULT. Any place other than a dwelling unit in which adults receive day care services during any part of a day.

DAY CARE CENTER - CHILD. Any place other than a dwelling unit in which children receive child day care services during any part of a day.

DAY CARE HOME. A Day Care Home, Adult - Type 1 or 2, or a Day Care Home, Child - Type 1 or 2.

DAY CARE HOME, ADULT - TYPE 1. A dwelling unit in which day care services for not more than eight (8) adults, including adults related to the day care provider and unrelated adults, are provided as a home occupation.

DAY CARE HOME, ADULT - TYPE 2. A dwelling unit in which day care services for more than eight (8) adults, including adults related to the day care provider and unrelated adults, are provided as a home occupation pursuant to a special use permit.

DAY CARE HOME, CHILD - TYPE 1. A dwelling unit in which day care services for not more than eight (8) children under the age of fourteen (14), including children related to the day care provider and unrelated children, are provided as a home occupation.

DAY CARE HOME, CHILD - TYPE 2. A dwelling unit in which day care services for more than eight (8) children under the age of fourteen (14), including children related to the day care provider and unrelated children, are provided as a home occupation pursuant to a special use permit.



DAY CARE SERVICES. Care or supervision of one or more individuals for compensation and for not more than eighteen (18) hours during any twenty-four (24) hour period.

DECK. An accessory structure attached or adjacent to any dwelling that is designed and intended for the support of persons; that is made of wood; that has no permanent or temporary cover or canopy; that is constructed on piers and without a continuous foundation or footing; and that has no part extending above the floor level of the first story of such dwelling, excluding any basement; provided, however, that protective, decorative, or ornamental appurtenances such as hand railings, benches and the like may extend to a height of forty-two (42) inches above such floor level.

DECORATIVE PAVING. Patterned, colored or otherwise aesthetically enhanced brick, concrete, asphalt or similar man-made, generally non-porous, material used to cover soil.

DEDICATION. The designation of land for a permanent public use or purpose by the owner thereof.

DENSITY. The number of persons, families or dwelling units or the amount of gross floor area in a building, on a lot or in a development.

DENSITY, GROSS. The density of a development divided by the gross area of the parcel devoted to such development.

DENSITY, NET. The density of a development divided by the net area of the parcel devoted to such development.

DETENTION. Temporary, on-site storage of storm water to be released at a controlled rate by means of facilities engineered for that purpose.

DEVELOPMENT. Any man-made change to improved or unimproved real estate other than maintenance of existing structures, paved areas and landscaping, and interior remodeling of existing structures, including, without limitation, the construction or installation of new, or enlargement of existing, structures, paved areas, or utilities; dredging, filling, drilling, mining, grading, paving, or excavating operations; installation of new landscaping; and open storage of materials.

DISCORDANT NOISE. A harsh or unpleasant sound.

DISTRICT OR DISTRICT, ZONING. See “Zoning District”, defined herein.

DISTRICT BOUNDARY LINE. A line on the Zoning Map separating one district from another. See also Section 3-6 of this Code.

DISTRICT BOUNDARY LOT. A lot or parcel of land, any lot line of which coincides with a district boundary line or which abuts any public or private right-of-way containing a district boundary line.

DORMER. A projection from a sloping roof that contains a window.

DRIVE-IN ESTABLISHMENT OR FACILITY. An establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product while remaining in a vehicle, or to receive a service or obtain a product that may be used or consumed in a vehicle on or off the premises, or to be entertained while remaining in a vehicle.

DRIVE-IN EATING PLACE. See “Eating Place, Drive-In”, defined herein.

DRIVEWAY. A private vehicular access from a street or alley to one lot or one principal building or use that is designed as one solid, uninterrupted surface.

DWELLING. Any structure or portion thereof designed or used for habitation by one or more families or group family households, but not including any type of automobile trailer home, house trailer, manufactured home, or recreational vehicle designed for living quarters or human habitation.

DWELLING, MULTIPLE FAMILY. A dwelling, other than a single family attached dwelling, containing more than two dwelling units.

DWELLING, SINGLE FAMILY. A single family attached dwelling or a single family detached dwelling.

DWELLING, SINGLE FAMILY ATTACHED. A dwelling composed of a row of two or more adjoining dwelling units, each situated on a separate subdivision lot or being a separate condominium unit capable of individual sale, and each of which is totally separated from the others by one or more unpierced walls extending from ground to roof.

DWELLING, SINGLE FAMILY DETACHED. A dwelling containing only one dwelling unit, situated on a separate subdivision lot or being a separate condominium unit capable of individual sale, and completely surrounded by open space.

DWELLING, STAFF. A dwelling where lodging is provided in rooming units exclusively for the administrators, employees, or other personnel of a hospital, and their families.

DWELLING, TWO FAMILY. A dwelling, other than a single family attached dwelling, containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor assembly extending from exterior wall to exterior wall.

DWELLING UNIT. Any room or group of rooms located within a dwelling forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating, and sanitation by one family or by one group family household.

EASEMENT. Authorization by a property owner for the use by another, and for a specified purpose, of any designated area of his property. The term also refers to such a designated area.

EATING PLACE. An establishment where prepared, ready-to-eat food is available to the general public.

EATING PLACE, CARRY-OUT. An eating place that is neither a sit-down eating place nor a drive-in eating place.

EATING PLACE, DRIVE-IN. An eating place that is a drive-in establishment or that has a drive-in facility, both as defined by “Drive-In Establishment or Facility”, defined herein.

EATING PLACE, SIT-DOWN. An eating place where food is provided primarily for consumption within the establishment, where the provision of food for consumption off the premises is not a principal component of the business, where at least fifty percent (50%) of the gross floor area of the establishment is devoted to patron seating, and where the consumption of food in vehicles on the premises is neither encouraged nor permitted.

EFFECTIVE DATE. See Section 17-11 of this Code.

ELECTRIC POWER GENERATION FACILITY. These facilities convert forms of energy, such as solar, wind, or tidal power, into electrical energy. The electric energy produced in these establishments is provided to electric power transmission systems or to electric power distribution systems.

EMERGENCY SHELTER FACILITY. A facility, operated by a civic or religious organization, providing temporary lodging to persons that are otherwise homeless.

ENLARGEMENT. An addition to the floor area of an existing building or an increase in the size of any other existing structure.

EXPRESSWAY. See “Street Classifications”, defined herein.

EXTENSION. An increase in the amount of existing floor area used for an existing use within an existing structure or an increase in that portion of a tract of land occupied by an existing use.

EXTERIOR DESIGN FEATURE. The architectural design and arrangement of any portion of a structure or landscaping, including without limitation, the kind, color, and texture of the materials of such portion and the types of roof, windows, doors, lights or other fixtures appurtenant to such portion, as will be open to public view from any point off of the property on which such structure or landscaping is located.

EXTERIOR WALL. Any wall of a building or structure one side of which is exposed to the outdoors.

FAMILY. One (1) or more persons related by blood, marriage, legal adoption or guardianship, or not more than five (5) persons not so related, together with gratuitous guests and domestic servants, living together as a single housekeeping unit.

FENCE. A barrier structure used as a boundary or as a means of protection, confinement or screening.

FLOOR AREA. The sum of the gross horizontal areas of all floors of a building or of such area devoted to a specific use, measured from the exterior face of exterior walls or from the center line of walls separating two buildings or uses. Gross floor area shall include areas such as basement floors; elevator shafts and stairwells at each floor; floor spaces and shafts used for mechanical, electrical, and plumbing equipment, except equipment located on the roof; attic floors; interior balconies and mezzanines; enclosed porches and floor space used for accessory uses; provided, however, that gross floor area shall include only floor area that has a floor to ceiling height of not less than seven feet over a floor area having no horizontal dimension less than seven feet. Gross floor area shall not include floor area devoted to off-street parking or loading within a building or structure, except when accessory to a single family dwelling. Any floor space devoted to:

1. A residential use with a floor to ceiling height of more than twelve (12) feet shall be treated as having a separate floor for each twelve (12) feet of height or fraction thereof; and
2. A warehousing and storage or manufacturing, fabrication, processing, assembly and alteration use in a building or a portion of a building having only one (1) floor with a floor to ceiling height of more than thirty-two (32) feet shall be treated as having a separate floor for each thirty-two (32) feet of height or fraction thereof; and
3. A permitted use in the Open Space or Institutional Buildings Districts shall be treated as having one (1) floor without regard to the floor to ceiling height; and
4. Any other use with a floor to ceiling height or more than eighteen (18) feet shall be treated as having a separate floor for each eighteen (18) feet of height or fraction thereof, except that the Board of Trustees may specify a greater floor to ceiling height for uses authorized pursuant to a special use permit.

As used herein, floor to ceiling height shall mean the distance between the top surface of the floor and the bottom surface of the inside top covering of a room, unless the bar joists or other structural supports for the inside top covering of the room are exposed, in which event floor to ceiling height shall mean the distance between the top surface of the floor and the bottom of such bar joists or other exposed support structures. (See Appendix A, Page A-6).

FLOOR AREA RATIO (FAR). The floor area of all buildings on a zoning lot divided by the total lot area of the zoning lot on which they are located. For planned developments, the FAR shall be determined by dividing the floor area of all buildings by the net area of the site. (See Appendix A, Page A-6).

FOOT CANDLE. The illumination at all points one foot distant from a uniform point source of one candle power.

FRONT LOT LINE. See “Lot Line, Front”, defined herein.

FRONT YARD. See “Yard, Front”, defined herein.

FRONTAGE. All the property fronting on one side of a street, measured along such street, between an intersecting or intercepting street and another intersecting or intercepting street, a right-of-way in excess of thirty (30) feet, an end of a dead-end street, a watercourse or a Village boundary.

FRONTAGE, ZONING LOT. All of the property of a zoning lot fronting on a street measured along the front and corner side lot lines.

GARAGE. A structure, or part thereof, designed or used for the parking and storage of vehicles at one or more levels.

GARAGE, PRIVATE. A garage accessory to a single family or two family dwelling. See Section 10-1.5.c.5 of this Code.

GRADE. Grade shall be the average elevation of the ground surface, in its natural state, measured at five foot intervals around the base of the structure.

GRADE, FENCE, AND SIGN. Shall be measured from the level of the street nearest the proposed location of the fence or sign or from the average ground level within a distance of fifty (50) feet from the location of the fence or sign.

GRADING. Reshaping existing land contours using natural land materials.

GROUND COVER. Turf, low growing/spreading plants, bark chips, or similar porous materials used to keep soil from being blown or washed away.

GROUP FAMILY HOUSEHOLD. A group of six (6), but not more than eight (8), persons not constituting a family as defined in this Code but living together in a dwelling unit as a single housekeeping unit under a common housekeeping management, based on an intentionally structured relationship of mutual responsibility providing an organization and stability essentially equivalent to, and having many aspects in common with, that found in families based on relationships of blood, marriage, legal adoption or guardianship. For purposes of this definition, whether a group of individuals constitute a group family household shall depend upon all available information, facts and circumstances and, specifically, the following factors, but the presence or absence, in whole or in part, of any particular factor shall not be deemed controlling:

1. Whether the group contains within it, and is formed around, one or more persons related by blood, marriage, legal adoption or guardianship; and

2. The extent to which the group recognizes one or more of its members as the head or heads of the household; and
3. Whether the group includes children as well as adults and if so, the group's mechanism for carrying out the child-rearing function; and
4. The extent to which group membership is based upon express covenants or agreements of unlimited duration, including the past stability of group membership and expectations for stability in the future; and
5. The extent to which a group decision-making process controls not only housekeeping arrangements but also personal aspects of the members' lives; and
6. The extent to which the group functions as a single economic unit with members sharing financial resources and obligations; and
7. The extent and nature of the division of labor within the group regarding such common household activities as food preparation, house cleaning and laundry; and
8. The extent to which household possessions such as furniture, appliances and automobiles are commonly owned and shared by all members of the group; and
9. The extent to which all members of the group have free access to all areas of the dwelling unit; and
10. The extent to which some religious, moral or other common belief forms the basis of the group's association.

Excluded from this definition are group living arrangements that serve as an alternative to incarceration.

**HABITABLE.** A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable space.

**HEIGHT.** The vertical distance measured from grade to the highest point of the roof. Where a parapet wall, penthouse, mechanical equipment, or any similar structure is located on the roof of a building, building height shall be measured to the highest point of said structure if any part of it extends above the height as measured pursuant to the first sentence of this definition. Chimneys of residential buildings shall be disregarded when determining the height of such buildings. (See Appendix A, Page A-9. See also Article 9 for height of Accessory Structures).

**HIGHLY IMPULSIVE SOUND.** Either a single pressure peak or a single burst (multiple pressure peaks) for a duration usually less than one second. Examples of highly impulsive sound sources are drop forge hammer and explosive blasting.

**HOME OCCUPATION.** A business, occupation or trade that is conducted by a full-time occupant of a dwelling unit as an accessory use to the principle use of such dwelling unit for dwelling purposes.

**HORIZONTAL AXIS WIND TURBINE.** A turbine for which the main rotor shaft is arranged horizontally, and typically for which the main rotor shaft and generator are

located at the top of the tower on which the Wind Energy Facility is mounted and pointed into the wind in order to generate electricity.

HOTEL. An establishment that is designed for transient guests, that is commonly known as a hotel in the community in which it is located, and that provides customary hotel services such as maid service, furnishing and laundry of linen, telephone service, desk service, luggage handling, and the use and upkeep of furniture.

IMPROVEMENT, FACILITY, OR AREA, PUBLIC. A sanitary sewer, storm sewer, drainage appurtenance, water main, roadway, parkway, sidewalk, planting strip, or other improvement, facility or area for which the Village or any other government agency may assume maintenance or operational responsibility.

INDUSTRIAL BUILDING. A building the principal use of which is an industrial use.

INDUSTRIAL DISTRICT. Any district whose designation begins with the letter “I”, as set forth in Article 7 of this Code.

INDUSTRIAL USE. Those fields of economic activity including, but not limited to, mining, construction, manufacturing, transportation, communication, electric, gas and sanitary services and wholesale trade.

INSTITUTIONAL BUILDING. Any building the principal use of which is an institutional use.

INSTITUTIONAL BUILDINGS DISTRICT. A district the designation of which begins with the letters “IB”, as set forth in Section 8-3 of this Code.

INSTITUTIONAL USE. A non-profit, religious, or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure, or land used for public purpose.

INTERPRETATION. See Section 16-6 of this Code.

INTERIOR LOT. See “Lot, Interior”, defined herein.

ISO. International Organization for Standardization (ISO) is a developer and publisher of International Standards. ISO is a network of the national standards institutes of 162 countries, one member per country, with a Central Secretariat in Geneva, Switzerland, that coordinates the system. ISO is a non-governmental organization that forms a bridge between the public and private sectors.

KENNEL. Any lot or premises or portion thereof on which four (4) or more dogs over four (4) months of age are kept, or where four (4) or more cats or other domestic animals are kept, or where any dogs, cats or other domestic animals are boarded for compensation or kept for sale.

LANDBANKING. Setting aside land area for future use. (See also Section 10-1.6 of this Code.)

LEGAL NONCONFORMING LOT OF RECORD. See “Nonconforming Lot of Record, Legal”, defined herein.

LESS RESTRICTIVE DISTRICT OR CLASSIFICATION. See Section 3-4 of this Code.

LESSORS OF MINI-WAREHOUSES AND SELF-STORAGE UNITS. Industry that comprises a building, buildings or outdoor space that contain separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time. These establishments may include rooms, compartments, lockers, containers, or outdoor space where clients can store and retrieve their goods.

LICENSED SEXUALLY ORIENTED BUSINESS. An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter studio as more fully defined in the Village of Libertyville Municipal Code.

LIVE ENTERTAINMENT. A public performance intended to be diverting or engaging with or without the use of instrumental, electronic or mechanical accompaniment.

LOADING SPACE. An unobstructed area, no part of which is located in a street or public right-of-way, for the standing, loading or unloading of one truck or trailer.

LONG TERM CARE FACILITY. An institutional establishment that provides personal care, sheltered care, intermediate care, or skilled care, including shelter, food, assistance with meals, assistance with activities of daily living, supervision and monitoring of physical and mental health, and intermediate or skilled nursing care services, for persons in need of such care, regardless of age.

LOT. See “Lot of Record” and “Lot, Zoning”, defined herein. Unless the context indicates otherwise, all references in this Code to a “lot” shall be deemed to mean a “zoning lot”.

LOT AREA, MINIMUM. The smallest lot on which a particular use or structure may be located in a particular district.

LOT AREA, TOTAL. The total land and water area included within lot lines, excluding, however, areas subject to easements for public or private access or egress.

LOT AREA PER UNIT. That portion of the total lot area allocated for each dwelling unit located on a lot.

LOT, BUILDABLE AREA OF A. That portion of a lot bounded by the required yards and setbacks.



LOT, BUILDABLE WIDTH OF A. The width of a lot remaining as buildable after side yards and setbacks and corner side yards and setbacks are provided.

LOT, CORNER. A lot abutting upon two or more streets at their intersection or junction or a lot bounded on two sides by a curving street where it is possible to draw two intersecting tangents, one each commencing at each of the two points of intersection of the lot lines and street line, which intersect with each other to form an interior angle of less than one hundred thirty-five (135) degrees. (See Appendix A, Page A-11).

LOT COVERAGE. The percentage of a lot's area covered by any impermeable surface. Lot Coverage shall include all surface areas that are not sod, soil or other types of natural materials limited to organic or soft landscaping. See also "Building Coverage", defined herein.

LOT, INTERIOR. A lot other than a corner lot. (See Appendix A, Page A-11).

LOT LINE, CORNER SIDE. Any street line of a corner lot other than its front lot line. (See Appendix A, Page A-13).

LOT LINE, FRONT. In the case of an interior lot abutting upon only one street, the street line separating such lot from such street right-of-way; in the case of a through lot other than a reverse frontage lot, each street line separating such lot from a street right-of-way; in case of a reverse frontage lot, the street line separating such lot from the street right-of-way providing access to such lot; in the case of a corner lot, the shortest street line separating such lot from a street right-of-way. (See Appendix A, Page A-13).

LOT LINE, REAR. That lot line that is parallel to, or most nearly parallel to and most distant from, the front lot line of the lot; provided, however, that in any case where no lot line of at least ten (10) feet in length is parallel to the front lot line, a line ten (10) feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line. (See Appendix A, Page A-13).

LOT LINE, SIDE. Any lot line other than a front, corner side, or rear lot line. (See Appendix A, Page A-13).

LOT LINES. The property lines bounding a lot; provided, however, that when a lot includes land subject to a public or private right-of-way easement for street purposes, the line separating such right-of-way from the rest of the lot shall be deemed to be the lot line.

LOT OF RECORD. A lot that is part of a subdivision, the properly approved plat of which has been recorded in the office of the Recorder of Deeds of Lake County, Illinois, or a parcel of land separately described in a recorded deed.

LOT, REVERSE FRONTAGE. A through lot that does not have access from one of the streets fronting such lot. (See Appendix A, Page A-11).

LOT, THROUGH. A lot having frontages on two streets that do not intersect at the boundaries of the lot. (See Appendix A, Page A-11).

LOT WIDTH. The horizontal distance between the side lot lines of a lot or between the side lot line and the corner side lot line of a lot, measured at the front yard line or setback and calculated on the arc measurement for curvilinear lots (See Appendix A, Page A-13).

LOT, ZONING. A tract of land consisting of one or more lots of record under single fee title ownership located entirely within a block and occupied by, or designated by its owner or developer at the time of filing for any zoning approval or building permit as a tract to be developed for a principal building and its accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required under this Code, to be used with such building or use; provided, however, that no tract of land created in whole or in part as the result of any activity undertaken in violation of any, or without full compliance with all, provisions of this Code and other applicable state, county, and village laws, ordinances and regulations shall be used as a zoning lot. Notwithstanding the foregoing, sale of individual lots of record underlying individual dwelling units in a single family attached dwelling, following issuance of a Zoning Certificate of Occupancy for such dwelling, shall not prevent treatment of the tract of land underlying such dwelling as a zoning lot and all applicable bulk, space, yard and setback requirements shall be applied with respect to such dwelling and such zoning lot rather than with respect to individually-owned dwelling units and lots of record.

LOW FREQUENCY SOUND. Sound with frequencies below 100 Hz, including audible sound and infrasound, as opposed to broadband which has sound frequencies above 100 Hz. Infrasound has frequencies below 20 Hz, which if sufficiently intense, can be perceived by many individuals, and must be measured by a sound level meter using the C-weighted scale.

MAJOR VEHICLE REPAIR. See “Vehicle Repair, Major”, defined herein.

MET TOWER. A meteorological tower used for the measurement of wind speed.

MICROBREWERY. A brewery which produces less than 15,000 U.S. beer barrels of beer annually.

MINIMUM LOT AREA. See “Lot Area, Minimum”, defined herein.

MINOR VEHICLE REPAIR. See “Vehicle Repair, Minor”, defined herein.

MORE RESTRICTIVE DISTRICT OR CLASSIFICATION. See Section 3-4 of this Code.

MULTIPLE FAMILY DWELLING. See “Dwelling, Multiple Family”, defined herein.

MUNICIPAL CODE. The Libertyville Municipal Code.

NOISE. Sound, especially one that is loud, unpleasant, or disturbing, that adversely affects the psychological or physiological well-being of people.

NONCONFORMING FENCE. Any fence lawfully existing on the effective date of this Code that does not comply with all of the standards and regulations of this Code.

NONCONFORMING LOT OF RECORD. A lot of record that does not comply with the lot area or width requirements in the district in which it is located.

NONCONFORMING LOT OF RECORD, LEGAL. A nonconforming lot of record that:

1. was created by a plat or deed recorded at a time when the creation of a lot of such size, shape, depth, and width at such location would not have been prohibited by any ordinance or other regulation; and
2. was created without any violation of any, and in full compliance with all, applicable statutes, ordinances or regulations.

NONCONFORMING SIGN. Any sign lawfully existing on the effective date of the adoption of Article 11 of the Zoning Code, or any amendment to it rendering such sign nonconforming, that does not comply with all of the standards and regulations of this Code or any amendment thereto.

NONCONFORMING STRUCTURE. Any building or structure, other than a sign or a fence, lawfully existing on the effective date of this Code that:

1. does not comply, or is located on a lot that does not comply, with all of the regulations of this Code governing parking, loading, or bulk and space requirements for the Zoning District in which such building or structure is located; or
2. is so located on a lot so as not to comply with the yard or setback requirements for the Zoning District in which such building or structure is located; or
3. both (1) and (2); except
4. any building containing more than one dwelling unit in addition to the number permitted by the district regulations in the district where it is located shall, as to such nonconformity, be deemed to be a nonconforming use rather than a nonconforming structure.

NONCONFORMING USE. Any use lawfully being made of any land, building or structure, other than a sign or a fence, on the effective date of this Code that does not comply with all of the regulations of this Code governing use for the Zoning District in which such land, building or structure is located.

NONCONFORMITY. All or any part of any development, use, structure or lot that fails to comply with all or any of the provisions of this Code applicable in the Zoning District in which such development, use, structure or lot is, or is proposed to be, located.

NONPARTICIPATING PROPERTY. A property that is not owned by the owner of the property on which a development is being proposed or installed.

OFFICE BUILDING. A building the principal use of which is an office use.

OFFICE DISTRICT. Any district whose designation begins with the letter “O” as set forth in Article 6 of this Code.

OFFICE USE. A use which involves a room or group of rooms used for conducting the affairs of a business, profession, service, industry, civic organization, or governmental agency and generally furnished with desk, tables, files and communication equipment.

OFFICIAL COMPREHENSIVE PLAN. See Section 3-1 of this Code.

OFFICIAL MAP. See Section 3-2 of this Code.

OPEN SPACE. An area of a lot, including required yards, that is open and unobstructed from ground to sky, except for obstructions expressly permitted by this Code to be located in yards and open spaces.

OPEN SPACE, COMMON. Open space held in private ownership and regularly available for use by the occupants of more than one dwelling or the users of more than one non-residential building.

OPEN SPACE DISTRICT. A district the designation of which begins with the letters “OS”, as set forth in Section 8-2 of this Code.

OPEN SPACE, PRIVATE. Open space held in private ownership, the use of which is normally limited to the occupants of one dwelling or the users of one non-residential building.

OPEN SPACE, PUBLIC. Open space owned by any government or governmental agency or authority.

OPEN SPACE, USABLE. Open space that is:

1. specifically designed, arranged, and intended for use in conjunction with passive or active outdoor recreation or relaxation; and
2. located at least five feet from any structure except structures specifically designed, arranged, and intended for use in conjunction with passive or active outdoor recreation or relaxation; and
3. landscaped, maintained or otherwise treated to create a setting appropriate to recreation or relaxation; and
4. accessible and usable by the residents of all dwellings, or the users of all non-residential buildings, it is intended or required to serve; and
5. not covered by water or devoted to agricultural production.

OPERABLE CONDITION. For any Wind Energy Facility, the condition of being capable of operating at full capacity while meeting all sound, shadow flicker, and other applicable conditions set forth in this Code.

OUTDOOR DISPLAY AND SALES. The exhibit of merchandise available for sale, rent or lease out-of-doors.

OUTDOOR STORAGE. The keeping, in an out-of-doors area not accessible by the general public, of any goods, material, or merchandise in the same place for more than twenty-four (24) hours.

OUTLOT. A parcel of land which is intended for a public or quasi-public purpose, including open space, conservation, storm water detention, utility facilities, or other similar use. An outlot shall not be required to meet the minimum lot dimension requirements established by the Village of Libertyville Zoning Code or Subdivision Code. An outlot may not be created for the purpose of changing or preserving the bulk, space, and yard regulations of an adjacent parcel.

OWNER. Includes the holder of legal title, as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten (10) years, and the like. Whenever a statement or signature of ownership is required by this Code, full disclosure of, or execution by, all legal and equitable interests in the property is required.

PARCEL. Any quantity of land capable of being described with such definiteness that its location and boundaries may be established.

PARKING AREA. Any land area, not located in a garage, designed and used for the parking of not more than five (5) vehicles, no part of which is located in a street or public right-of-way.

PARKING LOT. Any land area, not located in a garage, designed and used for the parking, and associated circulation, of more than five (5) vehicles, no part of which is located in a street or public right-of-way.

PARKING SPACE. An unobstructed area, no part of which is located in a street or public right-of-way, for the parking of a vehicle.

PARKING STRUCTURE. See “Garage”, defined herein.

PARTICULATE MATTER. Material, other than water, that is suspended or discharged into the atmosphere in a finely divided form as a liquid or solid.

PEDESTRIAN WAY. That portion of a right-of-way improved for use primarily by pedestrians and not intended for vehicles, such as a public sidewalk.

PERIMETER LANDSCAPED OPEN SPACE. An open space located primarily along lot lines that enhances the appearance of, or screens from view, parking lots and other aesthetically unpleasant outdoor uses or areas or that creates a transition between incompatible uses by means of appropriate buffering, landscaping or screening.

PERSONAL WIRELESS SERVICES. Commercial mobile telecommunications services, unlicensed wireless telecommunications services, and common carrier wireless telecommunications exchange access services.

PERSONAL WIRELESS SERVICES ANTENNA. An antenna used in connection with the provision of personal wireless services.

PLACES OF WORSHIP. 1) A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; 2) A special purpose building that is architecturally designed and particularly adapted for the primary use of conducting on a regular basis formal religious services by a religious congregation.

PLANNED DEVELOPMENT. See Section 16-13 of this Code.

PLAN COMMISSION. The Plan Commission of the Village. See Section 15-2 of this Code.

PLAY FIELD. An area of active recreation such as a baseball diamond, a football field, a soccer field or the like.

PORCH, OPEN. A roofed open area attached to or part of a building with direct access to or from it with columns or piers necessary to support said roof structure. Protective, decorative, or ornamental appurtenance such as hand railings, benches and the like may extend to a height of forty-two (42) inches above the floor level.

PREMISES. A lot, plot or parcel of land, together with the buildings and structures thereon.

PRINCIPAL BUILDING OR STRUCTURE. A building or structure on a zoning lot intended to be utilized for a principal use.

PRINCIPAL USE. The use or, when expressly authorized by this Code, uses of a zoning lot, whether permitted or specially permitted, designated by the owner of such lot as the primary or main use or uses of such lot and to which any other use on such lot must be accessory.

PRIVATE RIGHT-OF-WAY. See “Right-of-Way, Private”, defined herein.

PROPERTY LINE. See “Lot Lines”, defined herein.

PUBLIC HEARING. A meeting conducted pursuant to the provisions of the Illinois Open Meetings Act at which members of the general public must be permitted to give testimony, evidence or opinions relevant to the subject matter.

PUBLIC IMPROVEMENT, FACILITY OR AREA. See “Improvement, Facility or Area, Public”, defined herein.

PUBLIC MEETING. A meeting conducted pursuant to the provisions of the Illinois Open Meetings Act at which members of the general public, as opposed to the applicant for relief and members of the committee, board or commission or officer, have no right (but may be given the opportunity) to offer testimony, evidence or opinions.

PUBLIC UTILITY. Any company which is publicly owned or regulated furnishing utility services such as cable television, electricity, gas, sewage, telephone, internet data transmission or water service.

PUBLIC RIGHT-OF-WAY OR PUBLIC WAY. See “Right-of-Way, Public” defined herein.

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

REAR LOT LINE. See “Lot Line, Rear”, defined herein.

REAR YARD. See “Yard, Rear” defined herein.

RECREATIONAL DEVICE. A structure or outdoor facility not attached to the principal structure on a lot and intended principally for recreational use such as, but not limited to, a play house, a swing set, a trampoline, a sand box or a freestanding basketball standard.

RECREATIONAL FACILITY, RESIDENTIAL. An area, court, or facility, other than a recreational device, intended for active recreational or athletic use such as game courts or ball fields established as an accessory use to a residential dwelling.

RECREATIONAL VEHICLE. Every vehicle or boat designed for living quarters, recreation or human habitation and not used as a commercial vehicle, including, but not limited to, the following:

Boat. Any vessel used for water travel. A boat mounted on a trailer shall be considered one vehicle.

Camper Trailer. A folding or collapsible vehicle without its own motive power, designed and constructed as temporary living quarters for travel, camping, recreation or vacation use.

Motorized Home. A temporary dwelling designed and constructed for travel, camping, recreational or vacation uses as an integral part of a self-propelled vehicle.

Off-The-Road Vehicle. A vehicle designed and constructed for recreational use off of roads where state vehicle licenses are required, such as a dune buggy, a go-cart or a snowmobile.

Racing Car or Cycle. A vehicle designed and constructed to be used in racing competition, such as a race car, stock car or racing cycle.

Travel Trailer. A vehicle without its own motive power, designed and constructed to be used as a temporary dwelling for travel, camping, recreational or vacation uses.

Truck Camper. A structure designed and constructed to be mounted on a pickup or truck chassis for use as a temporary dwelling for travel, camping, recreational or vacation uses. When mounted on a truck, such a structure and the truck shall together be considered one vehicle.

Van. A general term applied to a non-commercial motor vehicle licensed by the State of Illinois as a Recreational Vehicle.

Vehicle Trailer. A vehicle without its own motive power that is designed and constructed to transport another vehicle, such as a boat, motorcycle or snowmobile for recreational or vacation use and that is eligible to be licensed or registered and insured for highway use. A vehicle trailer with another vehicle mounted on it shall be considered one vehicle.

RESIDENTIAL DISTRICT. Any districted intended for the inclusion of residential dwelling units as a principal use and enumerated in Article 4 of this Code.

RESIDENTIAL STRUCTURE. A structure containing one (1) or more dwelling units.

RESIDENTIAL USE OR PURPOSE. Any use permitted or specially permitted in a Residential District.

RETENTION BASIN. An area containing a permanent pool of water as well as capacity to detain additional storm water for long periods of time.

RIGHT-OF-WAY. A strip of land intended and permanently set aside exclusively for use for vehicular or pedestrian access or passage or for installation of railroad tracks, utility lines or similar facilities.

RIGHT-OF-WAY, PRIVATE. A right-of-way that has not been dedicated to and accepted by, and that is not otherwise owned by any government agency.



RIGHT-OF-WAY, PUBLIC. A right-of-way that has been dedicated to and accepted by, or that is otherwise owned by, a government agency.

SCREENING. A structure erected or vegetation planted to conceal an area from view.

SENIOR CITIZEN HOUSING. Housing which is:

1. (A) provided under any State or Federal program that the Secretary of the Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or
- (B) intended for, and solely occupied by, persons 62 years of age or older; or
- (C) intended and operated for occupancy by persons 55 years of age or older, and
  - (i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;
  - (ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required hereunder; and
  - (iii) the housing facility or community complies with rules issued by the Secretary of Housing and Urban Development for verification of occupancy, which shall:
    - (I) Provide for verification by reliable surveys and affidavits; and
    - (II) Include examples of the types of policies and procedures relevant to a determination of compliance with requirement of clause (ii), and
2. Prohibits residents younger than 21 years of age; and
3. Interpretations and implementation of this definition shall be according to the provisions of and regulations adopted pursuant to 42 USC 3607; and
4. May provide communal eating, recreational and other facilities for the exclusive use of the aforesaid occupants and their occasional guests; and
5. May provide personal care, sheltered care, intermediate care, or skilled care, including intermediate or skilled nursing care services, for the exclusive use of the aforesaid occupants.

SETBACK. The minimum horizontal distance between a specified lot or other line, measured as nearly as possible at right angles to such line, and the nearest point of a building or structure located within the same lot. (See Appendix A, Page A-12).

SHADOW FLICKER. The moving shadows or shaded areas which are cast by rotating turbine blades. Shadow flicker intensity is defined as the difference or variation in brightness at a given location in the presence and absence of a shadow.

SHARED PARKING SPACES. Parking Spaces which may be utilized to fulfill the Parking Space requirements of more than one (1) principal use as provided by Section 10-1.3.b.5.

SIDE LOT LINE. See “Lot Line, Side”, defined herein.

SIDE YARD. See “Yard, Side”, defined herein.

SIGN. Any object, device, display or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, by any means, including words, letters, figures, designs, symbols, fixtures, colors or projected images, whether or not illuminated. For definitions of particular functional and structural types of signs, refer to Section 11-5.

SIGN FACE. The area made available by a sign structure for the purpose of displaying the sign’s message.

SINGLE FAMILY ATTACHED DWELLING. See “Dwelling, Single Family Attached”, defined herein.

SINGLE FAMILY DETACHED DWELLING. See “Dwelling, Single Family Detached”, defined herein.

SIGHT DISTANCE TRIANGLE. A triangular shaped portion of land which is demarcated at street intersections, alley and street intersections or driveway and street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to exceed a height of three (3) feet. (See Appendix A, Page A-18.)

SITE PLAN REVIEW. See Section 16-10 of this Code.

SMOKE. Small gas-borne particles other than water that form a visible plume in the air.

SOUND FREQUENCY. The number of oscillations per second in hertz (Hz). How sound is perceived is partly dependant on what the frequency is. High frequency sound has more oscillations per second, whereas low frequency has fewer.

SOUND LEVEL. The A-weighted sound pressure level in decibels (dB) (or the C-weighted level if specified) as measured using a sound level meter that meets the requirements of a Type 2 or better precision instrument according to ANSI S1.4. The ‘average’ sound level is time-averaged over a 1-2 minute period, using an integrating sound level meter that meets the requirements of ANSI.

SPECIAL DISTRICT. The Open Space District or the Institutional Buildings District.

SPECIAL USE PERMIT. See Section 16-9 of this Code.

**SPORTS AND ENTERTAINMENT COMPLEX.** Any building or site that has as its principal purpose operation of a facility for participatory sporting events. Such a complex may include retail or restaurant uses completely enclosed within a principal structure.

**STACKING SPACE.** A parking space intended for the temporary parking of a vehicle while the driver remains in the vehicle awaiting access to a facility or service.

**STORY.** Except as otherwise specifically provided in this Code, 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, then the space between the floor and the ceiling next above it. The floor of a story may have split levels provided that there is not more than four feet difference in elevation between the different levels of the floor. Any floor space devoted to:

1. A residential use in which the distance from one floor to the floor or ceiling above it is more than twelve (12) feet shall be deemed to consist of one (1) story for each twelve (12) feet of height or fraction thereof.
2. A warehousing and storage or manufacturing, fabrication, processing, assembly and alteration use in a building or a portion of a building having only (1) one floor in which the distance from the floor to the ceiling above it is more than thirty-two (32) feet shall be deemed to consist of one (1) story for each thirty-two (32) feet of height or fraction thereof.
3. Except for permitted uses in the Open Space or Institutional Buildings District.
4. Any other use in which the distance from one floor to the floor or ceiling above it is more than eighteen (18) feet to be deemed to consist of one (1) story for each eighteen (18) feet of height or fraction thereof, except that the Board of Trustees may specify a greater story height for uses authorized pursuant to a Special Use Permit.

For purposes of this definition, the distance from one floor to the floor or ceiling above it shall be measured between the top surface of the floor and the bottom surface of the inside top covering of a room, unless the bar joists or other structural supports for the inside top covering of the room are exposed, in which event the distance shall be measured between the top surface of the floor and the bottom of such bar joists or other exposed support structures. (See Appendix A, Page A-9).

**STORY, HALF.**

1. A space under a sloping roof that has the line of intersection of the roof and wall face not more than three (3) feet above the floor level and in which space the possible floor area with head room of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath.
2. A basement but only when half or more of the floor to ceiling height of a basement (over more than half of the floor area) is above grade; when more than half of the floor to ceiling height of a basement (over more than half of the floor

area) is below grade, the basement shall not be counted as either a story or half story. (See Appendix A, Page A-9.)

STREET. The paved portion of a right-of-way, other than a driveway, that affords the principal means of vehicular access to abutting property.

STREET CLASSIFICATIONS.

Expressway. A divided multi-lane street for through traffic with partial control of access and with grade separations at major intersections.

Arterial or Primary Street. A street, with access control, channelized intersections, restricted parking, that collects and distributes traffic to and from collectors or any other street designated by the Board of Trustees, by resolution duly adopted, as an Arterial street.

Collector or Secondary Street. A street that collects traffic from local streets and connects with arterials, or any other street designated by the Board of Trustees, by resolution duly adopted, as a Collector street.

Local or Minor Street. A street designed to provide vehicular access to abutting property and to discourage through traffic.

STREET LINE. A lot line separating a street right-of-way from other land.

STREET, PRIVATE. Any street other than a public street.

STREET, PUBLIC. A street that has been dedicated to and accepted by, or that is otherwise owned by, a government agency.

STRUCTURAL ALTERATION. Any change, other than incidental repairs, that would prolong the life of the supporting members of a structure such as bearing walls, columns, beams, girders or foundations or that would alter the dimensions or configurations of the roof or exterior walls of a structure or that would increase either the floor area of a structure.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground, but not including paving or surfacing of the ground. References to "structure" shall in all cases be deemed to refer to both structures and buildings.

STRUCTURE, ACCESSORY. See Article 9, Part A, of this Code.

STRUCTURE, NONCONFORMING. See "Nonconforming Structure", defined herein.

STRUCTURE, PRINCIPAL. See "Principal Building or Structure", defined herein.

SUBDIVISION CODE. The Libertyville Subdivision Code. See Chapter 22 of the Municipal Code.

SUBSTANTIAL CONFORMITY. For the purposes of granting plan approvals relating to planned developments and site plans, a newly submitted plan shall be deemed to be in substantial conformity with a previously approved plan if, but only if, the newly submitted plan when compared to the previously approved plan:

1. does not increase the number of dwelling units or the floor area of the development; and
2. does not change the floor area devoted to any particular use by more than two percent (2%); and
3. does not increase the building coverage or lot coverage by more than two percent (2%); and
4. does not change the orientation of any building by more than ten degrees (10°); and
5. does not decrease open space by more than two percent (2%); and
6. does not change the general location of any open space in any manner to detract from its intended function; and
7. does not change the general location and arrangement of land uses within the development; and
8. does not change the street classification of any right-of-way or otherwise change or relocate rights-of-way in any manner or to any extent that would decrease their functionality, adversely affect their relation to surrounding land use and rights-of-way elements or reduce their effectiveness as buffers or amenities; and
9. does not alter the percentage of any land use in any stage of the development by more than ten (10) percentage points; and
10. does not delay any stage of the previously approved development schedule by more than twelve (12) months; and
11. does not violate any applicable law or ordinance; and
12. does not depart from the previously approved plan in any other manner determined by the reviewing body or official, based on stated findings and conclusions, to be a material deviation from the previously approved plan.

SUN GLINT. The reflection of sunlight off of a surface, as in the case of blades, tower, or other component of a Wind Energy Facility

SURFACE AREA, ANTENNA. See “Antenna Surface Area”, defined herein.

SWIMMING POOL. A water-filled enclosure, permanently constructed or portable, having a depth of more than twenty-four (24) inches, designed, used, and maintained for swimming and bathing.

TEMPORARY USE. A use that:

1. is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; and

2. does not involve the construction or alteration of any permanent structure.

THEATER. An indoor establishment where live performance, motion picture, or other recorded media are offered for public viewing, where admission is charged. This does not include any licensed sexually oriented business, as defined herein.

TOWER. A tall structure, mounted in the ground, on which a wind turbine is mounted.

TOWNHOUSE. See “Dwelling, Single Family Attached”, defined herein.

TURBINE. The parts of a Wind Energy Facility including the blades, nacelle, and tail.

TWO FAMILY DWELLING. See “Dwelling, Two Family”, defined herein.

USABLE OPEN SPACE. See “Open Space, Usable”, defined herein.

USE. The purpose or activity for which a building, structure or land is designed, arranged or intended, or for which it is occupied or maintained.

USE, ACCESSORY. See “Accessory Use or Structure”, defined herein.

USE INTERPRETATION. An interpretation of the permitted use or special permit use lists established by this Code for the purpose of allowing a use not expressly mentioned in those lists to be established in a Zoning District found to be appropriate for such use by application of the standards established in Section 16-6 of this Code.

USE, NONCONFORMING. See “Nonconforming Use”, defined herein.

USE, PERMITTED. A use that appears on the permitted use list of a particular Zoning District.

USE, PRINCIPAL. See “Principal Use”, defined herein.

USE, SPECIAL PERMIT. A use that appears on the special permit use list in a particular Zoning District.

USE, TEMPORARY. See “Temporary Use”, defined herein.

VARIATION. See Section 16-8 of this Code.

VEHICLE. Any device for carrying passengers, goods or equipment including, but not limited to, passenger automobiles, vans, trucks, trailers, buses, recreational vehicles, and vehicles used for commercial, business or governmental purposes.

VEHICLE REPAIR, MAJOR. Rebuilding or reconditioning of engines or vehicles, such as collision service, body repair, and frame straightening; painting and upholstering;

vehicle steam cleaning; undercoating; and the storage of vehicles awaiting repair or service for periods longer than five (5) calendar days.

VEHICLE REPAIR, MINOR. General maintenance and repairs, incidental replacement of parts, and service to passenger automobiles, vans, and trucks not exceeding one and one-half ton capacity, but not including any operation included in “Vehicle Repair, Major” as defined herein.

VEHICLE, RECREATIONAL. See “Recreational Vehicle”, defined herein.

VERTICAL AXIS WIND TURBINE. Turbine of which the main rotor shaft is arranged vertically and that does not need to be pointed into the wind in order to generate electricity.

VILLAGE. The Village of Libertyville, Lake County, Illinois.

VILLAGE ADMINISTRATOR. See Section 2-94 of the Municipal Code. When used in this Code, the term Village Administrator shall refer either to such official or to his or her duly authorized delegate.

VILLAGE ENGINEER. The head of the Engineering Division of the Village. When used in this Code, the term Village Engineer shall refer either to such official or to his or her duly authorized delegate.

VISUAL OBSTRUCTION. Any object, including but not limited to, a fence, wall, landscaping, or signage that limits visibility of vehicular or pedestrian traffic.

WAREHOUSE. A building used primarily for the storage of goods and materials.

WAREHOUSING AND STORAGE. Industry primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other warehouse products. These establishments provide facilities to secure and store goods. They do not sell the goods they handle.

WHOLESALE TRADE. A business engaged in the sale of commodities in quantity, usually for resale or business use chiefly to retailers, other businesses, industries, and institutions rather than to the ultimate consumer.

WIND ENERGY FACILITY. An electricity generating facility consisting of one or more Wind Turbines under common ownership or operating control, and may include substations, MET Towers, cables/wires and other buildings accessory to such facility, whose purpose is to supply electricity to off-site or on-site customers or users of such electricity.

WIND TURBINE. A wind energy conversion system which converts wind energy into electricity through the use of a wind driven turbine generator.

WIND TURBINE HUB HEIGHT. The distance measured from the average adjacent grade level to the center of the turbine hub.

WIND TURBINE TOTAL HEIGHT. The distance measured from average adjacent grade level to the blade of the wind turbine extended at its highest point.

YARD. An open space on a lot that is unoccupied and unobstructed from its lowest level to the sky, except by structures expressly authorized by this Code to be located in yards. A required yard extends along a lot line and at right angles to such line to a minimum depth or width specified in the yard regulations for the Zoning District in which such lot is located. (See Appendix A, Page A-15).

YARD, CORNER SIDE. A yard on a corner lot extending between the front yard line and the rear lot line; and between the corner side lot line and the corner side yard line. (See Appendix A, Page A-15).

YARD, FRONT. A yard extending between the side lot lines of a lot or between the side lot line and the corner side lot line of a lot, and between the front lot line and the front yard line (See Appendix A, Page A-15).

YARD, REAR. A yard extending between the two interior side lot lines from the rear lot line to the rear yard line. In the case of corner lots, the rear yard shall extend from the interior side lot line to the corner side yard line. (See Appendix A, Page A-15).

YARD, SIDE. A yard extending between the front and rear yard lines and between the interior side lot line and the interior side yard line. (See Appendix A, Page A-15).

YARD LINE. A line drawn parallel to a lot line at a distance therefrom equal to the minimum depth or width of the yard required along such lot line by this Code.

ZONING ADMINISTRATIVE BODIES. The Zoning Board of Appeals and the Plan Commission of the Village. See Article 15 of this Code.

ZONING BOARD OF APPEALS. The Zoning Board of Appeals of the Village. See Section 15-2 of this Code.

ZONING CERTIFICATE OF COMPLIANCE. See Section 16-4 of this Code.

ZONING CLASSIFICATION. See “Classification or Zoning Classification”, defined herein.

ZONING CODE. See “Code”, defined herein.

ZONING DISTRICT. A part of the corporate area of the Village wherein regulations of this Code are uniform. See also Section 3-3 of this Code.



ZONING DISTRICT MAP OR ZONING MAP. See Section 3-6 of this Code.

ZONING ENFORCEMENT OFFICIAL. The Village Administrator.