



Article 1

GENERAL PROVISIONS, ADMINISTRATION, & DEFINITIONS

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Division I General Provisions

Section 1.010. Short title; introduction to

- 1) This Chapter shall be known and may be cited as the Zoning Ordinance of the City of O'Fallon, Illinois.
- 2) This Chapter repeals, replaces, augments and revises Chapter 42, Zoning of the Code of Ordinances, City of O'Fallon, Illinois in existence on the effective date of this Chapter.

Section 1.020. Authority

This Chapter is adopted pursuant to the authority granted to the City by Section 65 ILCS 5/11-13-1 *et. seq.*, the City's nuisance powers, and the police powers of the City. In addition, to the extent applicable, the authority and powers of the City to enact and enforce the provisions herein shall be deemed governed by the home rule authority as may apply, established by Art. VII, § 6(a) of the Illinois Constitution, and to the extent any conflict exists between this Chapter and any statutory enactment, this Chapter shall be deemed to supersede, except where such authority has been expressly preempted by the General Assembly.

Section 1.030. Jurisdiction

This Chapter shall be effective throughout the corporate limits of the City and on property owned by the City outside the corporate limits of the City. Nothing herein shall be construed to preclude the City from adopting and enforcing extraterritorial zoning, planning, subdivision and building regulations.

Section 1.040. Purpose

The provisions of this Ordinance have been established for the purpose of promoting the health, safety, and general welfare of the community and for maintaining a high quality living environment. The zoning regulations and districts have been designed and developed to lessen congestion in the streets; to secure safety from fire and other hazards; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; to maintain the aesthetics of development and redevelopment; to conserve property value; to promote innovative and energy conscious design, and ensure efficient and effective circulation systems; to encourage the conservation of land resources, minimization of auto travel; to promote orderly economic growth and to protect and preserve historical, architectural or aesthetically important sites. The zoning regulations and districts have been made with reasonable consideration of the character of the district, the suitability and aesthetic quality for the particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community in accordance with the City's Comprehensive Plan. This Ordinance is adopted under the authority of Illinois Statutes and any amendments thereto and other applicable authority.

Section 1.050. Relationship to other provisions of the Code

- 1) Cross-references: The use of buildings and land within the City is subject to all other applicable provisions of the O'Fallon Code of Ordinances as well as this Chapter, whether or not the other provisions of the O'Fallon Code of Ordinances are specifically cross-referenced in this Chapter. Cross-references to other provisions of the Code in this Chapter are for the convenience of the



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reader, and lack of a cross-reference should not be construed as an indication that other provisions of the O'Fallon Code of Ordinances do not apply.

- 2) Chapter provides minimum requirements: The provisions of this Chapter are the minimum requirements necessary for the promotion of public health, safety or the general welfare. Whenever this Chapter requires greater restrictions than are required pursuant to any other statute or local regulation, this Chapter shall govern.

Section 1.060. Relationship to comprehensive plan and other policies

It is the intention that this Chapter implement the planning policies adopted for the City as reflected in the Comprehensive Plan, as amended, and other planning documents, including the Commercial Design Handbook dated July 6, 2009 and on file with the City Clerk. Neither this Chapter nor any amendment thereto may be challenged merely on the basis of an alleged nonconformity with the Comprehensive Plan or other planning policy. (*Ord 3665; passed 5-3-10*)

Section 1.070. Relationship to private restrictions

The provisions of this Chapter are not intended to affect any deed restriction, covenant, easement or any other private agreement or restriction on the use of land. Where the provisions of this Chapter are more restrictive or impose higher standards than any such private restriction, the requirements of this Chapter shall control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this Chapter, the private restrictions shall control, if properly enforced by a person having the legal right to enforce the restrictions. Private restrictions shall not be enforced by the City.

Section 1.080. Prohibitions

- 1) No building or structure shall be erected, constructed, reconstructed, moved or altered, nor shall any building, structure or land be used for any purpose except in accordance with the provision of this Chapter and other relevant provisions of the O'Fallon Code of Ordinances.
- 2) The density and yard requirements of this Chapter are the minimum regulation for each and every building or structure constructed after the effective date of this Chapter and for any building or structure hereafter constructed or structurally altered.

Section 1.090. Adequate public facilities and services

At the time of submittal of a sketch plan, preliminary and/or final development plan, special use permit, preliminary plat or final application, the applicant shall submit proof of having reviewed the development proposal with applicable officials regarding public services and facilities, including but not limited to water, sewer, gas, electric, highway, and street officials. Proof of this review shall be provided on forms furnished by the Department. These forms shall provide an opportunity for applicable water, storm and waste water, fire, gas, electric, and highway and street officials to provide comments on the existing and future availability and timing of services and facilities provided by their respective districts, agencies or departments to the subject property. If adequate public facilities and services are not presently available at the time of submittal of these applications, or are not planned to be available reasonably concurrent with the anticipated impacts of the proposed development, as determined by the affected utility company, City or other governmental agency or department, the application may be denied.



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Section 1.100. Zoning of annexed lands

Unless land is rezoned at the time of its annexation into the City, annexed land shall automatically attain the zoning district classification most similar to the district it is currently zoned under the County or prior jurisdiction zoning, unless the land is not lawfully zoned, in which case it shall attain Agricultural District zoning classification under this Code until the property is rezoned pursuant to the provisions of this Chapter.

Section 1.110. Use of land or buildings

- 1) Subject to Section 1.130, no person may use or occupy any land or buildings or authorize or permit the use, occupancy of land or buildings except in accordance with all of the applicable provisions of this Zoning Ordinance.
- 2) For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.
- 3) Special permits: The Director shall monitor all outstanding special use permits issued under the previously existing regulations and prior to expiration of the existing special use permit, the permit holder may, if required under this Zoning Ordinance, apply for a special use permit as set forth in Article 7.



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Division II Administration & Enforcement

Section 1.120. Director of Planning and Zoning

- 1) The Director of Planning and Zoning (Director) or duly designated and acting Zoning Administrator shall be responsible for interpreting and administering the provisions of this Chapter and shall have primary responsibility for the enforcement of this Chapter by all necessary and appropriate means of the duties as required herein.

The Director may adopt such administrative policies as necessary to the carrying out of such duties.

Section 1.130. Planning Commission

The Planning Commission of the City of O'Fallon, which has been duly created by the City Council, is the Planning Commission (Commission) referred to in this Chapter. The objective and purpose of the Commission are those set forth in the Comprehensive Plan, Zoning Code, Subdivision regulations and amendments and supplements thereto. The regulations, membership, terms of office, powers and duties delegated to the Commission by the City Council of O'Fallon are set forth in Ordinance #632 of March 2, 1970 and the Commission Charter/By Laws as may be approved by the City Council.

Section 1.140. Building Permits, Zoning Permits and Occupancy Permits

- 1) Building Permit: No building or other structure shall be erected, moved, added to, placed, reconstructed, extended, enlarged, raised, or structurally altered without a Building Permit therefore issued by the Department of Planning and Zoning (Department). A Building Permit shall not be issued by the Department except in conformity with the provisions of this Ordinance, unless said official receives a written order from the Hearing Officer in the form of an interpretation involving a formal appeal proceeding as provided by the applicable provisions of Article 15 Hearing Officer or in the form of a variation from those regulations that, as applied, authorizes the proposed use, construction, or consistent with the provisions relating to variances in accordance with Article 15, or in the form of a Special (Use) Permit as provided by the applicable provisions of Article 7; or upon receipt of a written order from a Court with jurisdiction under an Administrative Review proceeding.
- 2) Zoning Permit
 1. A Zoning permit shall be required whenever a building or structure is erected, moved, added to, placed, reconstructed, extended, enlarged, raised or structurally altered, or as otherwise required by the City. No Building Permit shall be issued until the Director has issued a Zoning Permit confirming the proposed building, structure, or alteration is consistent with and authorized by the applicable zoning.
 2. Upon determination of compliance of the application with all applicable requirements of the zoning code and the Subdivision and Development Control Ordinance, if applicable, the Director shall issue a zoning permit stating that the proposed building or structure is authorized in compliance with this Chapter.



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3. Nothing in the issuance of a zoning permit shall be deemed to grant authority for uses or construction not authorized by the applicable regulations.
- 3) Occupancy Permit:
 1. No building or structure hereafter erected or structurally altered shall be occupied and used until an Occupancy permit indicating compliance with the applicable sections of the Building Code, Zoning Code, and any other applicable section of the Municipal Code has been issued by the Director.
 2. Occupancy permits shall be requested in the manner required under the O'Fallon Building Code and further satisfying the conditions of this Section.
 3. The Director shall cause the premises to be inspected to determine that the proposed use and any buildings or structures involved comply with all respects with the provisions of this Chapter or with a written order from the Hearing Officer in the form of an administrative review decision on an appeal or variation as provided in Article 8 of this Chapter.
 4. Upon determination of compliance, the Director shall issue an occupancy permit stating that the building or structure is in compliance with this Chapter.
 5. The issuance of an occupancy permit is required in addition to the zoning permit and Building Permit requirement for a certificate of occupancy, not as a substitute for the same.
 6. A record of all zoning and occupancy permits shall be kept in file in the office of the Department of Planning and Zoning, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or structure affected.
- 4) Cost and Applications: For individual applications for permits, a fee in amount as determined by separate ordinance authorized by the City shall be charged the applicant, payable to the City, for the cost of processing. There shall be submitted with all applications for a permit: two (2) copies of a site development plan drawn to accurate scale showing the actual dimensions of the subject lot, the size and location of the lot, buildings, structures and uses existing and/or proposed and such other information as may be necessary to determine and provide for the administration and enforcement of this Chapter.
- 5) Authorizations: A building permit or zoning permit shall be a permission to proceed with the proposed work and shall not be construed to be an authorization to violate, cancel or set aside any of the standards and requirements of this Chapter, except as maybe specifically stipulated by variation from said standards and requirements in accordance with the procedures specified by the provisions herein.
- 6) Compliance with Approved Applications: All work and use activity regulated under this Chapter shall conform to the approved application, including the plans and other accompanying documents for which a building permit or zoning permit has been issued, and any approved amendments thereto. Whenever and wherever any work is being done or any premises is being maintained and the performance or maintenance thereof is not in conformity with the approved application and accompanying supporting documents, then such work or maintenance shall be unlawful being in violation of the terms and conditions under which approval was given and the zoning permit issued.
- 7) Expiration of Zoning Permit: A building permit or zoning permit shall expire and become invalid if the authorized work is not commenced within twelve (12) calendar months after issuance of



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said permit or, if after once commencing the authorized work, the work is suspended, abandoned or otherwise not actively prosecuted to completion for a period of six (6) months, the permit or zoning permit shall expire and become invalid unless otherwise determined.

- 8) Revocation of permit: The Director may revoke a building permit or zoning permit issued under this Chapter in any instance of false statement or misrepresentation of fact in the application or on the approved plans or other accompanying documents for which the permission to perform work activity was based.

Section 1.150. Entry and inspections of land and buildings

To the extent otherwise permissible by law and consistent with any required procedures as may be imposed by law, the personnel of Department of Planning and Zoning or its authorized representatives are hereby empowered in the performances of their functions, to enter upon any land in the City of O'Fallon for the purpose of making inspections, examinations, and surveys required to effectuate the purpose and provisions of this Chapter. The above authorized persons shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this section.

The Director is authorized to inspect or cause to be inspected any building or other structure or any land on which work is planned pursuant to a permit application or is in progress.

Section 1.160. Violations of prior regulations

All violations under the previously existing regulations that exist within the City as of the effective date of this Chapter shall continue to be violations and shall not be considered to be legal, nonconforming situations under this Chapter. The City shall have the authority to secure civil remedies for violations of those regulations to the same extent that it may secure similar remedies for violations of this Chapter pursuant to Section 1.190.

Section 1.170. Violations, fines and civil remedies

- 1) Notice of Violation or Correction Order: If the Zoning Official determines that a violation of this Chapter or regulations made under its authority has occurred, he may issue the violator a civil citation which shall be proceeded upon in accordance with the provisions herein. The Notice or Order shall be issued to the violator by the Zoning Official, which shall include a notice or summons to answer the charges against him within the time specified on the form for hearing before the circuit court. Upon issuance of a Notice or Order, the Zoning Official shall provide a copy of the notice or summons to the clerk of the circuit court bearing jurisdiction.
- 2) Fines for violations: If the Notice of Violation or Correction Order is not complied with promptly, in addition to other remedies available, the Zoning Official may request the legal counsel of the City to institute the appropriate proceedings at law or in equity (i) to prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use (ii) to prevent the occupancy of the building, structure, or land, (iii) to prevent any illegal act, conduct, business or use in or about the premises, or (iv) to restrain, correct, or abate the violation. The owner or general agent of a building or premises where a violation of any provision of the regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where a violation has been committed or exists, or the owner, general agent, lessee or tenant of any part of the building or premises in which a violation has been committed or exists, or the general agent, architect, builder, contractor or any other person who commits,



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takes part or assists in any violation or who maintains any building or premises in which any violation exists shall be guilty of a misdemeanor punishable by a fine in an amount as set by separate ordinance of the City or other such penalty as determined by the City attorney or discretion of the court.

- 3) Civil lawsuits: The City shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this Chapter and to abate nuisances maintained in violation thereof. In the event that any building or structure is or is proposed to be erected, constructed, altered, converted or maintained in violation of this Chapter, or any building, structure or land is proposed to be used in violation of this Chapter, the City Attorney, or other appropriate authority of the City may, in addition to any other remedies, institute injunction, mandamus or any other appropriate actions or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises. Attorneys fees for the prosecution of any civil lawsuit pursuant to this section shall be assessed against the person committing the violation where not prohibited by law.
- 4) Stop-work order:
 - a) Issuance: In addition to other measures available to cause corrective action or to restrain the furtherance of work upon or occupancy of any premises contrary to the provisions of this Ordinance, or in a manner contrary to the terms and conditions under which a Zoning Permit was issued under this Ordinance, without need of issuance of a Notice of Violation or Correction Order, the Zoning Official shall have the power and authority to order all work stopped upon the subject building or structure, or in or about the premises whereon the violation or other objectionable condition shall occur. Upon the issuance of an order to stop-work, the work shall be immediately stopped by all persons involved therewith. This stop-work order shall be issued in writing and shall be presented (i) to the owner of the property involved, or (ii) to the person doing the work or performing the occupancy. In the event the stop-work order is rejected or if no responsible person is present, the order shall be posted on the premises in a conspicuous place. The stop-work order shall state: (i) the nature of the violation or objectionable condition, (ii) that no work shall precede unless authorized by the Zoning Official, and (iii) shall identify the premises.
 - b) Observance of stop-work order: Each person who shall continue, or who shall cause to be continued, any work in or about the building, structure or premises having been subject to a stop-work order, except to perform as he is directed to perform to correct or abate a violation or objectionable condition, shall be liable a fine in an amount as set by separate ordinance of the City.

Section 1.180. Severability

It is the City's intention that the sections, subsections, paragraphs, sentences, clauses and phrases of this Chapter are severable, and if any section, subsection, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, the unconstitutionality or invalidity shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Chapter since the same would have been enacted without the incorporation into this Chapter of the unconstitutional or invalid section, subsection, paragraph, sentence, clause or phrase. The City Council hereby declares that it would have passed the ordinance which adopted this Chapter and each article, section, subsection,



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sentence, clause and phrase hereof irrespective of the fact that any one or more other articles, sections subsections, sentences, clauses and phrases be declared unconstitutional.

Section 1.190. Computation of time

Unless otherwise specifically provided, the time within which an act is to be completed is based upon calendar days. All acts must be completed within the timeframe specified, subject to extension periods specifically provided for in this Chapter.

Section 1.200. Fees

- 1) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, special use permits, subdivision plat approval, zoning amendments, variances and all other applications covered by this Chapter. The amount of the administrative fees charged shall be as established by the City.
- 2) Fees established in accordance with this Section or as established by separate ordinance shall be paid upon submission of a signed application or notice of appeal.



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Division III: Rules of Interpretation

Section 1.210. Rules of interpretation

- 1) Definitions and usage: For the purposes of this Chapter, all words and terms used in this Chapter are limited to the meanings given to them by this Article or as specifically provided in another Article of this Chapter. Words and terms that are defined in another Article of this Chapter relate specifically to that Article. Words or terms that are not defined shall be given their common dictionary definition. Unless the context clearly indicates to the contrary, the following interpretations apply:
 - a) Words used in the present tense shall include the future tense;
 - b) Words used in the singular shall include the plural and words used in the plural shall include the singular; and
 - c) The word "shall" is mandatory.
- 2) Definitions in other Chapters: If a word or term is not defined in this Article but is defined elsewhere in this Chapter or in the O'Fallon Municipal Code, that definition shall be applicable unless the context indicates that a standard dictionary definition is more appropriate.
- 3) Interpretation of Land Uses: If a particular land use is not defined in this Chapter or substantially conforms with one of the land use definitions provided herein, the City shall determine if said use(s) is permitted in a particular district and the appropriate land use regulations that may apply.
- 4) Joint ownership: Where this Chapter permits or requires an act on the part of an "owner" or "landowner," and a particular lot or tract of land is owned by several persons, whether in joint tenancy, tenancy in common, partnership, joint venture or other form of joint ownership, the act shall be taken on behalf of, and with the express written consent of, all such persons, which written consent shall be provided to the City.

Section 1.220. Reserved

Division IV: Definitions

This division contains words or terms that are generally found throughout this Chapter.

- 1) Abut: To physically touch or border upon; to share a common property or lot line.
- 2) Access: A way or means of approach to provide physical entrance to a property.
- 3) Accessory building or structure: A subordinate building or structure, the use of which is incidental to and customarily in conjunction with the main building or use and which is located on the same lot as the main building or use. Accessory structures shall include sheds, detached garages, carports, decks, pools and covered patios. A structure housing an accessory use is considered

an integral part of the principal structure when it is attached to the principal structure and must meet principal structure setbacks.

The following additional regulations apply only to accessory buildings (garages, sheds, etc) only in the SR (single-family) zoning districts. These regulations do not apply to pools, decks, or covered patios.

- a) The ground floor area of each accessory building shall not exceed 1,000 sq. ft. (total floor area not to exceed 2,000 sq. ft.). The footprint of the accessory building may not exceed the footprint of the principal building. Single-family lots are permitted to have a 500 sq. ft. garage regardless of the footprint of the principal building, but must comply with all other requirements.
- b) The height may not exceed the shortest ridgeline of the principal building, not to exceed 25 feet and 2 stories.
- c) The setback requirement between accessory buildings on the same lot shall be a minimum of 10 linear feet.
- d) No accessory building exceeding 200 sq. ft. may have metal exterior walls.

(Ord 3665; passed 5-3-10)

- 4) Accessory use: A subordinate use of a building or land which is incidental to the main use, and customarily associated with the main use which is located on the same lot as the main building or use.
- 5) Addition: An extension or increase in floor area or height of a structure.
- 6) Adjacent: Having a common border or end point, or across a road, street, sidewalk, right-of-way or thoroughfare.
- 7) Adult: Any person who has reached eighteen (18) years of age.
- 8) Adult uses: The following words associated with adult entertainment or uses shall have these definitions:
 - b) Adult bookstore: An establishment that, as a regular and substantial business purpose, offers for sale or rent books, magazines, periodicals or other printed matter, photographs, slides, films or videotapes that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." The derivations of, modifications of, or terms directly associated with adult bookstore shall maintain the following definitions.
 - c) Adult encounter parlor: An establishment that, as a regular and substantial portion of its business, provides premises where customers congregate, associate, or consort with employees and/or performers or private contractors who display "specified anatomical areas" in the presence of such customers, with the intent of providing sexual gratification or stimulation to such customers.
 - d) Adult entertainer: Any person who provides adult entertainment within an adult entertainment business as defined in this Article, whether or not a fee is charged or accepted for entertainment.

- e) Adult entertainment: Any live exhibition, performance, display or dance of any type, including but not limited to, talking, singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service offered for amusement on a premises where such exhibition, performance, display or dance is intended to seek to arouse or excite the sexual desires of the entertainer, other entertainers, or patrons, or if the entertainment involves a person who is nude or in such an attire, costume or clothing as to expose to view any "specified anatomical area."
- f) Adult entertainment business: Any enterprise to which the public, patrons or members are invited or admitted, and where providing "adult entertainment," as defined herein, is a regular and substantial portion of its business.
- g) Adult entertainment cabaret: An establishment, that, as a regular and substantial portion of its business, is providing adult entertainment which features strippers, male or female impersonators, go-go dancers, live performances or material that is primarily characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
- h) Adult entertainment studio: Includes the terms rap studio, exotic dance studio, sensitivity studio and/or encounter studio. An establishment whose premises is physically arranged to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, and where a regular and substantial portion of its business is providing entertainment which features materials or live performances characterized by an emphasis on or features materials relating to "specified sexual activities" or the exhibition of "specified anatomical areas."

For purposes of this definition:

- i. "Adult Media" shall mean magazines, books, videotapes, movies, slides, paraphernalia or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
 - ii. "Specified Anatomical Areas" shall mean (a) uncovered or exposed human genitals, pubic region or pubic hair; or buttock; or female breasts or breasts below a point immediately above the top of the areola or nipple; or any combination of the foregoing; or (b) human male genitals in a discernable erect state, even if completely and opaquely covered.
 - iii. "Specified Sexual Activities" shall mean any of the following: (1) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or (2) Acts actual or simulated of sexual intercourse, masturbation, sodomy, or oral copulation.
- 9) Agricultural operation: Use of land where such land is devoted to the production of plants, animals or horticultural products, including forests and forest products; harvest and management; dairy farming; grazing and pasturage; truck gardening; bee keeping; the raising of crops, fruit and nursery stock; fish farms; fur bearing animal farms; and the harvesting, processing, packaging, packing, shipping, marketing and selling of products produced on the premises; incidental farm occupations; and such uses as machinery, farm equipment, and domestic repair and construction, excluding stockyards, agricultural processing plants, commercial feed lots and slaughter houses. Agricultural activity shall not include the removal of

trees for the purpose of development or redevelopment or the removal of trees without replanting.

- 10) Agricultural sales and services: Establishments or places of business primarily engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Uses also include hay, feed and grain stores, and tree service firms.
- 11) Aircraft: any contrivance now known or hereafter invented for flight in air.
- 12) Alley: See "Street."
- 13) Alteration: Any addition, removal, extension or change in the location of any portion of a structure.
- 14) Antenna- accessory use: Except for circumstances governed by the definitions in Article 15, Telecommunications Towers, the following definitions shall apply to this Chapter:
 - a) Antenna: An arrangement of wires, metal rods, or other materials used for the transmission and/or reception of electromagnetic waves. The derivations of or words directly associated with antenna shall maintain the following definitions:
 - b) Antenna support structure: Any mast, pole, tripod, tower or similar structure used to support an antenna.
 - c) Antenna system: The combination of an antenna and antenna support structure.
 - d) Antenna system height: The overall vertical length of the antenna system above grade. If such system is located on a building, the overall height shall include the height of the building.
 - e) Antenna tower: Any structure designed for the purpose of mounting an antenna.
 - f) Communication tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like.
 - g) Mast: Any structure or part of an antenna that has vertical dimensions greater than five (5) times its horizontal dimension that supports or lends support to any part of an antenna.
 - h) Radio Transmitting and Receiving Antenna: An array or system of wires, tubing and supporting members mounted on a mast, tower or building, used for transmitting and/or receiving radio signals that include, but are not limited to, citizen band and other special frequencies.
 - i) Satellite Parabolic or Dish Receiving Antenna: A conical, circular or similar shape element of any material, and all of its supporting structures and devices, used for the reception of signals of any frequency from an earth satellite.
 - j) Standard Residential Receiving Antenna: An array made up of small metal tubing and supporting members that are commonly installed on or near residential buildings for the purpose of receiving television or radio signals.
- 15) Apartment: See "Dwelling."



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- 16) Applicant: The owner of land, or the owner's authorized agent, or any person authorized by this Chapter for which an approval in relation to this Chapter is sought.
- 17) Area, buildable: The space remaining on a zoning lot after the minimum open space, setback and all other lot requirements have been satisfied.
- 18) Area zoned for residential use: Those properties located in a Residential District (as defined).
- 19) Arts, crafts and photo studio: An establishment or place of business primarily engaged in the production of works of art or photographs which may require mechanical equipment or individuals and assistants, including the sale to consumers of those works produced.
- 20) Audio and video recording sales and rentals: A business establishment primarily engaged in the retail sale or rental of prerecorded music, movies or other audio or video programs.
- 21) Automotive service: an establishment or place of business primarily engaged in automotive related sales or services. The following automotive use types shall be defined as follows:
 - a) Automotive sales and lease: An establishment or place of business primarily engaged in the sale and leasing of automobiles, vans and/or trucks less than two (2) tons, including incidental parking and servicing of vehicles available for sale, lease or rent.
 - b) Automotive rental agency: An establishment or place of business primarily engaged in the rental of automobiles, vans and/or trucks less than two (2) tons, including incidental parking and servicing of vehicles available for rent.
 - c) Automotive customizing shop: An establishment or place of business that primarily provides after-sales services for automobiles, including the attendant retail sales of accessories for such automobiles, such as installation, conversion and modifications to the interior or exterior of automobiles.
 - d) Automotive parts and supply store: An establishment or place of business primarily engaged in the sale of merchandise that is associated with the use, repair or upkeep of automobiles, including service and installation, but excluding automotive repair shops.
 - e) Automotive service station: An establishment or place of business primarily engaged in gasoline or diesel fuel sales at retail for automobiles, recreation vehicles and motorcycles, and where in addition at least one of the following services is rendered: sale, replacement, or servicing of spark plugs, oil, water hoses, brake fluids, batteries, distributors, tires, carburetors, brakes, fuel pumps, or other automotive parts or accessories. Such use shall include establishments that provide express oil changes, and sell at retail and install new automobile audio and/or video equipment. See "automotive repair shop" where major mechanical activities are allowed.
 - f) Automotive repair shop: An establishment or place of business primarily engaged in the repair of automobiles or other motorized vehicles, or the installation or repair of equipment or parts on motorized vehicles such as mufflers, brakes, tires, transmissions, glass, and engines or engine parts, but excluding dismantling or salvage. Automotive repair shops also include:
 1. Automotive Paint or Body Shop: The use of a building or premises for the repair of automotive bodies and/or major mechanical works, straightening of body parts, painting, welding, or storage of automobiles not in operable condition.



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2. Tire Retreading or Repair Shop: The use of a building or premises for the repairing or retreading of automotive tires.
- g) Automotive tire store: An establishment or place of business primarily engaged in the sale of tires and services relating to the repair or purchase of tires for automobiles.
- 22) Bakery: A place for preparing, cooking, baking and selling of these said products on the premises.
- 23) Bar or tavern: An establishment or place of business primarily engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises with a city and state approved liquor license, including taverns, bars, cocktail lounges, and similar uses other than a restaurant, at which more than 50% of the total revenue is generated by food sales.
- 24) Barber shop/beauty salon/spa: A commercial establishment that serves its customers by cutting and dressing hair, shaving or trimming beards, and/or providing manicures, pedicures and facials. For purposes of this zoning code, establishments that provide manicures but do not cut hair will also be considered a Beauty Salon.
- 25) Basement: A story below the first story, and counted as a story for height regulations if subdivided and used for dwelling purposes other than for a janitor or watchman employed on the premises.
- 26) Bed-and-breakfast home stay: An establishment or place of business that is a private, owner-occupied residence with one (1) to three (3) guest rooms, occupied or used as a transient abiding place of individuals or groups of individuals who are lodged for compensation, with or without food service.
- 27) Bedroom: A room in a dwelling unit designed for sleeping that is separable from other rooms by a door.
- 28) Berm: A mound of earth used as a screening or landscaping device.
- 29) Block: A platted tract of land entirely surrounded by public highways, streets, streams, waterways, railroad rights-of-way, cemeteries, or parks, or a combination thereof. In places where the platting is incomplete or disconnected, the Director shall determine the outline of a block.
- 30) Board: The City of O'Fallon, Illinois, Zoning Board of Appeals.
- 31) Broadcast: To transmit information over the airwaves to two or more receiving devices simultaneously, including transmission over local television or radio stations, satellite systems or wireless data communications networks.
- 32) Buffer zone: An open and unpaved ground area around the perimeter of a tract of land that is landscaped or planted so as to provide green space.
- 33) Building: A structure for the purpose of housing or enclosing persons, animals or chattels.
- 34) Building coverage: The floor area of the building at grade, also known as the building's footprint.
- 35) Building elevation: An exterior wall of a building exposed to public view.
- 36) Building, existing: A building erected prior to, or for which a valid building permit has been issued prior to, the effective date of this Chapter.



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- 37) **Building height**: The vertical distance measured from the highest average elevation of the proposed finished grade at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or the mean height level between eaves and ridge for gable, hip or gambrel roofs.
- 38) **Building line**: See "Setback line."
- 39) **Building Official**: The Building Official of the City of O'Fallon, Illinois, or his/her designee.
- 40) **Business or vocational school**: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zoning district. Incidental instructional services in conjunction with other primary use shall not be considered a business or vocational school.
- 41) **Carport**: A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.
- 42) **Car wash**: A building or portion thereof containing facilities for washing, waxing, drying, polishing or vacuuming private automobiles, light trucks and vans, but not commercial fleets. For purposes of this ordinance, coin operated devices operated on a self-serve basis shall be construed to be the same.
- 43) **Catering service**: An establishment that serves and supplies food to be consumed off premise.
- 44) **Cemetery, accessory use**: A place for the burial of deceased human beings or animals.
- 45) **Chapter**: The Zoning Ordinance, Chapter ____ of the O'Fallon Municipal Code.
- 46) **Chimney**: A structure containing one (1) or more flues for drawing off emissions from stationary sources of combustion.
- 47) **Church, temple or synagogue**: A building or group of buildings that are used to conduct organized religious services.
- 48) **City**: The City of O'Fallon, Illinois.
- 49) **City code**: The Code of Ordinances of the City of O'Fallon, Illinois, as amended.
- 50) **City Council**: The City Council of the City of O'Fallon, Illinois.
- 51) **City Engineer**: The City Engineer of the City of O'Fallon, Illinois, or his/her designee.
- 52) **Club, civic or fraternal organization**: A membership association composed of persons who are bona fide dues paying members and to whom (and their guests) use of facilities owned or leased by the association is generally restricted. Such definition shall include buildings owned or operated by a person, for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service that is customarily carried on as a business. This definition shall include organizations such as the American Legion, Masonic Lodge and Veterans of Foreign War.
- 53) **Co-branded facility**: Co-branding is the pairing of two nationally branded businesses in a single establishment. The most common co-branded developments consist of a fast-food restaurant franchise and a major branded fuel station. Co-branded facilities may also contain as a planned use a convenience store, car wash, ATM machine or drive through service. Parking, signage, landscaping and design continuity shall be in accordance with the City's minimum requirements.



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- 54) Commercial Art or Graphic Design Service: Establishments primarily engaged in providing commercial art or graphic design services for advertising agencies, publishers, and other business and industrial users.
- 55) Commission: The Planning Commission of O'Fallon, Illinois.
- 56) Common ground: Land within a development, not individually owned or dedicated for public use, which is designed and intended for the purpose of common use or enjoyment of the residents of the development. Common ground may include complementary structures and improvements.
- 57) Communication tower, accessory use: See "Antenna."
- 58) Computer Programming, Repair or Data Processing Service: Establishments primarily engaged in providing computer programming services on a contract or fee basis, the maintenance and repair of computers and computer peripheral equipment (whether on the premises or off), and/or providing computer processing and data preparation services including complete processing and preparation of reports from data supplied by the customer or specialized services, such as data entry or making data processing equipment available on an hourly or time-sharing basis. Such uses may also include a variety of additional services, such as computer software design and analysis; modifications of custom software; and training in the use of custom software.
- 59) Comprehensive plan: The Comprehensive Plan of the City of O'Fallon, Illinois.
- 60) Condominium: A system of separate ownership of individual units in a multiple unit building in which the property and building must be held in common ownership.
- 61) Construction contractor: A person engaged in the construction of buildings, engaged in heavy construction (such as streets, bridges or utilities), or specialized in such construction trades as plumbing, heating and air-conditioning, electrical wiring, masonry, roofing or gutters, well drilling, or house painting. Outdoor storage of machinery, equipment, or supplies shall be subject to provisions of Article 6.
- 62) Construction vehicles/equipment: A self-propelled or non-propelled equipment designed for on or off-road use in grading or construction or any vehicle containing or carrying construction tools or equipment; including trailers, attachments, and component parts for such equipment.
- 63) Convalescent, nursing or retirement home: An intermediate care facility primarily engaged in providing inpatient nursing and rehabilitative services to residents who require watchful care and medical attention or treatment, but not on a continuous basis, although staff is on duty 24-hours per day.
- 64) Convenience store: An establishment or place of business primarily engaged in the retail sale of gasoline or diesel fuel at fuel pumps and a limited number of products related to automobile maintenance, along with, packaged food, cold drinks, tobacco products and household convenience goods. This use shall not include liquor stores, automobile repair facilities or those uses allowed at an Automotive Repair Shop.
- 65) Council: The City Council of the City of O'Fallon, Illinois.
- 66) Court: (1) An unoccupied open space other than a yard on the same lot with a building which is bounded on two or more sides by the walls of such building; or (2) a court of law.



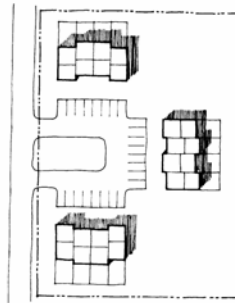
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- 67) Covenants: Any contract or deed, or portion thereof, restricting the manner in which land may be used.
- 68) Cul-de-sac: A street right-of-way intersecting another street right-of-way at one end and which terminates with a permanent vehicular turn around at the other end.
- 69) Curb level: The top of the curb at its highest point in front of the lot, or in the case of a corner lot, the point along the abutting streets where the curb level is the highest.
- 70) Dance hall: A business or establishment that offers for its patrons dancing accommodations exceeding 20% of the total floor area of the establishment. Uses shall include nightclubs, private clubs or other uses offering dancing accommodations for patrons of any age.
- 71) Day care facility: Terms associated with day care facilities shall be defined as follows:
- a) Day Care (home). A family home occupied by the day care provider in which family-like care is given to no more than eight (8) persons not related to the day care provider, for any part of the twenty-four (24) hour day, without overnight stays.
 - b) Day Care (commercial). A building occupied by a day care provider that receives more than (8) eight persons for care for any part of a twenty-four (24) hour day, without overnight stays.
 1. c) Day Care (accessory use). An accessory use wherein a portion of a building or lot occupied by a different primary use is occupied by the day care provider in which family-like care is given to no more than eight (8) persons for any part of the twenty-four (24) hour day, without overnight stays.
- 72) Deck, platforms and gazebos: A platform constructed of wood and located in the side or rear yard serving as a floor and located above the finished grade that is attached to a building.
- 73) Department: the Planning and Zoning Department of O'Fallon, Illinois.
- 74) Developer: A person who engages in development of land, whether or not that person is the landowner.
- 75) Development: Any man-made change to improved or unimproved land, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- 76) Director: The Director of the Planning and Zoning Department of O'Fallon, Illinois, or his/her designee.
- 77) Dog run: An enclosed outdoor area intended for the exercising and/or containment of dogs and similar animals.
- 78) Drive through establishment: A place of business that through design, physical facilities, service or packaging procedures, encourages customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles. This definition shall include all businesses with a drive-through component.
- 79) Dry cleaning and laundry pick-up: An establishment or business maintained for the pick-up and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

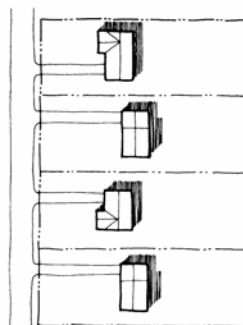
- 80) Dry cleaning plant: A facility where chemical solvents are used to dry-clean clothing and other fabrics.
- 81) Dwelling: A room or suite of rooms within an apartment building arranged, intended or designed as a place of residence; or any building, or portion thereof, which is designed, built, leased, rented, let, or hired to be occupied, or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking in the said building; or a building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, boarding and lodging houses, apartment houses and apartment hotels, but not hotels, motels, rooming houses, nursing homes, travel trailers, recreational vehicles, manufactured or mobile homes. The following words or terms associated with dwelling shall have the following meanings:

- a) Apartment: A suite of rooms or a room in a building arranged and intended for a place of residence of a single family or a group of individuals living together as a family in a separate dwelling unit.



DWELLING, TOWNHOUSE

- b) Four-Family Dwelling (Quadplex): A dwelling situated on one lot occupied exclusively by four families, respectively, in separate dwelling units living independently of each other.
- c) Loft Dwelling: A dwelling located above the first floor of a non-residential use such as a store, or office.
- d) Multi-Family Dwelling: A dwelling situated on one lot occupied by three (3) or more families in separate dwelling units living independently of each other.
- e) Single-Family Attached Dwelling (Villa, Twin Home, Condominium or Townhome): Single family dwellings sharing a common wall but situated on separate lots designed to be owned and occupied exclusively by separate families.
- f) Single-Family Detached Dwelling: A dwelling situated on one lot designed to be occupied exclusively by one family.
- g) Three-Family Dwelling (Triplex): A dwelling situated on one lot occupied exclusively by three families, respectively, in separate dwelling units living independently of each other.
- h) Two-Family Dwelling (Duplex): A dwelling situated on one lot occupied exclusively by two families, respectively, in separate dwelling units living independently of each other.



DWELLING, SINGLE-FAMILY DETACHED

- 82) Dwelling unit: One room or rooms connected together constituting a separate,



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independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms which may be in the same structure, and containing independent cooling and sleeping facilities.

- 83) Easement: A grant to the public or a person by the owner of land of the use of a described area of the land for specified purposes, where fee simple title to the land remains with the property owner.
- 84) Effective date: The date the ordinance adopting this Chapter takes effect.
- 85) Egress: A means of access or exit.
- 86) Employee: Any and all persons, including managers and entertainers who work in or at or render any services directly related to the operation of a business.
- 87) Engineer, City: See "City Engineer."
- 88) Equipment rental store: A place of business that rents tools, aerators, generators, compressors, tampers, and other light landscaping and construction tools and equipment.
- 89) Existing use: The use of a lot or structure at the time of the effective date of this Chapter.
- 90) Exterminating services: Any services related to the eradication and control of rodents, insects, and other pests with incidental storage on lots other than where the service is rendered.
- 91) Family: (1) A single individual doing his/her own cooking and living upon a premises as a separate housekeeping unit; or (2) A collection of persons doing their own cooking and living together upon a premises as a separate housekeeping unit in a domestic relationship based on birth, marriage, adoption or employment as domestic servants; or (3) a group of not more than three unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual agreement.
- 92) Fence: A freestanding structure resting on or partially buried in the ground that forms a barrier which is not otherwise part of any building or other structure and is used to delineate a boundary or as a means of confinement or privacy.
- 93) Financial services: An office establishment or business that primarily performs central banking functions (such as issuing currency, managing national money supply and international reserves, and acting as fiscal agent for the central government) and accepts deposits (or share deposits) and lends funds from these deposits, and which establishment may include these services to patrons and customers through an accessory, drive-through, as a planned use. Financial Services shall also include establishments primarily engaged in one or more of the following: (1) underwriting securities issues or making markets for securities and commodities; (2) acting as agents (i.e., brokers) between buyers and sellers of securities and commodities; (3) providing securities and commodity exchange services; and (4) providing other services, such as managing portfolios of assets; providing investment advice; and trust, fiduciary, and custody services. Uses include banks; savings associations; savings and loan institutions; investment banking; brokerage for securities or commodities; credit reporting services; certified financial planning; accounting; auditing; bookkeeping; credit service offices, including credit unions; holding and investment services; savings and loans association offices; and consumer and mercantile credit reporting services;

Financial Services does not include pawn shops, businesses primarily engaged in check cashing or issuing money orders or title loan establishments or other businesses offering short-



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term consumer loans secured by personal property, certificates of title to such property estimated tax refunds or other such collateral (all of which are prohibited money changing/money brokering uses). (See also "Small Loan Establishments".)

- 94) Floor area ratio (FAR): The numerical value obtained through dividing the gross floor area of a building or buildings by the area of the lot on which the building or buildings are located.
- 95) Floor area, gross (GFA): The sum of the gross horizontal areas of the several floors, measured in square feet, including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The gross floor area of a building shall also include elevator shafts and stairways at each floor; floor space used for mechanical equipment, penthouses, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses. The gross floor area shall not include: areas or space devoted to off-street parking or loading; and uncovered porches, terraces and loading docks.
- 96) Floor area, net (NFA): The sum of the net horizontal floor area of the several floors of a building measured from the exterior faces of the exterior walls or from the interior faces of walls separating two (2) buildings.

The net floor area of a building shall include:

- a) Basements, when used for other than storage;
- b) Penthouse, excluding mechanical penthouses;
- c) Attic space having a headroom of 7.5 feet or more;
- d) Enclosed porches;
- e) Interior balconies and mezzanines, excluding those designed and used as pedestrian common space;
- f) Floor area devoted exclusively to storage;
- g) Entrance lobbies;
- h) Interior covered common areas designed primarily for pedestrian circulation; and
- i) Public restrooms.

The net floor area of a building does not include:

- a) Floor space occupied by mechanical, telephone and electrical equipment, and mechanical penthouses;
 - b) Stairwells, escalators and elevator shafts;
 - c) Attic space having a headroom of less than 7.5 feet;
 - a) Interior off-street parking and loading areas; and
 - b) Basements, or portions thereof used for storage.
- 97) Freight terminal: A building or premises where trucks, railcars or other vehicles load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.
- 98) Frontage: The side of a lot abutting a public right-of-way line.



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- 99) Frontage road: A public or private street, closely paralleling a larger public street that provides the primary means of vehicular access from abutting property to a larger street.
- 100) Funeral home services: A building or establishment, or portion thereof, used for the preparation of deceased humans and ceremonies connected therewith prior to burial or cremation.
- 101) Furniture, appliance, or equipment lease or rental: An establishment "leasing" furniture, appliance, television, stereo and/or VCR equipment, and other household items to consumers under retail installment sales agreements or other contracts styled as a lease renewal from week to week or month to month. Also known as Rent-to-Own stores.
- 102) Garage, accessory use: An accessory building to a principal structure primarily used for storage of a motor vehicle.
- 103) Garden center: A retail establishment that sells gardening supplies, landscaping tools, plants, shrubs, trees and associated products. Uses shall include commercial green houses, garden centers and plant nurseries.
- 104) Golf course: Golf courses of regulation size "Par 3" golf courses of either 9 or 18 holes, but not including commercially operated golf driving ranges nor miniature golf courses. Golf Course shall include associated club house or country club, pro shop, and cart rental operation.
- 105) Governing Body: The Mayor and City Council of the City of O'Fallon, Illinois and/or the body having jurisdiction or final authorization of any requirement(s) contained herein.
- 106) Grade: The average elevation of the finished surface of the ground, paving or sidewalk within the area between the building and property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
- 107) Grade, street: The slope of a road, street or other public way, specified in percentage (%) of vertical to horizontal measurements.
- 108) Greenhouse: A building whose roof and sides are made primarily of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or for personal enjoyment.
- 109) Gross floor area: See "Floor area, gross."
- 110) Group home for the disabled: A residential facility for the developmentally disabled where meals, lodging, supervision and training are provided.
- 111) Group home, dormitory: A residential facility for religious, educational or charitable purposes where meals, lodging, supervision and training are provided.
- 112) Guest house: An accessory use to a dwelling designed and intended for the temporary housing of visitors to a property at the invitation of the property residents for no fee or other consideration, and meeting or exceeding the standards for Single-Family Dwellings.
- 113) Health club or fitness center: A business that provides facilities for aerobic exercises, such as running and jogging tracks, exercise equipment, game courts, gymnasium, or swimming facilities.
- 114) Hearing Officer: The City of O'Fallon Hearing Officer.
- 115) Height: See "Building height."



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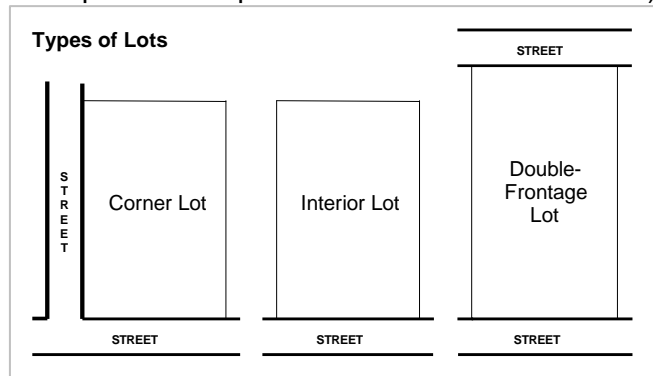
GENERAL PROVISIONS, ADMINISTRATION, & DEFINITIONS

- 116) Heliport: An area of land or water or a structural surface that is used for the landing and taking off of helicopters, and any appurtenant areas that are used for helicopter buildings and other heliport facilities. This definition shall also include helistops.
- 117) Home occupation, accessory use: Activity conducted in a dwelling unit as an economic enterprise or for compensation by members of the household residing therein that is clearly incidental and secondary to the use of the dwelling unit for residential purposes. For purposes of this definition, "activity" shall be presumed to include any activity occurring in whole or part from a residence in the City that is: 1) required to be licensed by the State of Illinois, 2) operating under an incorporated entity under applicable law or required to be so incorporated, or 3) otherwise determined to be a business activity operating out of the home by the Planning Director based on the character of the activity at the location such as: (1) use of residential location on marketing or other materials, (2) customer visits, (3) signage, and (4) deliveries or other activities of a degree or nature that are not typical of purely residential uses. Home occupations shall include, but not be limited to:
- (1) Office uses, including web-based businesses;
 - (2) Art Studio or home crafts including, but not limited to quilting, sewing, jewelry making, home cooking for sale off-site;
 - (3) Teaching, with instruction limited to three (3) pupils at a time; and
 - (4) Home day care.
- (#3643; 11-02-09)
- 118) Hospital: An institution providing primary health service and medical and surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. This shall include, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.
- 119) Hotel: A building, or portion thereof, offering lodging accommodations to the general public for compensation and that may provide additional services such as restaurants, meeting rooms, and recreational facilities.
- 120) House, boarding: A building other than a hotel or restaurant where meals are provided for compensation to three or more persons, but not more than ten, who are not members of the keeper's family, but not open on a daily, overnight or per meal basis to transient guests. Uses include lodging house and rooming house.
- 121) Impervious coverage: The total ground area covered by all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements or structures contributing to run-off greater than would occur on the site in its natural state.
- 122) Improvement: Any man-made item that becomes part-of, is placed upon, or is affixed to land.
- 123) Industrial district: A zoning district designated by this Chapter as M-1.
- 124) Industrial, heavy: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing

processes that potentially involve hazardous or commonly recognized offensive conditions. Such uses include asphalt plants; oil and gas production; manufacture of cement, lime, gypsum and plaster of paris, chemicals and allied products, fabricated metal products, rubber and plastics products, stone, clay, glass and concrete products, and transportation equipment.

- 125) Industrial, light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental indoor storage, sales and distribution, of such products, but excluding basic industrial processing at a scale and intensity that is compatible with the surrounding uses and the intent of the City's M-1 District Regulations. Uses include bakery (industrial); bottling works; beverage manufacturing including, dairies (distributing and pasteurization) breweries/distilleries (fermentation, bottling and distribution); bus or taxi service or terminal (indoors); freight terminal and/or agency; dry cleaning plants; food and kindred products; printing and publishing; sawmill; welding repair shops; tool and die shops, and, the manufacturing of construction materials, electronic equipment and components, HVAC equipment, furniture, fixtures, precision instruments, tents, awnings and signs.
- 126) Infill development: Construction on an existing vacant lot on an existing street in an existing neighborhood or developed area. Infill development shall also include lots where more than 50% of the primary structure is altered.
- 127) Ingress: A means of access or entry.
- 128) Inoperative vehicle: See "Vehicle, inoperative."
- 129) Interference: Disturbances in reception caused by intruding signals or electrical current.
- 130) Junkyard, wrecking yard, salvage yard or scrap yard: A place where waste, discarded or salvaged metals, inoperative vehicles, used plumbing fixtures, and other materials are bought, sold, exchanged, stored, baled, cleaned; or a place for the storage of salvaged materials and equipment from house wrecking and salvaged structural steel; but excluding retail/commercial pawnshops and establishments for the sale, purchase, or storage of used cars in operable, drivable condition, salvaged machinery, used furniture and household equipment, and the processing of used, discarded or salvaged materials as part of manufacturing operations. For the purposes of this definition, any lot containing more than two (2) inoperative vehicles shall be considered a junkyard.
- 131) Kennel: Any structure or lot on which (4) four or more dogs and/or cats over four months of age are kept.
- 132) Kennel, commercial: Establishments primarily engaged in providing boarding and/or breeding services for a fee, for pets, equines, and other animal specialties. Does not include veterinary uses.
- 133) Laboratory: A building, or portion thereof, in which scientific, medical or dental research, investigation, testing or experimentation is conducted.
- 134) Land disturbance: Any removal of trees, groundcover, or other vegetation, or excavation or disturbance of soil, by means of heavy equipment (including all equipment weighing in excess of one thousand five hundred (1,500) pounds) or by any means affecting an area of five thousand (5,000) square feet or more in a period of one (1) year or less.

- 135) Landowner: Any person, agent, firm or corporation having a legal or equitable interest in a property.
- 136) Laundromat: An establishment where patrons wash, dry, press, or dry clean clothing or other fabrics in machines operated by the patron.
- 137) Limited price variety store: An establishment or place of business primarily engaged in the retail sale of a variety of goods at a set discount price such as a dollar store.
- 138) Liquor store: An establishment or place of business primarily engaged in retail sale for consumption off the premises of alcoholic beverages. Uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.
- 139) Livestock: Animals used for the production of food or products, such as cattle, sheep, goats, hogs or poultry.
- 140) Loading area: An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which a loading space is located.
- 141) Lot: A parcel of land or portion thereof (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or a mobile home or other structure or use and its accessories, together with such yards as are required under the provisions of this Ordinance, having not less than the minimum areas, widths and depth required under the provisions of this Ordinance, for a lot in the district in which land is situated, and having its principal frontage on a street or on such other means of access as permitted in accordance with the provisions of this Ordinance.



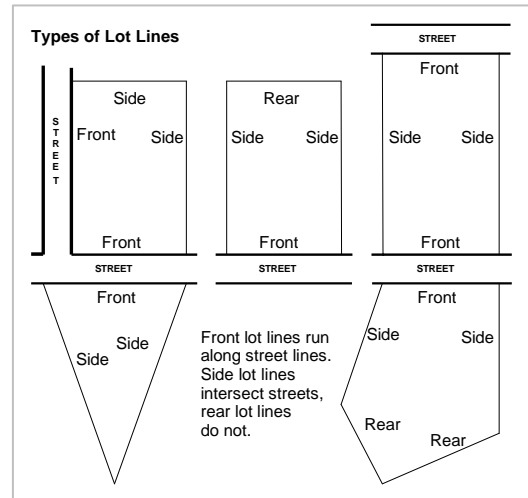
The minimum area of a lot as defined herein must be an integral unit of land under unified ownership in fee or in co-tenancy, or under legal control tantamount to such ownership, which ownership or control must continue for the existence of the building or other structures permitted to be situated on the lot. The word "lot" shall include the word "plot," "tract," "zoning lot" or "parcel". The derivations of lot shall maintain the following definitions:

- a) Lot area: The area of a horizontal plane bounded by the vertical planes through front, rear and side lot lines.
 - b) Lot, corner: A lot abutting upon two (2) or more streets at their intersection.
 - c) Lot depth: The mean horizontal distance between the front and rear lot lines.
 - d) Lot, double frontage: A lot having frontage on two (2) non-intersecting roads; as distinguished from a corner lot. This definition shall include through lots.
 - e) Lot, interior: A lot other than a corner lot whose sides do not abut upon any street.
- 142) Lot line: The property boundary line of any lot. The derivations or modifications of lot line shall maintain the following definitions.

a) **Lot line, front:** The lot line abutting a street or private drive. In the case of a corner lot, the front lot line shall normally be the lot line with the shortest length. In the case of a double frontage lot, the front lot line shall be the lot line adjacent to the street that provides primary access to the lot or towards which the main building on the lot is oriented.

b) **Lot line, rear:** Any lot line that is not a front lot line or a side lot line.

c) **Lot line, side:** Any lot line that intersects the front lot line. A side lot line shall include any linked line segments or arcs that have a bearing which is within forty-five (45) degrees of a line drawn perpendicular to the front lot line. Where the application of the rules is ambiguous or where the property owner requests an alternative designation, the Director may specifically designate the various lot lines for a particular lot.



143) **Lot width:** The horizontal distance between the side lot lines, measured at the front building line.

144) **Lot coverage:** The percentage of a lot or parcel which is, or will be, covered by the principal structure(s) and accessory structure(s). Lot coverage shall include all uses governed by a building permit, including but not limited to, above ground pools, in-ground pools, decks, covered patios, garages (detached and attached), sheds, car ports, porches and other similar items. Uncovered patios, driveways, sidewalks, retaining walls and play areas shall not be included as lot coverage.

For purposes of this Chapter, "lot coverage" is measured from a horizontal plane from the outermost edges of eaves, cornices, overhangs or areas covered by a weather-tight roof and shall be expressed as a percentage of total lot area.

145) **Lot of record:** A lot for which the plat or deed has been properly recorded prior to the effective date of this Chapter.

146) **Lumber or building materials sales:** Establishments or places of business primarily engaged in the retail or wholesale sale of materials used in the construction and maintenance of structures, as well as construction activities and the outdoor storage of construction equipment or materials on lots other than construction sites. Uses may include lumber yards, building materials stores, and tool and equipment rental or sales.

147) **Main building:** The primary building on a lot, or a building that houses a main use on a lot.

148) **Main use:** The primary or predominant use of land, a building or a structure.

149) **Manufactured home:** See, "Structure."

150) **Manufactured home sales:** A premises on which manufactured and/or modular homes are displayed for sale and are sold.

151) **Manufactured home subdivision:** Any lot or parcel under single ownership on which two (2) or more manufactured homes are to be located or intended to be located.



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- 152) Manufacturing: An economic activity involving the mechanical or chemical transformation of materials or substances into new products including the assembly of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics, resins, or liquors, at a scale and intensity that is compatible with the surrounding uses and the intent of the City's M-1 District. See also "Industrial, heavy" & "Industrial, light".
- 153) Massage, therapeutic: An establishment licensed by the State of Illinois (pursuant to the Massage Licensing Act (225 ILCS 57/1, *et seq.*, as amended)) that offers therapeutic massage. The definition does not include establishments that offer illicit sexual services under the guise of therapeutic massage.
- 154) Medical or Dental Office: See, "Office."
- 155) Microwave: Electromagnetic radiation with frequencies higher than 1,000 MHz; highly directional signal used to transmit radio frequencies from point to point at a relatively low power level.
- 156) Mini-warehouse (self-storage): A building or group of buildings consisting of individual, self contained units leased to individuals, organizations, or businesses for self-service storage of personal property.
- 157) Modular home: See, "Structure."
- 158) Motel: A building primarily offering transient lodging accommodations to the general public for compensation with access from each room to a readily accessible off-street parking area for use by the patrons of the building. This definition shall also include motor lodges.
- 159) Motor vehicle: See "Vehicle, motor."
- 160) Municipality: The City and any other body politic whether it be a city, town, village or political subdivision of this state, organized under the Constitution of the State of Illinois or under laws of the State of Illinois or by decision of the highest court of this state determined to be a municipal corporation.
- 161) Neighborhood commercial development: A Neighborhood Commercial Center (NCC) is a planned use that is designed to provide commercial support services to the rural areas of the city. The permissible locations for a (NCC) are only such locations designated as "neighborhood commercial" in the City's Comprehensive Plan. The NCC allows a mixture of residential and commercial uses to integrate commercial support for the residents located within a viable market area for the rural Neighborhood district. All Neighborhood Commercial Centers are subject to the requirement of Section 6.360 and Article 9 "Planned Uses".
- 162) Nursery: Land or structures used to raise flowers, shrubs, trees and other plant material for retail or wholesale sale.
- 163) Nursing home: See "Convalescent, nursing or retirement home."
- 164) Occupancy permit: permit issued by City prior to occupancy of any structure indicating compliance with applicable building codes.
- 165) Office: The use of any building or premises primarily for conducting the affairs of a business, profession, service, industry, or government, and generally furnished with desks, tables, files, and communication equipment. Terms associated with the word "office" shall have the following meanings:

- a) Business Office, General. An office used for the administrative or legal affairs of a non-residential use company with no retail activity or vehicular requirements of a walk-up or drive-through establishment and with no fleet vehicles and no outside storage requirements. This includes for profit, non-profit or charitable establishments. Uses shall include corporate offices, public relations service, direct mail or advertising agency, employment or personnel agency, manufacturers representative office, management services, Insurance agents, brokers, carriers, and services, security service office, trade union or association office, travel agency, dance, art, or photography studio or other general business office with no retail activity.
 - b) Medical or Dental Office. An office occupied and maintained for the provision of services by a person licensed by the State of Illinois to practice in the healing arts for humans, such as a physician, surgeon, dentist, optometrist or associated rehabilitation, fitness, and recreation offices.
 - c) Professional Office. An office occupied by a member of a recognized profession and maintained for the provision of professional services, such as a certified public accountant, lawyer, architect, city planner, landscape architect, interior designer, engineer, real estate agents, brokers, operators and lessors offices and property management services
 - d) Other Office. Any other office used for the administrative or legal affairs of a non-residential use with no retail activity.
- 166) Office park: A planned use, developed on a single parcel of property, that may contain a mix of office, retail and service uses as regulated by Article 9 and authorized by the City Council pursuant to an approved site plan.
- 167) Open space: Any parcel of land or water essentially unimproved or otherwise devoid of structures and paved areas set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.
- 168) Open space ratio: The numerical ratio between the open space of the site and the gross land area of the site.
- 169) Outdoor display area: A portion of a property outside of any building where merchandise, goods or other items are placed in public view for the purpose of direct sale or lease to customers.
- 170) Outdoor storage: The keeping in an unroofed, open area of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours
- 171) Parapet wall: Any wall that extends above the roof line.
- 172) Parking area (lot), public: An open, hard-surfaced area, other than a street or other public way, used for the parking of automobiles or other motor vehicles and available to the public whether for a fee or as an accommodation for clients or customers.
- 173) Parking garage, public: A building or portion thereof used by the public for the storage or parking of motor vehicles for compensation.
- 174) Parking, off street:



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- a) Parking Space, Automobile: A paved or dust-free space within a public or private parking area of not less than one-hundred and ninety (190) square feet (10' X 19'), exclusive of access drives, or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half ton capacity.
 - b) Parking Area, Automobile: A lot or part thereof used for the storage or parking of motor vehicles with or without the payment of rent or charges.
 - c) Parking Area, Private: An open, hard-surfaced area, other than a street or public way, designed, arranged, and made available for the storage of private passenger automobiles only, or occupants of the building or mobile home for which the parking area is developed and is accessory.
 - d) Loading Space (commercial & industrial only): An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
 - e) Parking Garage, Private: building or portion thereof for the storage of one or more vehicles for persons living on the premises.
- 175) Patio: A level, unenclosed surfaced area located at the finished grade that is accessory, and usually directly adjacent, to an attached building. Patio does not include a Deck.
- 176) Pawnbroker or pawnshop: An establishment or individual or business entity which lends money on the deposit or pledge of physically delivered personal property, other than property the ownership of which is subject to a legal dispute, securities, printed evidence of indebtedness or printed evidence of ownership of the personal property, or who deals in the purchase of such property on the condition of selling the property back again at a stipulated price, shall be held and is hereby declared and defined to be a pawnbroker. The business of a pawnbroker does not include the lending of money on deposit or pledge of title to property.
- 177) Pedestrian way: "Pedestrian way" shall mean a right-of-way dedicated or otherwise assigned to public use that cuts across a block to facilitate pedestrian access to adjacent streets and properties.
- 178) Performance standard: A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, heat, glare or other effects generated by or inherent in the uses of land or buildings. Such standards may also establish other various criteria for land use.
- 179) Performing arts theater: See "Theater."
- 180) Permitted use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
- 181) Person: Any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.
- 182) Photocopying and Duplicating Service: Establishments primarily engaged in reproducing text, drawings, plans, maps, or other copy, by blueprinting, photocopying, mimeographing, or other methods of duplication other than printing or microfilming.

- 183) Planning Commission: The Commission appointed by the City Council to administer the planning and zoning regulations as stipulated by the City Council and the Statutes of the State.
- 184) Plat, final: A complete and exact subdivision plat, prepared for official recording as required by state statute and the Subdivision Regulations, to define property boundaries and proposed streets and other improvements.
- 185) Plat, preliminary: A formal proposed plan for a subdivision prepared in accordance with the Subdivision Regulations.
- 186) Platted: Real property that is included within in the area of land covered by a final plat recorded with the Register of Deeds.
- 187) Play area: An improved and equipped area for the play of children.
- 188) Pole barn: A typically metal clad structure most often utilizing wooden poles and trusses for support with unfinished, insulated interiors. Such structures are normally used for agricultural purposes, for construction trade storage, or for general storage and not intended for human inhabitation.
- 189) Porch, accessory use: A platform that may be screened, projecting from the wall of a building and with direct access to or from a building. Porch does not include a deck.
- 190) Premises: An area of land with its appurtenances and buildings that, because of its unity of use, is one unit of real estate.
- 191) Printing and Publishing Facility: Establishments primarily engaged in printing by the lithographic process usually performed on a job or custom basis; but in some cases lithographed calendars, maps, posters, decalcomanias, or other products are made for sale. Offset printing, photo-offset printing, photolithographing, and publishing are also included. Establishments primarily engaged in publishing and printing newspapers and periodicals are also included.
- 192) Professional office: See "Office."
- 193) Professional or trade association: A private organization that promotes the interests of business groups, such as the Chamber of Commerce; professions, such as the Bar Association; or members of a trade, such as a labor union.
- 194) Prohibited use: A use that is not permitted in a zoning district by right, as an accessory use, with a special use permit, or as a planned use.
- 195) Public cultural facilities: Libraries, museums, art galleries and similar cultural facilities which are open to the general public.
- 196) Public hearing: A meeting announced and advertised in advance that is open to the public, and at which the public is given an opportunity to speak and participate.
- 197) Public improvements: Street pavements, curb and gutters, sanitary and storm sewers, permanent street monuments, water mains, sidewalks and any other related items that are owned by a political subdivision or public utility.
- 198) Public service facilities: A use owned or operated by a publicly owned or publicly licensed or franchised agency which provides essential public services such as utility, emergency, and safety services, including filtration plants, pump stations, water reservoirs, public water storage



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facilities, sewage treatment plants, police and fire stations, post offices, government administration buildings or other governmental uses. Wireless communication facilities as defined herein are not included in this definition.

- 199) Railroad right-of-way: Railroad right-of-way and trackage, but not including classification yards, terminal facilities, nor maintenance facilities.
- 200) Recording studio: An establishment providing sound recording services on a contract or fee basis.
- 201) Recreation facility or area (commercial): A commercial establishment or place of business primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. Recreation facility as defined here does not include any "adult uses." It shall include golf driving ranges, miniature golf, baseball and softball batting cages, billiards hall, bowling alley, arcade, skating rinks, swimming pools, camps, gun clubs, skeet or trap shoots, archery ranges or fishing lakes operated as a commercial or for-profit endeavor for recreational use of its patrons.
- 202) Recreation facility or area (non-commercial): Private outdoor playgrounds and recreational facilities that are accessory uses to a subdivision, apartment development, church, or other non-commercial principal use of property.
- 203) Recreation, rural: Rural recreation facilities generally include private clubs, lodges, camps, gun clubs, skeet or trap shoots, archery ranges or fishing lakes operated as a non-commercial or non-profit endeavor for recreational use of its patrons and located at least one-thousand (1,000) feet from any residence other than of the owner or lessee of the site and if not so operated as to withdraw land from its primary agricultural use. (See also "clubs, lodges and camps".)
- 204) Recreational vehicle: A vehicle used for purposes of recreation and amusement, including a portable vehicular structure without a permanent foundation that can be towed, hauled or driven and is primarily designed as a temporary living accommodation for recreational, camping and travel use. The definition includes, but is not limited to, motorcycles, mopeds, scooters, travel trailers, truck campers, camping trailers, boats, personal watercraft, snow mobiles, go-carts, tent trailers, fifth-wheel trailers, and self-propelled motor homes. Recreational vehicle does not include manufactured home or mobile home.
- 205) Recreational vehicle sales, lease or rental: The sale, lease or rental of recreational vehicles, including incidental storage, maintenance, and servicing.
- 206) Recycling facilities: An establishment, place of business or use of land for the collection of materials for the purpose of crushing, melting, rendering or reconstitution and reuse of the same materials. Recyclable materials include but are not limited to paper, newspaper, plastic, aluminum cans, metal, cardboard and magazines. Terms associated with recycling are defined as follows:
 - a) Recycling Collection Facility- temporary: A facility for the deposit or drop-off of recyclable materials. A recycling collection facility is not a salvage yard. Such a facility does not do processing except limited baling, batching, and sorting of materials. It is designed to allow for a combination of bins, boxes, trailers, reverse vending machines, and other containers for the collection of recyclable materials.

- b) Recycling Processing Facility- commercial: A facility that receives material from the public and/or other recycling facilities and uses power-driven machinery to prepare materials for efficient shipment by such means as flattening, sorting, compacting, baling, shredding, grinding and crushing.
- c) Recyclable Material: Recyclable material is "feedstock" used for direct conversion to manufactured products. It includes, but is not limited to: cans, bottles, plastic, and paper. Items composed of more than one material, such as salvaged vehicular parts, are generally not considered a recyclable material.
- 207) Repair services, onsite: An establishment primarily engaged in specialized repair services such as appliance repair, jewelry repair, bicycle repair, furniture repair or reupholstering services, leather goods repair (including shoe), lawn mower and lawn equipment repair, lock and gun repair, musical instrument repair, and radio, stereo, VCR, computer or TV repair where the repairs primarily take place at the business establishment. This use does not include "automotive repair shops". Repairs and all associated materials shall be performed inside a fully enclosed building. Storage of goods shall be inside a fully screened enclosure.
- 208) Repair services, offsite: An establishment primarily engaged in specialized repair or maintenance services at its customer's premises including, but not limited to, repairs to major appliances, heating and air conditioning units, electrical systems, plumbing systems, as well as performing pipe and drain cleaning, exterminating services, tuck pointing, and drive-way sealing. Such use also includes the incidental sale of heating, air conditioning, plumbing and other appliances by the service provider.
- 209) Research services: Establishments primarily engaged in research of an industrial or scientific nature, excluding final product testing. Uses include electronics research laboratories, space research and development firms, medical laboratories, or pharmaceutical research labs.
- 210) Residence: A Dwelling Unit.
- 211) Restaurant, fast-food: A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages. Such uses prepare food for consumption off the premises although seating may be provided for dining on the premises. Uses include soda fountains, cafes, diners, grills ice cream parlors, pizza parlors, chili parlors, hamburger shops, sandwich (sub) shops, coffee shops or snack shops, take-out only establishments and those that include a drive-through.
- 212) Restaurant, general: An establishment or place of business primarily engaged in the preparation of full course meals served on premise, with complete kitchen facilities for preparation of the food sold, and where alcoholic beverages may be sold in conjunction with meals, or at a bar within the restaurant, provided that more than 51% of the revenue generated at the restaurant is related to food sales. Uses include buffets, cafeterias, cantinas, barbeques, hamburger shops, pizza or chili parlors, diners and steak houses where more than 51% of the revenue generated is from food sales.
- 213) Restaurant, limited: A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages. Uses include soda fountains, cafes, diners, grills ice cream parlors, pizza parlors, chili parlors, hamburger shops, sandwich (sub) shops, coffee shops or snack shops, take-out only establishments and that do not include restaurants that serve



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alcoholic beverages, include a drive-through or that would be included under the definition of "fast food" or "drive-in."

214) Retail sales and services: A business offering the sale of commodities and services directly to customers, when such commodities and services are used or consumed by the customer and not purchased primarily for the purpose of resale. Retail sales and services shall include the following uses:

1. General Merchandise Retail Stores, limited to:
 - a. Department Stores;
 - b. Dry Goods Stores;
 - c. Limited Price Variety Stores; and
 - d. Wholesale establishment.
2. Food Merchandise Retail Stores, limited to:
 - a. Bakeries, non-manufacturing - except for retail sale upon the premises only; (See also "bakery.")
 - b. Candy and Confectionery Shops;
 - c. Dairy Product Markets;
 - d. Delicatessens;
 - e. Fruit and Vegetable Markets;
 - f. Grocery Stores (excluding Convenience Stores);
 - g. Health Food Stores;
 - h. Meat, Fish, Seafood and Poultry Markets.
3. Furniture and Home Furnishing Retail Stores, limited to:
 - a. China, Glassware and Metalware Stores;
 - b. Draperies, Curtains and Upholstery Stores, including custom-made service, and supplies;
 - c. Floor Covering and Carpet Stores, including installation and cleaning service;
 - d. Furniture Stores, including repair and service;
 - e. Household Appliance Stores, including repair and service;
 - f. Interior Decorator's Service Stores or Offices, excluding fabrication shops;
 - g. Lamp and Mirror Stores;
 - h. Musical Instrument Stores, including repair and tuning service, and supplies;
 - i. Office Furniture and Business Machine Stores, including service, repair, supplies, and equipment; and
 - j. Radio, Television, Computer, and Audio and Video Recorder Stores, including parts, repair, service, and supplies.

4. Apparel and Accessories, Retail Stores and Shops, limited to:
 - a. Apparel Accessory Shops;
 - b. Clothing Stores;
 - c. Custom Tailoring and Dressmaking Shops;
 - d. Clothing rental stores;
 - e. Jewelry and Lapidary Shops; and
 - f. Shoe Stores.

5. Miscellaneous Retail Sales and Service Stores and Shops, limited to and including the offering for retail sale any or of the following commodities:
 - a. Art Articles and Artist's Supply Stores;
 - b. Auction Halls and Antique Shops;
 - c. Barber shop, salon, spa, beauty shop. (See also "Barber shop, salon, spa or beauty shop".)
 - d. Books, Magazines, Newspapers, Greeting Cards, and Stationery (including letterhead and business card printing) Stores; Camera and Photographic Supply Shops, including optical goods;
 - e. Coin and Stamp Stores;
 - f. Equipment Rental Stores (does not Automotive Sales and Lease, Truck and Equipment Sales, Lease and Rental, and/or trailer rental);
 - g. Florists;
 - h. Gift, Novelty, Curio, and Souvenir Shops;
 - i. Hardware and Lawn and Garden Equipment and Supply Stores;
 - j. Hobby and Craft Shops, including but not limited to, Trophies and Engraving, Woodworking, Taxidermists, Gunsmiths and Bicycles;
 - k. Leather and Luggage Retail Shops;
 - l. Locksmith;
 - m. Newspaper Distribution and Delivery Stations;
 - n. Pet Shops, Retail;
 - o. Pharmacies, including, but not limited to, retailing of Toiletries, Notions, and Sundries;
 - p. Photography Processing Patron Drop-off Stations, Retail, (excluding patron drive-through service);
 - q. Sporting Goods Shops; or
 - r. Tobacco Shops; (See also "Tobacco Shops".)
 - s. RESERVED

- 215) **Rezoning:** Any amendment of the zoning district classification applicable to one (1) or more specific parcels of property.
- 216) **Roof:** The outside top covering of a building or structure.
- 217) **Roof, mansard:** A roof having two slopes on all four sides, with the lower slope almost vertical and the upper slope almost horizontal; or, from the ground, having the appearance of such a roof.
- 218) **Repair:** The reconstruction or renewal of any part of an existing structure, improvement or fixture for the purpose of maintenance.
- 219) **Residential district:** A zoning district designated by this Chapter as AG, SR-1A, SR-1, SR-1B, SR-2, SR-3, MR and MH.
- 220) **School, business; vocational:** A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting data processing, and computer repair.

221) **School, elementary and secondary:** Schools furnishing academic courses, ordinarily for kindergarten through grade 12. Included are public, private, and parochial schools and military academies furnishing academic courses for kindergarten through grade 12, and secondary schools which furnish both academic and technical courses.

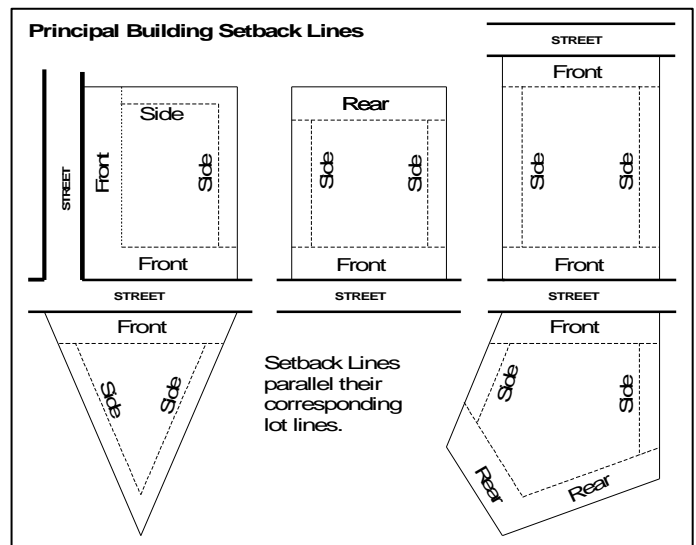
222) **School, private:** A facility established for the purposes of general education not associated with any public or governmental body. This definition shall include schools, academies, colleges, day schools, nursery schools, and schools associated with religious institutions (does not include home schooling by a parent of children residing at residence.)

223) **School, public:** A facility established by the State of Illinois, or other governmental agency for the purposes of education.

224) **Scrap yard:** See "Junkyard."

225) **Setback line or building line:** A line parallel to the respective lot line and internal to the lot that defines the required building setback as specified in the zoning district regulations. The derivations of setback line shall maintain the following definitions:

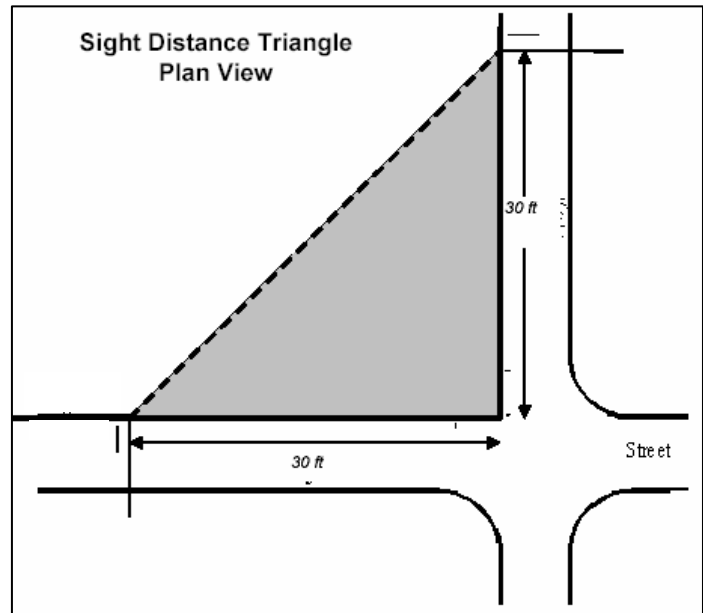
- a) **Setback line, front** shall be parallel to the front lot line and shall extend from side lot line to side lot line;
- b) **Setback line, rear** shall be parallel to all rear lot lines and shall extend from side lot line to side lot line. If there is no rear lot line, a semicircular rear setback line shall be drawn with a radius equal to the rear setback requirement and a center at the intersection of the side lines; and



- c) Setback lines, side are parallel to any side lot line and extend from the front setback line to the rear setback line or another side setback line.

226) Shopping (strip) center: A single piece of real estate containing more than three commercial establishments and a total retail or service space of more than 5,000 square feet planned, constructed, and managed as a total entity with customer and employee parking provided on site.

227) Sight distance triangle: The area bounded by the street right-of-way lines of corner lots and a line joining points along said street lines thirty (30) feet from their points of intersection. Nothing shall be erected, placed, planted, or allowed to grow within this triangular area in a manner as to materially impede vision between a height of 2-1/2 feet and 8 feet above the grades of the outside edge of the street surface of the intersecting surfaces. These requirements shall also apply to driveways serving development off collector and arterial roadways. The City Engineer may establish different sight triangles based upon standards in the policy manual published by the American Association



of State Highway and Transportation Officials (AASHTO). See diagram on next page for a depiction of the site distance triangle at an intersection of two streets.

- 228) Sign: See Article 12.
- 229) Small loan establishment: An establishment that engages in transactions in which a short-term cash advance is made to a consumer in exchange for a customer's post-dated check in the amount of the advance plus a fee, or in exchange for a consumer's authorization to debit a transaction account in the amount of the advance plus a fee at a designated future date. Uses include check cashing stores. The classification does not include a state or federally chartered bank, savings association, credit union, or industrial land company. Further, this classification does not include establishments selling consumer goods where the cashing of checks or money orders is incidental to the main purpose of the business.
- 230) Solid waste transfer station: A facility where refuse and garbage, but no hazardous waste, is delivered for compaction or aggregation and loaded on trucks for shipment to a remote landfill or other disposal facility.
- 231) Special event: See Article 17, Special Events.
- 232) Special use: A use allowed in the particular zoning district upon the issuance of a special use permit by the Planning Commission in accordance with the provisions of this Chapter.

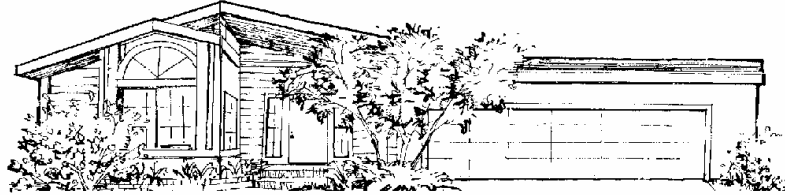
- 233) Specialty store: A retail establishment that sells a small number of specific lines of new merchandise, such as furniture, furnishings, carpet and tile, appliances, large wares, fixtures, computer or software, paint, wallpaper, fabric, luggage or leather goods, sewing equipment, sporting goods (including bikes, camping, hiking and other outdoor items), electronic equipment, audio/video equipment, wireless telephones and services, camera and photography equipment, and similar specific lines of merchandise. (See also “retail, sales and services”.)
- 234) Stable, track or polo field: Any structure or area located on a lot designed, arranged, or used for the care, exercise, running, feeding and storage of horses and other such animals, including, but not limited to, ponies, donkeys and mules.
- 235) Stockyard: An establishment or place of business primarily used for the temporary keeping of livestock for slaughter, market, auction or shipping.
- 236) Storage: The placement, keeping, or retention of vehicles, equipment, materials, goods, or products for intermittent use or subsequent distribution or transfer.
- 237) Story: The part of a building including between the surface of one floor and the surface of the floor next above, or if there is no floor above, that part of the building which is above the surface of the next highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level, mean street grade, or average ground level.
- 238) Street: An improved way for the conveyance of motor driven, rubber-tired vehicles, such as automobiles and trucks. Terms related to street shall mean as follows:
- a) Arterial Street: A State or U.S. numbered highway. Arterial streets are used for traffic of moderate to fast speeds and high volumes between major local centers of employment, recreation and shopping.
 - b) Collector Street: A major street used for traffic of moderate speeds and high peak volumes between local streets and arterial streets or serving as a principal entrance street or primary circulation route within a neighborhood or other limited area. Collector streets serve residential subdivisions, nonresidential or multi-family areas, but are not State or US numbered highways.
 - c) Local Street: A minor street used for traffic of relatively low speeds and volumes and for primary access to abutting properties.
 - d) Alley: A narrow street used as a secondary means of access and usually located along the rear lines of abutting properties.
- 239) Street line: The dividing line between the street and the abutting property.
- 240) Structural alteration: Any change, other than incidental repairs, to any structure.
- 241) Structure: A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water. Unless otherwise indicated, the following specific definitions shall apply:
- a) Conventionally-built building or conventionally-built structure: A building or structure utilizing customary methods of carpentry and construction; a building assembled and

erected at the building site using traditional or customary methods of carpentry and construction, having need of a permanent perimeter foundation. Such a building may involve the use of individual prefabricated structural-units (such as a beam, girder, plank, strut, column, or truss). The term shall include buildings designed and intended for dwelling, business, educational, or industrial use occupancy.

- b) Prefabricated building or prefabricated building structure: A completely assembled and erected building designed and constructed for permanent occupancy, of which fifty percent (50%) or greater of the structural parts consist of individual prefabricated structural units (such as a beam, girder, plank, strut, column, or truss) and prefabricated building subassemblies (such as an assembled section of wall, ceiling, floor, or roof, which may be of closed or open construction) that are transported from the place of manufacture to the building site to be incorporated into the building by field erection of such structural units and building subassemblies, having need of a perimeter formation permanent foundation. The term shall include buildings designed and intended to be used for dwelling, business, educational, or industrial use occupancy all of which are not regulated by the Illinois Department of Health.
- c) Modular building or modular building structure: A modular building or structure is a building assembly or system of building sub-assemblies including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation on the building site with a permanent foundation. The permanent foundations shall consist of a closed perimeter formation comprised of materials such as concrete or concrete blocks which extends into the grounds below the frost line. Modular buildings and structures shall have a yellow seal permanently affixed to the electrical box and comply with all applicable requirements of the Illinois Department of Health and the Building Officials & Code Administrators International (BOCA), Inc or the International Code Council (ICC). The City of O'Fallon may require additional items other than the minimum state requirements to be incorporated into the construction of modular homes.

Modular units typically come from the factory in two or more sections (box-like configurations complete with the plumbing, electrical, mechanical, wall, floor and ceiling coverings and cabinets. The illustration on the following page is a example of a modular dwelling.

Modular Dwelling

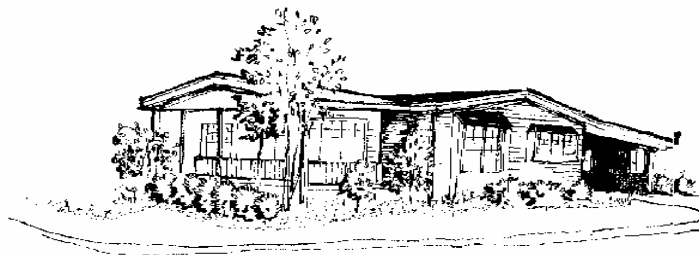


Characteristics of a Modular Structure: Residential Design

Residential Character: Pitched Roof Covered Entry Enclosed Garage	Architectural Details: Eave Projection Varying Depths Ornamental Windows	Modular Features: Modules for on-site construction	Permanent Features: Walkway and Stairs Formal Landscaping Footings and Foundation
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- d) Manufactured (mobile) home: “Manufactured home” shall mean a structure, transportable in one or more sections, which, in traveling mode, is 8 body feet of more in width or 40 body feet or more in length, or when erected on site, is 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. All manufactured homes shall comply with the federal manufactured home construction and safety standards established pursuant to the National Manufactured Home Construction and Safety Standards Act, 42. U.S.C. Section 5403 and constructed after June 15, 1976. Each manufactured home unit shall contain a red metal label permanently affixed to the rear of each towable unit and comply with the requirements of the Department of Housing and Urban Development (HUD), the Illinois Department of Public Health and all other applicable agencies.

Manufactured Home



Characteristics of a Manufactured Home

Residential Character: Pitched Roof Front Porch Landscaping	Architectural Details: Eave Projections Covered Entry Ornamental Windows	Manufactured Home Features: Horizontal Lap Siding Permanent Masonry foundation Double-wide manufactured home
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e) Structures; Differentiation of Mobile Home Structures:

- i. *(Mobile Structure) Mobile Home Structure:* "Mobile home or mobile structure" shall mean a mobile structure that is not resting in whole upon a permanent foundation and was constructed prior to the passage of the National Manufactured Home Construction and Safety Standards Act, 42. U.S.C. Section 5403 of June 15, 1976.
- ii. *Immobilized-mobile home or immobilized-mobile home structure:* A mobile home transformed to that which is 'real property', distinguished from that which is 'personal property', by virtue of causing the structure to rest in whole on a permanent foundation. Having been designed and constructed as a mobile home, the lack of mobility, for whatsoever cause, does not render the structure not a mobile home. Mobility or portability is not germane, that is, when portability is removed from a mobile home by causing it to rest in whole on a permanent foundation, it remains a mobile home. The transformation brought about by the act of causing the mobile home to rest in whole on a permanent foundation is the act to transform the mobile home from that which is personal property to that which is real property.
- iii. *Mobile home, dependent:* A mobile home, or travel trailer, which does not have a flush toilet or a bathtub or shower.
- iv. *Mobile home, independent:* A mobile home, or travel trailer, that has a flush toilet and a bathtub or shower.

242) Swimming pool: A structure, whether indoor or outdoor, above or below the surface of the ground or both, intended to contain water for swimming or wading, having an inside wall depth at any point of more than two (2) feet or a surface area exceeding two hundred fifty (250) square feet. The terms associated with swimming pool shall have the following meanings:

- a) *Swimming pool, private:* A swimming pool located at a private residence, used or intended to be operated for the exclusive use of the residents of the lot upon which it is located and their invited guests.
- b) *Swimming pool, private membership:* A swimming pool intended for use by only those persons who pay a membership or similar fee that entitles such persons to use the swimming pool for a predetermined period of time.
- c) *Swimming pool, public:* A swimming pool intended for use by the general public.

243) Synagogue: See "Church, temple or synagogue."

244) Tanning Salon: Any business subject to licensing by the State of Illinois to use artificial lighting systems to produce a tan on an individual's body.

245) Tattoo establishment: A place wherein tattooing, branding or body piercing on the body of another person is performed. For purposes of this definition:

- a) Tattoo: shall mean one or more of the following:
 - i. An indelible mark made on the body of another person by the insertion of a pigment under the skin; or

- ii. An indelible design made on the body of another person by production of scars other than by branding;
 - b) Body piercing: The perforation of human tissue other than an ear for a nonmedical purpose; and
 - c) Branding: Making a permanent mark on human tissue by burning with a hot iron or other instrument.
- 246) Telecommunications equipment: Antennas, cabinets, towers, and other equipment attendant to facilities used by the wireless telecommunications industry.
- 247) Temple: See "Church, temple or synagogue."
- 248) Temporary use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.
- 249) Theater: A building or premises devoted to showing motion pictures, or for live dramatic or musical performances. Terms associated with theater shall be defined as follows:
- a) Drive-In Motion Picture Theater. An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or other prerecorded productions to patrons seated in automobiles.
 - b) Motion Picture Theater. A building primarily used for the exhibition of movies or other prerecorded productions to the general public in an indoor setting.
 - c) Performing Arts Theater. A building primarily used for the presentation of live performances of plays or music.
- 250) Title loan establishment: Any person, entity or business that lends money to a borrower and in exchange retains physical possession of the state-issued certificate of title to the personal property of the borrower.
- 251) Tobacco shop: An establishment or place of business primarily engaged in retail sale for consumption off the premises of tobacco and/or tobacco-related products ("tobacco products") and/or an establishment where one-half (½) or more of the net floor area is dedicated to or where one-half (½) or more of the gross receipts are derived from the sale of tobacco products.
- 252) Townhouse: See "Dwelling."
- 253) Tract: A single unit of real property under one ownership, which may be platted or unplatted.
- 254) Trailer: A portable structure supported by wheels, jacks, horses, skids or blocks without permanent foundation that is towed or hauled by another vehicle used for temporary human occupancy, to carry materials, goods or objects; or use as a temporary office.
- 255) Travel trailer camps: A tract or parcel of land where temporary accommodations are provided for two or more trailers open to the public either free or for a fee.
- 256) Tree: See Article 13.
- 257) Truck & equipment sales, lease and rentals: An establishment or place of business primarily engaged in the sale, lease or rental of heavy trucks, tractors, construction equipment, trailers, agricultural implements, and similar heavy equipment, including incidental storage,



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maintenance, and servicing. Uses include heavy truck dealerships and construction equipment dealerships.

- 258) Unrelated: When referring to persons, shall mean two or more people not related by blood, marriage or adoption.
- 259) Use: The purpose or activity for which the land, or structure thereon, is designed, arranged or intended, or for which it is occupied or maintained.
- 260) Used car lot: A lot or parcel of land on which pre-owned or used motor vehicles, including, automobiles, trailers and trucks, are displayed for sale or trade.
- 261) Used Merchandise Store: A use primarily engaged in the retail sale of used merchandise, antiques, and secondhand goods, such as clothing and shoes; furniture; books and rare manuscripts; musical instruments; office furniture; phonographs and phonograph records; and store fixtures and equipment.
- 262) Vacation: The official abandonment of public right-of-way or easement by the City in accordance with state law.
- 263) Variance: A modification of the application of certain regulations or provisions of this Chapter by the Board, in accordance with the procedure established by this Chapter.
- 264) Vehicle, inoperative: Any wrecked, disabled or damaged motor vehicle. Any one of the following conditions shall be deemed prima facie evidence that a vehicle is inoperative:
- Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports;
 - Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways;
 - Storage of a vehicle with one or more deflated tires.
 - A vehicle that is not properly registered as required by law.
- 265) Vehicle, motor: Any passenger vehicle, motorcycle, recreational vehicle, truck, trailer truck, or semi-trailer that is propelled or drawn by mechanical power.
- 266) Veterinarian: An establishment or place of business primarily engaged in the medical care and treatment of animals.
- 267) Veterinary Clinic: A facility for the medical treatment of small domestic animals, which is staffed by at least one doctor of veterinary medicine, and which meets the following additional requirements:
- Proper waste disposal with no detectible odors beyond the property line,
 - No outdoor dog runs or play areas,
 - No indoor or outdoor boarding of animals, except for indoor boarding directly related to medical treatment,
 - Verification is provided to the City that the building design or construction will prevent noise from animals being audible from adjacent properties or tenants. (*Ord 3483; passed 10-16-06*)



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- 268) Walk-up establishment: A commercial establishment not engaged in the retail sales of goods that encourages its customers or patrons to park and leave their vehicle briefly to transact business.
- 269) Warehousing and distribution: An establishment or place of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants, at a scale and intensity that is compatible with the surrounding uses and the intent of the City's M-1 District. Such uses include freight terminals; trucking and courier services, moving and storage facilities, cold storage and wholesale & distribution establishments.
- 270) Wholesale establishment: A place of business primarily engaged in selling, brokering and distributing merchandise to persons other than members of the general public.
- 271) Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Chapter. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between a lot line and the building, or any protrusions therefrom, shall be used. The derivations of yard shall maintain the following definitions:
- a) Yard, front: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.
 - b) Yard, rear: A yard between the rear lot line and the rear of the main building and the side lot lines.
 - c) Yard, side: A yard between the main building and the adjacent side line of the lot, and extending entirely from the front yard to the rear yard thereof.
 - d) Yard, required: The minimum open space between a lot line and the buildable area of a lot within which no structure, parking area, or other obstruction shall be located except as provided by this Chapter.
 - e) Yard, required front: That yard established by the front setback requirement of this Chapter and the established front lot line.
 - f) Yard, required rear: That yard established by the rear setback requirement of this Chapter and the established rear lot line.
 - g) Yard, required side: That yard established by the side setback requirement of this Chapter and the established side lot line.
- 272) Zoning Administrator: The Zoning Administrator shall be the Planning Director or his/her designee. Also known as the Zoning Official.
- 273) Zoning map or atlas: The Zoning District Map of the City of O'Fallon, Illinois.
- 274) Zoning permit: A permit issued by the City indicating compliance with applicable zoning regulations.