

Chapter 1
GENERAL PROVISIONS

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5A-1-1 Title

This ordinance shall be known, cited and referred to as the Hebron Zoning Ordinance.

5A-1-2 Purpose and Interpretation

In order that adequate light, pure air and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the Village may be conserved, that congestion in the public streets may be lessened or avoided, and that the public health, safety, comfort, morals and welfare may otherwise be promoted, the following rules and regulations set forth in this Title shall govern and be in force within the limits of the Village and said rules and regulations shall control the use of any tract of land located within the Village and the size, height, location and use of any building or buildings thereon; and in interpreting and applying the provisions herein contained, such provisions shall in every instance be held to the minimum requirements.

5A-1-3 Maximum Density, Minimum Space, Use and Location Requirements

- A. The maximum occupancy for any dwelling unit shall not exceed the more restrictive value of the following requirements:
 - 1. For the first occupant there shall be at least 200 square feet of floor space, and there shall be at least 150 square feet of floor space for every additional occupant thereof floor space shall be calculated on the basis of total habitable room area.
 - 2. The total number of persons shall be no more than two times the number of habitable rooms within the dwelling unit.
- B. Not more than one family shall occupy a dwelling unit except as may be permitted by a special use permit for a rooming house or tourist home.

- C. Habitable rooms shall be permitted in a basement only when (i) the floor is not more than four feet below finished grade level and (ii) all exterior walls contain approved openings for natural light ventilation.
- D. No space located more than four feet below grade shall be used as a habitable room, except for emergency egress, basement recreation or a family room. Where a separated living room is provided elsewhere in the dwelling unit, such space may have a floor level more than four feet below finished grade level.
- E. Access to every habitable room in a dwelling or dwelling unit shall be provided without having to pass through a bedroom or bathroom. In each dwelling unit, one bedroom and, when more than one bedroom is provided, at least two bedrooms shall have access to a bathroom without passing through a habitable room.
- F. Each dwelling unit shall have at least four square feet of closet space at least six feet in height for the personal effects of each permissible occupant. If such closet space is lacking, all or in part, an amount of space equal in square footage for the deficiency shall be subtracted from the area of habitable room space used in determining occupancy.
- G. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one or two occupants shall contain at least 80 square feet of floor space, and every room occupied for sleeping purposes by more than two occupants shall contain at least 30 square feet of floor space for each additional occupant thereof.
- H. The provisions of this Section 5A-1-3 shall not be construed to prevent the occupancy of any dwelling unit by a child born subsequent to the initial occupancy of the unit by its family.

5A-1-4 **Persons Liable**

Persons responsible for complying with the terms of this Title include:

1. Occupants of dwellings, premises, or land whether they be owners, tenants or otherwise in possession of the dwelling premises or land; and
2. Landlords and owners not occupying the dwelling, premises or land, or operators of same, as well as their agents.

5A-1-5 **Penalties** *Amended, 23-24-1019*

Unless otherwise provided herein, any owner, occupant, invitee, licensee, lessee, operator or agent utilizing a dwelling, dwelling unit, building, premises, parcel or tract of land who violates any provisions of this Title shall be subject to a fine of not less than \$350 nor more than \$750 for each offense and be responsible for the Village's cost of prosecution including reasonable attorney fees. Each day on which the violation exists shall be deemed a separate offense. The same penalties shall exist for the violation of any conditions created by a special use permit.

5A-1-6 **Scope of Regulations**

After the effective date of this Title, the erection and use of any new buildings or structures, or the relocation, enlargement or structural alteration of any existing building or structure, or any change in use, or new or additional use made of any tract of land or of any existing building or structure:

1. Shall be only those principal uses permitted herein, including any use or activity customarily incidental or accessory thereto, unless otherwise restricted or prohibited;
2. Shall provide and preserve the required building setback, front yard, side yard, rear yard, lot area per family, lot width, alley setback, corner visibility and vehicle parking areas;
3. Shall not exceed the height limit; and
4. Shall not encroach upon or reduce the required open spaces surrounding any existing building, all as specified in this Title.

5A-1-7 **Nonconforming Use**

Any building or structure, or use of any building or structure or land, lawfully existing or under construction on the effective date hereof, or of a later amendment hereto, shall be known as "nonconforming" and may remain and the use then being made thereof may be continued. The continuance of such use and any enlargement, alteration, relocation or change in such use shall be only as permitted in Chapters 4 and 5 of this Title.

5A-1-8 **Building Inspector, Powers, Duties and Fees**

The Building Inspector shall be and hereby is authorized, empowered and directed to issue permits for all buildings and uses which conform to the provisions of this Title and certificates of nonconforming uses upon application therefore made to him, as provided in Chapter 4 of this Title and upon variations granted by the Board of Trustees as provided in Chapter 11 of this Title, and it shall be his duty to enforce the provisions of this Title.

The Building Inspector shall keep and preserve, in appropriate files in his office, all applications and other documents filed with him and shall also keep on file in his office a duplicate copy of all certificates of nonconforming use, as well as duplicate copies of all other certificates, permits or other documents issued by him, arranged in accordance with the location of the property described or referred to in the document, all of which shall be considered public records.

Fees pertaining to petitions for zoning amendments, use permits, variations and appeals to the Planning and Zoning Commission shall be established by the Board of Trustees from time to time. Such fees shall be paid to the Village Clerk, who shall give a receipt therefor and account for same at regular intervals to the Board of Trustees.

5A-1-9 **Plats**

All applications for building permits for new buildings or additions to existing buildings shall be accompanied by a plat of survey in duplicate, showing the lot plan, the location of the building on the lot, accurate dimensions of the building and lot, and such other information as may be necessary to provide for the enforcement of these regulations. If the Building Inspector deems it necessary, he may require that the plat shall be prepared after the lot has been staked by a Registered Illinois Land Surveyor and be affixed with the name and seal of said surveyor.

5A-1-10 **Boundaries of Districts**

District boundaries shall be clearly indicated by appropriate symbols and dimensions on the Zoning Map, which is made a part hereof by reference.

When such district boundaries divide a lot in a single ownership at the time of the effective date hereof, the Planning and Zoning Commission may extend those uses authorized on the least restricted portion of such lot to the entire lot.

5A-1-11 **Easements, Covenants and Agreements**

It is not the intent of this Title to interfere with, abrogate or annul any easements, covenants or other agreements between parties. However, where this Title imposes a greater restriction than are imposed or required by other ordinances, rules, regulations of the Village or by easements, covenants or agreements, the provisions of this Title shall govern.