

ARTICLE II DEFINITIONS

SECTION 2-1 GENERAL RULES

For the purpose of this ordinance certain terms and words are defined in the following sections. Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular. The word "shall" is mandatory, and not directory. The word "structure", includes the word "building." The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied." The word "lot" includes the words "plot," "parcel" or "tract" as used in their common meaning. Words not defined herein shall have the common meanings ascribed to them by usage unless other means are clear from their context of use.

SECTION 2-2 ADMINISTRATIVE

Council: The City Council of the City of Mount Vernon.

Development Controls: All or any part of those regulations that establish minimum yards, set-backs, or open space; limit height, area or location of buildings or other structures; or regulate the placement or operation of facilities or equipment.

Interpretation: A determination of the meaning of zoning regulations or their application, or a determination of the location of zoning district boundaries, expressed as the City Council ruling which becomes a permanent guide in the enforcement of the Zoning Ordinance.

Non-Conforming Lot: A parcel, site or tract of land which does not meet the minimum lot regulations for the district in which it is located, which lot was legally created prior to the effective date of the applicable zoning regulations.

Non-Conforming Structure: A building, wall, fence, tower, sign, or other similarly created object which does not meet the type, size, height or location limitations of the district in which it is located, which structure was legally existing prior to the effective date of the applicable zoning regulations.

Non-Conforming Use: A use of land or structure which is not authorized in the district in which such use or activity is conducted, which use was legally existing or in operation under other laws of the State or codes of the City of Mount Vernon prior to the effective date of the applicable zoning regulations.

Special Exception: A privileged use of development of property which would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, size, location, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare of the community.

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Variance: A privileged relaxation of the Development Controls provisions of this Ordinance where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship and would prevent the substantial enjoyment of property rights as shared by nearby properties which conform to the Development Controls.

Zoning Official: The person designated to administer and enforce the regulations of this Ordinance.

SECTION 2-3 LOTS, YARDS AND LAND

Alley: A public right-of-way which affords only a secondary means of access to abutting property.

Buildable Area: The portion of a lot remaining after required yards have been provided.

Frontage: All the property abutting on one side of the street between two intersecting streets, measured along the street line.

Lot: A parcel of land surveyed or apportioned for sale or other purposes, as shown on a plat of a recorded subdivision of which it is a part, or any tract of land the use of which is controlled or managed by any person or group of persons under a unified and specific plan.

Lot Coverage: The percentage of the total area of the lot, excluding streets, alleys and dedicated drainage ways, covered by all buildings located thereon.

Lot Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot Frontage: The front of a lot shall be constructed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, from which yards shall be provided as indicated under "Yards" in this section.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: The designation of lots according to the diagram in Figure 1 illustrating corner lots, interior lots, reversed frontage lots and through lots.

Lot Width: The distance between the straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the minimum front yard, provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 60 percent of the required lot width except in the case of lots on the turning circle of culs-de-sac, where the 60 percent requirement shall not apply.

Street: A public or private right-of-way which affords principal means of access to abutting property.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure beginning 30 inches above the general ground level of the graded lot. Yard measurements shall be made as shown in Figure 1.

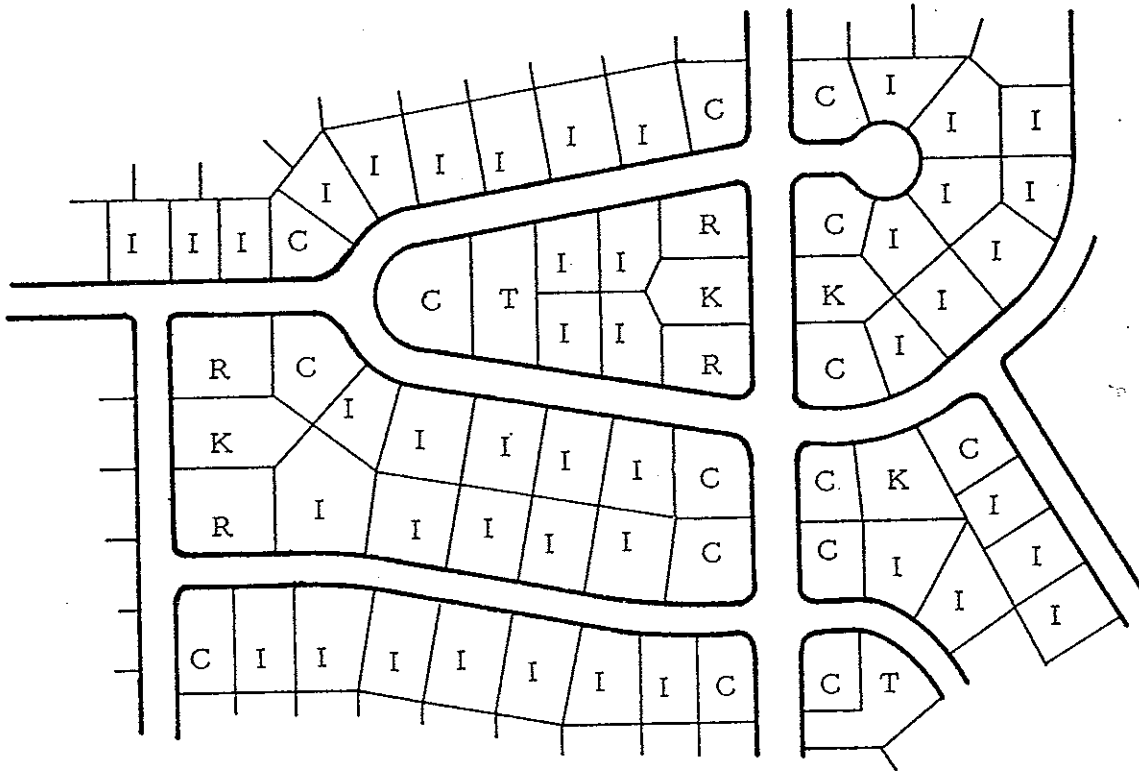


Figure 1

LOT TYPES

KEY

DEFINITIONS

- "C" = Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- "I" = Interior Lot: A lot other than a corner lot having only one frontage on a street.
- "K" = Key Lot: A interior lot so situated that it fronts onto the side street of an adjoining corner lot and so that the side line of the key lot is the rear line of the corner lot which abuts the same street.
- "R" = Reverse Frontage Lot: A corner lot in which its frontage is on a street whose alignment is generally parallel to the side lines of the lots that constitute the predominant lot pattern in the block.
- "T" = Through Lot: An interior lot with frontage on more than one street: a through lot fronting on two generally parallel streets may be referred to as a "double frontage" lot.

TABLE IV

UNIFORM HEIGHT AND AREA REGULATIONS*

ZONG DIST	LOT REGULATIONS MINIMUM (sq. ft.)		YARD REQUIRMENTS MINIMUM (feet)			HEIGHT LIMITS MAXIMUM (feet)		BULK CONTROLS			INTENSITY FACTOR FS/Acre + X 1100*	
	lot area	lot width	frt	side ^a	rear	bldgs	front yard - other yard	lot coverage all bldg %	lot area per DU** ⁺	FAR** ⁺		MINIMUM lot area per DU** ⁺
O-S	6,000 ^b	60 ^b	20	*-10	10	30	4	7	40	0.6	6,000	NA
L R	6,000 ^b	60 ^b	20	*-10	10	30	4	7	40	0.6	6,000	NA
G B	NR	NR	10	*-10	20	NR	NR	NR	NR	1.0	NA	NA
O C	NR	NR	10	*-0	20	NR	NR	NR	NR	1.5	NA	NA
I I	NR	NR	10	*-0	20	NR	NR	NR	NR	2.0	NA	NA

WORKING AREA ZONES

LIVING AREA ZONES

A G	120,000	NR	30	20-20	10	30	4	7	NR	0.1	120,000	NA
R-3	12,000 [✓]	80	30	10-10	10	30	4	7	30	0.2	12,000	5
R-4	9,000	65	25	6-10	10	30	4	7	35	0.2	9,000	6
R-6	6,000	60	25	6-10	10	30	4	7	40	0.3	6,000	8
M II ^c	4,000	36	20	5-NA	5	30	4	4	NA	NA	4,000	NA
R-16	7,200	60	20	6-10	10	30	4	7	45	0.4	3,600	16

SPECIAL PURPOSE ZONES

P D - - - - Regulations of zones with which PD District is combined control development * * * * *

+ Meaning of abbreviations follows:

DU = Dwelling Unit

NR = No requirement

NA = Not Applicable

FAR = Floor Area Ratio (definition, Sec. 2-4)

FS/Acre = Combined Floor Space in all Living Units (per Acre) Multiply factor by 1100 sq. ft.

* See Sub-Sec. E of District Regulations for special limitations

a 1st distance is Interior Side Yrd; 2nd is Yard on Side Street

b Applies only to residential uses in this zone

c At perimeter, regulations of adjoining district apply.

See sub-section 2-4 for details

Yard, Front: A yard extending between side lot lines across the front of a lot adjoining a public street.

Yard, Rear: A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Yard, Side: A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot furthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required.

Yard, Special: A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies.

SECTION 2-4 BUILDINGS, STRUCTURES AND USES

Accessory Use: Any use of building or premises which exists in conjunction with and which is customarily incidental to a permitted principal use.

Boarding House: A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Building: A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

Building, Accessory: A subordinate building located on the same lot as a principal building, the activity of which is clearly integral with or incidental to the permitted use of the principal building.

Building, Height of: The vertical distance measured from the curb level

- a) to the highest point of the roof surface, if a flat roof,
- b) to the deck line of a mansard roof; or
- c) to the mean height level between eaves and ridge for a gable, hip or gambrel roof;

provided, however, that where buildings are set back from the street right-of-way line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

Clinic: Offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured, but not including rooms for the abiding of patients.

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Community Center: A place or facility dedicated to social or recreational activities, serving the city or a neighborhood thereof and owned and operated by the city, or by a none-profit organization dedicated to promoting the health, safety, morals or general welfare of the city.

Day Care Center: An agency at which four or more children, under age sixteen and not related to the proprietor, are left for care a part of the twenty-four hours of the day.

Drive-In Restaurant or Refreshment Stand: Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Dwelling Unit: One or more rooms connected together but structurally divided from all other rooms in the same structure and constituting a separate, independent housekeeping unit for permanent residential occupancy by one family, with all necessary facilities contained therein for sleeping, eating, cooking and sanitation.

Dwelling, Detached: A building containing a dwelling unit and not connected to any other building containing a dwelling unit.

Dwelling, Attached: A separate building containing only one dwelling unit which building is connected to, but is structurally independent of any other building.

Dwelling, Single Family: A detached residential building, not including a mobile home, which contains not more than one dwelling unit.

Dwelling, Two Family: A detached residential building containing two dwelling units.

Dwelling, Three Family: A detached residential building containing three dwelling units.

Dwelling, Four Family: A detached residential building containing four dwelling units.

Dwelling, Multi-Family: A residential building containing five or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Mobile Home: A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, which arrives at the site where it is to be occupied, complete and ready for occupancy other than for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and which meets the requirements of American Standards Association Code Provision A-119.1--1963,
Sec. 2-4 (cont.)

American Standard for Installation in Mobile Homes of Electrical, Heating and Plumbing Systems, or Mobile Homes Manufacturers Association "Mobile Home Standards for Plumbing, Heating and Electrical Systems" or any state administered code insuring equal or better plumbing, heating or electrical installations.

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, such family shall contain not over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Floor Area Ratio: A numerical value obtained by dividing (1) the sum of the gross horizontal areas of all floors of a building, including interior balconies and messanines, measured to the exterior faces of walls, by (2) the total area of the lot, excluding streets, alleys and dedicated drainage ways.

Floor Space Per Dwelling Unit: The total number of square feet of habitable floor space contained within a dwelling unit exclusive of porches, breezeways, carports, garages and storage areas not directly accessible from within the dwelling unit.

Garage, Private: A building for parking only of motor vehicles belonging to the occupant of the same premises.

Garage, Public: A building other than a private of parking garage used for the care of repair of self-propelled vehicles or where such vehicles are kept for remuneration, hire or sale.

Garage, Parking: A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

Gross Leasable Area: The total floor area of a building which is designed for tenant occupancy and exclusive use, including basements and messanines, and measured to centerlines of joint partitions and to outside of exterior walls, but the term does not include designed office space, auditorium or theater space within such building.

Hobby Studio: An accessory activity area used by the occupants of the premises purely for personal enjoyment, amusement, recreation or cultivation of artistic talents.

Home Occupation: An activity or occupation which is contained wholly within the dwelling unit and is customarily incidental to the use of a dwelling, and which a) uses only equipment or furniture normally found in the home; and b) is conducted and engaged in only by members of the family residing in the dwelling; and c) requires no keeping of stock in trade or commodity to be sold upon the premises; and d) does not include a barber or beauty shop, or a barber school or beauty culture school.

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Hotel: One or more buildings containing individual living or sleeping units specially designed as temporary quarters for transient guests, including provisions for meals and personal services; "hotel" includes a tourist hotel, a motor hotel, and a motel, but does not include an apartment hotel.

Hotel, Apartment: A multi-family dwelling which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Junk: The term "junk" is defined to mean and shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton, or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition: subject to being dismantled for junk.

Kennel: Any lot or premises on which four or more dogs, cats, or other domestic animals, at least four months of age, are housed or accepted for boarding, trimming, grooming or bathing for which remuneration is received.

Kindergarten: A school for children of pre-elementary school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

Mobile Home Park: An area designated, arranged or used for the parking or storing of one or more mobile homes which are occupied or intended for occupancy as semi-permanent living quarters by individuals or families.

Parking Space, Off-Street: An area adequate for parking an automobile with room for opening doors on both sides, together with maneuvering room and with properly related access to a public street or alley.

Private Club or Lodge: An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on policies and business.

Servants' Quarters: A dwelling unit located on the same lot or grounds as the main building, and used by servants employed on the premises and not rented or otherwise used as a separate domicile, and serviced through the same utility meters or connections as the principal use of which accessory.

Stable, Private: A building designed for the keeping of horses, or mules owned by the occupants of the premises and not kept for remuneration, hire or sale.

Stable, Riding: A building designed for the keeping of horses or mules used for pleasure riding or driving, for boarding or for hire, including a riding track.

Structure: Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.

Structural Alteration: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Travel Trailer: A vehicular, portable structure built on a chassis designed to be used as a temporary living facility for travel and recreational purposes, having a body width not exceeding eight feet, but not having all sanitary facilities within the trailer.

SECTION 2-5 SIGNS

Sign: Any display of letters, figures, symbols, insignia, pictures, lights, or other devices when placed within or on the outside of any building or structure or in a free standing situation so as to be visible from any public street or adjacent property.

Directional Sign: Any sign, except those authorized by law, which is designed and erected solely for the purpose of vehicular or pedestrian traffic control and placed on the property to which or on which the public is directed.

Business Identification Sign: Any sign identifying by name or symbol, the operation of a business and/or the merchandise or service available on the premises on which the sign is placed.

Center Identification Sign: Any sign designating a shopping center or industrial district by name or symbol only.

Facility Identification Sign: Any sign identifying by name or symbol the health or medical service, institutional, public or quasi-public complex, facility or installation situated on the premises on which the sign is placed.

Subdivision Identification Sign: A permanent sign identifying a subdivision by name or symbol only and erected on private property at an entrance to a subdivision at location shown on a recorded subdivision plat and of a design approved by Council.

Outdoor Advertising Sign (Billboard): Any advertising structure, bearing a sign, which structure is erected upon the ground or on a building, or any sign attached to or painted on a building, which sign is neither appurtenant to the use of the property or a product sold thereon, not to the sale or lease of the property on which displayed, and which does not fall within the definition of a Business Identification Sign.

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