

SECTION 3 DEFINITIONS

In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when repugnant to the context of any provision.

Words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular; the word “building” shall include the word “structure” and the word “lot” shall include the word “plot” and the word “shall” is mandatory and not directory.

The definitions listed below are applicable throughout this Zoning Ordinance, except where inconsistent with any definitions contained in any Section of this Ordinance.

ACCESSORY BUILDING OR USE – A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations. An “accessory use” includes, but is not limited to the following:

- (a) A children’s playhouse, garden house and private green house.
- (b) Shed or building for domestic storage.
- (c) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
- (d) Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations.
- (e) Off-street motor vehicle parking areas, and loading and unloading facilities.
- (f) Signs as permitted and regulated in each district incorporated in the ordinance.
- (g) Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.
- (h) Swimming pools.
- (i) Where a substantial part of the wall of an accessory building is part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building and conformed to all regulations applicable hereto.

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

AIRPORT OR AIRCRAFT LANDING FIELD – Any landing area, runway or other facility (including heliports), designed, used or intended to be used either publicly or privately by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings and open spaces.

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

APARTMENT – A room or suite of rooms in a multi-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen, bath and toilet facilities, permanently installed, must always be included for each apartment.

AUTOMOBILE LAUNDRY – A building or portion thereof where automobiles are washed by mechanical device.

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

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

AUTOMOBILE SERVICE STATION – A place where motor fuel, stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public on the premises and including minor accessories and services for automobiles; but not including major automobile repairs; and including washing of automobiles where a mechanical device is employed. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include sale or storage of junk vehicles or junk yards as defined herein.

AUTOMOBILE WRECKING YARD – Any place where one or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicle or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

AWNING – A roof like cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

BASEMENT – A story partly underground. Where more than one-half (1/2) of its height is above the established curb level or above the average level of the adjoining ground where curb level has not been established, a basement shall be counted as a story for purposed of height measurement.

BILLBOARD – Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to announce church services or to display court or other public office notices, or signs offering the sale or lease of the premises on which the sign is located.

BOARD OF TRUSTEES – The corporate authorities of the Village of Johnsburg. (*Added by Ord 06-07-63*)

BOARDING HOUSE – A building other than a hotel or restaurant where meals are provided for compensation to four or more persons, but not more than twelve, who are not members of the keeper’s family.

BLOCK – A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines, or shore lines of waterways or a corporate boundary line of the Village.

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

BUILDABLE AREA – The space remaining on a zoning lot after the minimum open space requirements of this ordinance have been complied with.

BUILDING, COMPLETELY ENCLOSED – A “completely enclosed building” is a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal exit or entrance doors.

BUILDING HEIGHT – The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

BUILDING, NON CONFORMING – Any building which does not conform to the regulations of this Ordinance prescribing the maximum floor area ratio, required yards,

coverage, height and setbacks, minimum required spacing between buildings on a single lot and minimum required usable open space for the district in which such building is located.

BUILDING, PRINCIPAL – A building in which is conducted the main use of the zoning lot on which it is situated.

BUILDING SETBACK LINE – A line parallel to the street line at a distance from it, regulated by the front yard requirements set up in this Ordinance.

BULK – The term used to describe the size and mutual relationships of buildings and other structures, as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the center line of streets, to other walls of the same building, and to other buildings or structures, and to all open spaces relating to the building or structure.

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

CELLAR – A cellar is a story having more than one-half (1/2) of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

CLINIC OR MEDICAL HEALTH CENTER – An establishment where patients are admitted for special study and treatment by one or more licensed physicians and their professional associates, practicing medicine together.

CLUB OR LODGE, PRIVATE – A “private club or lodge” is a non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof.

CURB LEVEL – The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the curb level shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the curb level.

DRIVE-IN RESTAURANT – Any food service establishment or restaurant or similar place in which food or drink is for sale on the premises or elsewhere in which service is received in an automobile or at central service windows. The term “drive-in” shall apply to any food service establishment other than cafeterias, in which service is made to a customer at a location other than tables on the premises intended for use by the customer for eating.

DWELLING – A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one family

dwelling units, two family dwelling units, and multiple family dwelling units, but not including hotels, boarding or lodging houses.

DWELLING HOUSES – One (1) or more rooms in a residential structure or apartment-hotel, designed for occupancy by one (1) family, plus not more than four (4) lodgers, for living and sleeping purposes.

DWELLING UNIT – A unit within a dwelling, entirely separated from any other unit within said dwelling, designed for occupancy by one (1) family.

DWELLING, ONE-FAMILY – A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling by space.

DWELLING, TWO-FAMILY – A building designed or altered to provide dwelling units for occupancy by two (2) families.

DWELLING GROUP – Two or more one-family dwellings or boarding or lodging houses located on one zoning lot, but not including tourist courts or motels.

DWELLING, MULTIPLE-FAMILY – A building or portion thereof, designed or altered for occupancy by three (3) or more families living independently of each other.

DWELLING, ROW (PARTY WALL) – A row of two (2) to eight (8) attached, one-family, party-wall dwellings, not more than two and one-half (2 ½) stories in height, nor more than two (2) rooms in depth measured from the building line.

GARAGE, BUS OR TRUCK – Any building used or intended to be used for the storage of three or more passenger motor buses, or motor coaches used in public transportation, including school buses, or a building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding one and one-half (1 ½) ton capacity.

GARAGE, PRIVATE – A portion of the principal building designed, arranged, used or intended to be used for the storage of automobiles of the occupants of the premises.

GARAGE, PUBLIC – A building other than a private garage, used for the care, incidental servicing, and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire or sale within the structure, but not including trucks, tractors, truck trailers and commercial vehicles exceeding one and one-half (1 ½) ton capacity.

GUEST HOUSE – Living quarters within a detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as separate dwelling unit.

HOME OCCUPATION – Any gainful occupation carried on only by a member of the family which resides on the premises, subject to the following limitations: No commodities may be sold on the premises. No display may indicate from the exterior of the building that it is being used, in whole, or in part, for any purpose other than that of a dwelling. No person may be employed other than a member of the immediate family who resides on the premises. No mechanical or electrical equipment may be used except such equipment as would be customarily used for domestic or household purposes. A professional person may use his residence for emergency consultation or treatment by not for the general practice of his profession. No accessory building shall be used for a home occupation. There shall be no exterior sign except as allowed by the sign regulations for the district in which such “home occupation” is located; no exterior storage of materials and no offensive odors, noise, vibrations, smoke, dust, heat or glare shall be produced.

HOSPITAL OR SANITARIUM – An institution open to the public in which patients or injured persons are given medical or surgical care, or for the care of contagious diseases or incurable patients.

HOTEL OR MOTEL – A building in which more than five rooms or suites are reserved to provide living and sleeping accommodations for temporary guests, with no provisions in said rooms for cooking in any individual room or suite.

HOUSEHOLDER – The occupant of a dwelling unit who is either the owner or lessee thereof.

JUNK VEHICLE – A motor vehicle which is unlicensed and in need of major automobile repair as defined hereunder and which has been in said state for at least thirty (30) days.

JUNK YARD – The use of more than two hundred (200) square feet of any lot where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

KENNEL, COMMERCIAL – Any lot or premises or portion thereof on which more than four dogs, cats or other household domestic animals over four months of age are kept or on which more than two such animals are boarded for compensation or kept for sale.

LINE OF BUILDING (For Measuring Yards) – A line parallel to the nearest lot line drawn through the point of a building or group of buildings nearest to such lot line, exclusive of such features specified as being permitted to extend into a yard.

LOADING AND UNLOADING SPACE, OFF-STREET – An open, hard-surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors and trailers to avoid interference with the public use of streets and alleys. Such space shall be not less than twelve (12) feet in width, forty five (45) feet in length and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.

LODGING OR ROOMING HOUSE – A building with not more than five (5) guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or to overnight guests.

LOT – The word “lot” when used alone shall mean a “zoning lot” unless the context of this ordinance clearly indicates otherwise.

LOT, CORNER – A parcel of land situated at the intersection of two or more streets or adjoining a curved street at the end of a block.

LOT COVERAGE – The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

LOT DEPTH – The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT FRONTAGE – The front of a lot shall be that boundary of a lot along a public or private street. For a corner lot, the front shall be the narrowest side edge of the lot fronting on a street. However, a corner lot owner may orient his building toward either street.

LOT, INTERIOR – A lot other than a corner lot or reversed corner lot.

LOT LINE, FRONT – The front property line of a zoning lot.

LOT LINE, INTERIOR – A side lot line common with another lot.

LOT LINE, REAR – The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line. Lot lines other than front or rear lot lines are side lot lines.

LOT, REVERSED CORNER – A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

LOT, THROUGH – A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot.

LOT WIDTH – The horizontal distance between the side lot lines measured at right angles to the lot depth at the established property line that abuts the road.

LOT, ZONING – See “Zoning Lot”.

MANUFACTURE – The making of anything by an agency or process.

MARQUEE OR CANOPY – A roof-like structure of a permanent nature which projects from the wall of a building and may overhang the public way.

MUNICIPAL FACILITIES – Any building, structure or appurtenance thereto, open space or parcel of property owned or leased by the Village. Any restrictions set forth in this Zoning Ordinance, including, but not limited to, height, setbacks, lot coverage, bulk requirements, lot size, operating standards and landscaping shall not be applicable to Municipal Facilities.

NON-CONFORMING USE – Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of this ordinance or amendments hereto, which does not conform after the passage of this ordinance or amendments hereto with the use regulations of this ordinance.

NURSING HOME OR REST HOME – A licensed private home for the care of children or the aged or infirmed, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness, injuries or for surgical care.

NURSERY, DAY – A licensed institution providing care for three or more children under the age of four years for periods of more than four hours, but not exceeding twenty four hours.

NURSERY SCHOOL – A licensed institution providing day care service for children from four to six years of age.

OCTAVE BAND – An “octave band” is a means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

ORDINANCE – Reference to “ordinance” herein shall be construed as the zoning ordinance.

PARCEL DELIVERY STATION – A building in which commodities, sold at retail within the area and packaged by the retailer, are assembled and routed for delivery to retail customers located within the area.

PARKING AREA, PRIVATE – An open hard-surfaced area of land, other than a street, driveway or public way, designed, arranged and made available for the storage of private passenger automobiles only of occupants of the building or buildings for which the parking area is developed and is accessory.

PARKING AREA, PUBLIC – An open, hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one half (1 ½) ton capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

PARKING SPACE, AUTOMOBILE – Space within a public or private parking area of not less than one hundred sixty two (162) square feet, nine (9) feet by nineteen (19) feet, 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 (1 ½) ton capacity.

PLANNED DEVELOPMENT – A “planned development” is a tract of land which is developed as a unit under single ownership or control, which includes two or more principal buildings and which is at least four (4) acres in area, except for planned developments operated by a municipal corporation which shall be at least two (2) acres in area, and manufacturing planned developments which shall be at least ten (10) acres in area.

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

PUBLIC UTILITY – Any person, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public electricity, gas, steam, telephone, telegraph, transportation, water, cable television.

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

RINGELMANN NUMBER – The “Ringelmann Number” is the number of the area of the Ringelmann Chart that coincides most nearly with the visual density of emission.

SETBACK LINE, BUILDING – See “Building Setback Line”.

SMOKE UNITS – “Smoke Units” represent the number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this chart, Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed; and the various products are added together to give the total number of “smoke units” observed during the total period under observation.

SIGN – A “sign” is a name, identification, description, display or illustration which is affixed to, or painted or represented directly or indirectly upon, a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

SIGN, ADVERTISING – An “advertising sign” is a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

SIGN, BUSINESS – A “business sign” is a sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

SIGN, FLASHING – A “flashing sign” is any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times, when such sign is in use. For the purpose of this ordinance, any revolving, illuminated sign shall be considered a “flashing sign”.

SIGN, GROSS SURFACE AREA OF – The “gross surface area” of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

SINGLE FAMILY – One or more persons related by blood, marriage, adoption or legal guardianship, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons but not exceeding two, living and cooking together as a single housekeeping unit though not related by blood, marriage, adoption or legal guardianship shall be deemed to constitute a family. (*Amended by Ord 06-07-63*)

SPECIAL USE – Any use of land or buildings, or both, described and permitted herein, subject to the provisions of Section 16.

STORY – That portion of a building including between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

STORY, HALF – A half story is that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two opposite exterior walls, are not more than four and one half (4 ½) feet above the finished floor of such story.

STREET – A public way other than an alley.

STREET LINE – A line separating an abutting lot, piece or parcel from a street.

STRUCTURE – Anything constructed or erected which required location on the ground or is attached to something having location on the ground.

STRUCTURAL ALTERATIONS – Any change other than incidental repairs which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

TAVERN – A building where liquors are sold to be consumed on the premises.

TERRACE, OPEN – A level and rather narrow plane or platform, which for the purpose of this ordinance, is located adjacent to one or more faces of the principal structure and

which is constructed not more than four (4) feet in height above the average level of the adjoining ground.

TRAILER, HOUSE OR MOBILE HOME – A vehicle without motored power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer or mobile homes.

TRUCK PARKING AREA OR YARD – Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers and including commercial vehicles, while not loading or unloading, and which exceed one and one half (1 ½) tons in capacity.

USE – The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

USED CAR LOT – A zoning lot on which used or new cars, trailers or trucks are displayed for sale or trade.

VILLAGE BOARD – The corporate authorities of the Village of Johnsburg.

YARD – An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this ordinance, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

YARD, FRONT – A yard extending across the full width of the zoning lot and lying between the front line of the lot and the nearest line of a building. In the case of waterfront properties, the front yard shall be that which abuts the water.

YARD, REAR – A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of a building.

YARD, SIDE – That part of the yard lying between the nearest line of the principal building and a side lot line, and extending from the required front yard (or from the front lot line, if there is no required front yard) to the required rear yard.

ZBA – Zoning Board of Appeals.

ZONING CODE – The 1985 Johnsburg Zoning Ordinance, as amended.

ZONING MAPS – The map or maps incorporated into this ordinance as apart hereof, designating zoning districts.

ZONING LOT – A plot of ground, made up of one or more parcels, which is or may be occupied by a use, building or buildings including the open spaces required by this ordinance.