

Chapter 2 DEFINITIONS

For the purpose of this Title, certain words and phrases are defined in this Chapter 2. 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 “building” includes the word “structure”; the word “shall” is mandatory and not directory; the word “use” may be a use as commonly understood or as the name of an occupation, business, activity or operation, carried on or intended to be carried on, in a building or on a zoning lot. Words may or may not be capitalized.

ACCESSORY BUILDINGS OR USE: A subordinate building or use which is located on the same lot on which the main 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. Where an accessory building or structure is attached to and made a part of the principal building, such accessory building or structure shall comply in all respects with the principal building.

An “accessory use” includes, but is not limited to, the following:

1. A children’s playhouse, garden house and private greenhouse.
2. A garage, shed or building for domestic storage.
3. 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.
4. Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities, unless storage is excluded by the district regulations.
5. Off-street motor vehicle parking areas and loading and unloading facilities.

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.

ADULT BUSINESS: Any establishment having as a substantial or significant portion of its stock in trade or business activity in a use such as, but not limited to the following: Adults-Only Bookstores, Adults-Only Motion Picture Theaters, Adult Entertainment Centers, Rap Parlors, Adults-Only Nightclubs or Adults-Only Saunas, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

ADULT ENTERTAINMENT BUSINESS: Synonymous with “Adult Business,” as defined herein.

ADULT ENTERTAINMENT CENTER: An enclosed building or part of an enclosed building, which contains one or more coin-operated mechanisms which when activated permit a customer

to view a live person nude or in such attire, costume or clothing as to expose to view the human male or female genitalia; pubic hair; buttocks; perineum; anal or pubic regions; or, female breast, at or below the areola thereof. In addition, the viewing of a live person, in the above described manner, after paying of any admission or fee for the viewing of same activity.

ADULTS-ONLY: Any items or activities emphasizing, depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity.

ADULTS-ONLY BOOKSTORE: An adults-only establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity. An establishment, having adults-only items as a substantial or significant portion of its stock, that sells or displays adults-only items for sale to patrons therein.

ADULTS-ONLY MOTION PICTURE THEATER: An enclosed building used regularly and routinely for presenting adults-only material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity, for observation by patron therein.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization or processor, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

AGRICULTURE: The use of land for agricultural purposes such as farming, dairying, pasturage, horticulture, floriculture, animal and poultry husbandry and applicable accessory uses. An agricultural purpose does not include the extraction of said, gravel or limestone, even when such activity is related to an agricultural purpose.

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

ALTERATION: Any change, addition or modification in construction or occupancy of an existing structure.

ANTENNA: Any structure designed for transmitting signals to a receiving station or for receiving television, radio, data or other signals from satellites or other sources, or both. (Antenna includes satellite dishes.)

ANTENNA SUPPORT STRUCTURE: Any structure utilized for the principal purpose of supporting an antenna.

ATTIC: A space beneath the roof and above the rooms in a dwelling or building used for storage, not for habitation.

AUTOMOBILE WRECKING YARD: Any place where one or more motor vehicles, not stored in running condition, or parts thereof, are stored in the open for periods exceeding 30 days; or any land, building or structure used for wrecking or storing of such motor vehicle or parts thereof; motor vehicles shall include used farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition.

BLOCK: A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, the center lines of other lakes and streams, or a corporate line of the Village.

BOARDING HOUSE: A building other than a hotel, where meals for three or more persons and not more than 25 persons are served for compensation to regular patrons by previous arrangement.

BOARD OF TRUSTEES: The President and Trustees of the Village.

BOOTH: Any enclosure that is specifically offered to patrons of an Adult Business for the private viewing of any adults-only item or movie. Said definition does not include enclosures that are used as private offices by any operator, employee or agent for attending to the tasks of their employment and are not offered for use by the public.

BUILDABLE AREA: The space on a zoning lot remaining after the minimum yard requirements of this Title have been met.

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 connecting 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, but are classified as structures.

BUILDING INSPECTOR: The duly appointed building inspector of the Village.

BUILDING LINE/BUILDING SETBACK LINE: A line or lines on the horizontal surface of a lot, parallel or nearly parallel to the front, side and rear lot lines, and located at a distance prescribed by the yard regulations and beyond which no portion of a building may extend except as provided by this Title.

CHURCH: A facility in which people assemble for worship; under the auspices of an organization having tax exempt status, including accessory uses which are directly incidental to or in conjunction with the functions that pertain to its membership and mission.

CONVENIENCE STORE: A retail establishment having a gross floor area of not less than 5,000 square feet and offering for sale merchandise such as processed food, prepackaged food products, household items and other goods, commonly associated with a grocery store.

CUBICLE: Synonymous with “booth,” as defined herein.

DISCONTINUANCE: The cessation or termination of a use or activity for a period of 90 days shall be considered a discontinuance of the use or activity under the nonconforming use regulations of this Title. The continuance of public utilities, such as water, gas, electricity or telephone, shall not be considered automatically a continuance of the use or activity.

DOOR: Full, complete, non-transparent closure device that obscures the view or activity taking place within the enclosure.

DOWNTOWN OVERLAY DISTRICT (DOD): That area described in Section 5A-9-5 of this Title. *2007-08-814*

DWELLING: A building or portion thereof designed or used exclusively for residential occupancy but not including overnight or transient accommodations in hotels, motels and special uses. For those buildings, or portions thereof, used exclusively for a form of residential occupancy for which a special use permit is required, the Board of Trustees shall determine appropriate occupancy restrictions and the general occupancy restrictions that may be mandated. Dwellings are categorized as follows:

1. Dwelling, attached (group, rowhouse or townhouses): A dwelling joined to one or more other dwellings by common party walls.
2. Dwelling, detached: A dwelling entirely surrounded by open space, said open space being on the same zoning lot as the dwelling.
3. Dwelling, multiple-family: A dwelling containing three or more dwelling units connecting to a common corridor or entranceway, originally constructed for said purpose; and not including converted dwellings, attached row dwellings or town houses.

DWELLING UNIT: One or more rooms located in a dwelling, that are arranged, designed or used as living quarters for one family only, and containing complete facilities for living, sleeping, eating, cooking and sanitation.

EXPLOSIVE MATERIAL: A material that either is chemically or otherwise energetically unstable or produces a sudden expansion of the material usually accompanied by the production of heat and large changes in pressure (and typically also a flash and/or loud noise) upon initiation; which is called an explosion. Such materials include: Acetylides of heavy metals, aluminum containing polymeric propellant, aluminum ophorite explosive, amatex, amatol, ammonal, ammonium nitrate explosive mixtures (cap sensitive), ammonium nitrate explosive mixtures (non-cap sensitive), ammonium perchlorate composite propellant, ammonium perchlorate explosive mixtures, ammonium picrate [picrate of ammonia, Explosive D], ammonium salt lattice with isomorphously substituted inorganic salts, ANFO [ammonium nitrate-fuel oil], aromatic nitro-compound explosive mixtures, azide explosives, baranol, baratol, BEAF [1, 2-bis (2, 2-difluoro-2-nitroacetoxyethane)], black powder, black powder based explosive mixtures, blasting agents, nitro-carbo-nitrates, including non-cap sensitive slurry and water gel explosives, blasting caps, blasting gelatin, blasting powder, BTNEC [bis (trinitroethyl) carbonate], BTNEN [bis (trinitroethyl) nitramine], BTTN [1,2,4 butanetriol trinitrate], bulk salutes, butyl tetryl, calcium nitrate explosive mixture, cellulose hexanitrate explosive mixture, chlorate explosive mixtures, composition A and variations, composition B and variations, composition C and variations, copper acetylide, cyanuric triazide, cyclonite [RDX], cyclotetramethylenetetranitramine [HMX], cyclotol, cyclotrimethylenetrinitramine [RDX], DATB [diaminotrinitrobenzene], DDNP [diazodinitrophenol], DEGDN [diethyleneglycol dinitrate], detonating cord, detonators, dimethylol dimethyl methane dinitrate composition, dinitroethyleneurea, dinitroglycerine [glycerol dinitrate], dinitrophenol, dinitrophenolates, dinitrophenyl hydrazine, dinitroresorcinol, dinitrotoluene-sodium nitrate explosive mixtures, DIPAM [dipicramide; diaminohexanitrobiphenyl], dipicryl sulfone, dipicrylamine, display fireworks, DNPA [2,2-dinitropropyl acrylate], DNPD [dinitropentano nitrile], dynamite, EDDN [ethylene diamine dinitrate], EDNA [ethylenedinitramine], ednatol, EDNP [ethyl 4,4-dinitropentanoate], EGDN [ethylene glycol dinitrate], erythritol tetranitrate explosives, esters of nitro-substituted alcohols, ethyl-tetryl, explosive conitrates, explosive gelatins, explosive liquids, explosive mixtures containing oxygen-releasing inorganic salts and hydrocarbons, explosive mixtures containing oxygen-releasing inorganic salts and nitro bodies, explosive mixtures containing oxygen-releasing inorganic salts and water insoluble fuels, explosive mixtures containing oxygen-releasing inorganic salts and water soluble fuels, explosive mixtures containing sensitized nitromethane, explosive mixtures containing tetranitromethane (nitroform), explosive nitro compounds of aromatic hydrocarbons, explosive organic nitrate mixtures, explosive powders, flash powder, fulminate of mercury, fulminate of silver, fulminating gold, fulminating mercury, fulminating platinum, fulminating silver, gelatinized nitrocellulose, gem-dinitro aliphatic explosive mixtures, guanyl nitrosamino guanyl tetrazene, guanyl nitrosamino guanylidene, hydrazine, guncotton, heavy metal azides, hexanite, hexanitrodiphenylamine, hexanitrostilbene, hexogen [RDX], hexogene or octogene and a nitrated N-methylaniline, hexolites, HMTD [hexamethylenetriperoxidodiamine], HMX [cyclo-1,3,5,7-tetramethylene 2,4,6,8-tetranitramine; Octogen], hydrazinium nitrate/hydrazine/aluminum explosive system, hydrazoic acid, igniter cord, igniters, initiating tube systems, KDNBF [potassium dinitrobenzo-furoxane], lead azide, lead mannite, lead mononitroresorcinate, lead picrate, lead salts, explosive, lead styphnate [styphnate of lead, lead trinitroresorcinate], liquid nitrated polyol and trimethylolethane, liquid oxygen explosives, magnesium ophorite explosives, mannitol hexanitrate, MDNP [methyl 4,4-dinitropentanoate], MEAN [monoethanolamine nitrate], mercuric fulminate, mercury oxalate, mercury tartrate,

metriol trinitrate, minol-2 [40% TNT, 40% ammonium nitrate, 20% aluminum], MMAN [monomethylamine nitrate]; methylamine nitrate, mononitrotoluene-nitroglycerin mixture, monopropellants, NIBTN [nitroisobutametrial trinitrate], nitrate explosive mixtures, nitrate sensitized with gelled nitroparaffin, nitrated carbohydrate explosive, nitrated glucoside explosive, nitrated polyhydric alcohol explosives, nitric acid and a nitro aromatic compound explosive, nitric acid and carboxylic fuel explosive, nitric acid explosive mixtures, nitro aromatic explosive mixtures, nitro compounds of furane explosive mixtures, nitrocellulose explosive, nitroderivative of urea explosive mixture, nitrogelatin explosive, nitrogen trichloride, nitrogen tri-iodide, nitroglycerine [NG, RNG, nitro, glyceryl trinitrate,, trinitroglycerine], nitroglycide, nitroglycol [ethylene glycol dinitrate, EGDN], nitroguanidine explosives, nitronium perchlorate propellant mixtures, Nitroparaffins Explosive Grade and ammonium nitrate mixtures, nitrostarch, nitro-substituted carboxylic acids, nitrourea, octogen [HMX], octol [75 percent HMX, 25 percent TNT], organic amine nitrates, organic nitramines, PBX [plastic bonded explosives], pellet powder, penthrinite composition, pentolite, perchlorate explosive mixtures, peroxide based explosive mixtures, PETN [nitropentaerythrite, pentaerythrite tetranitrate, pentaerythritol, tetranitrate], picramic acid and its salts, picramide, picrate explosives, picrate of potassium explosive mixtures, picratol, picric acid (manufactured as an explosive), picryl chloride, picryl fluoride, PLX [95% nitromethane, 5% ethylenediamine], polynitro aliphatic compounds, polyolpolynitrate-nitrocellulose explosive gels, potassium chlorate and lead sulfocyanate explosive, potassium nitrate explosive mixtures, potassium nitroaminotetrazole, pyrotechnic compositions, PYX [2,6-bis(picrylamino)-3,5-dinitropyridine, RDX [cyclonite, hexogen, T4, cyclo-1,3,5,-trimethylene-2,4,6,-trinitramine; hexahydro-1,3,5-trinitro-S-triazine], safety fuse, salts of organic amino sulfonic acid explosive mixture, salutes (bulk), silver acetylde, silver azide, silver fulminate, silver oxalate explosive mixtures., silver styphnate, silver tartrate explosive mixtures, silver tetrazene, slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel, and sensitizer (cap sensitive), smokeless powder, sodatol, sodium amatol, sodium azide explosive mixture, sodium dinitro-ortho-cresolate, sodium nitrate explosive mixtures, sodium nitrate-potassium nitrate explosive mixture, sodium picramate, special fireworks, squibs, styphnic acid explosives, tacot [tetranitro-2,3,5,6-dibenzo- 1,3a,4,6a tetrazapentalene], TATB [triaminotrinitrobenzene], TATP [triacetoneperoxide], TEGDN [triethylene glycol dinitrate], tetranitrocarbazole, tetrazene [tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate], tetryl [2,4,6 tetranitro-N-methylaniline], tetrytol, thickened inorganic oxidizer salt slurried explosive mixture, TMETN [trimethylolethane trinitrate], TNEF [trinitroethyl formal], TNEOC [trinitroethylorthocarbonate], TNEOF [trinitroethylorthoformate], TNT [trinitrotoluene, trotyl, trilit, triton], torpex, tridite, trimethylol ethyl methane trinitrate composition, trimethylolthane trinitrate-nitrocellulose, trimonite, trinitroanisole, trinitrobenzene, trinitrobenzoic acid, trinitrocresol, trinitro-meta-cresol, trinitronaphthalene, trinitrophenetol, trinitrophloroglucinol, trinitroresorcinol, tritonal, urea nitrate, water-bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive), water-in-oil emulsion explosive compositions, Xanthamonas hydrophilic colloid explosive mixture. 2007-08-814

FAMILY: One of the following, except as otherwise provided herein:

- A. Two or more individuals related by blood, marriage or legal adoption (including foster children), together with domestic servants and not more than two gratuitous guests, living as a single, not-for-profit housekeeping unit occupying a dwelling unit.

- B. Three or fewer individuals not related by blood, marriage or legal adoption (including foster children), living as a single, not-for-profit housekeeping unit occupying a dwelling unit. Servants or guests residing with said family shall be included in the unrelated person attained by this definition, and shall not be in addition thereto.
- C. No more than two individuals who are not necessarily related to each other by blood, and their dependents, together with domestic servants and not more than two gratuitous guests, living as a single, not-for-profit housekeeping unit occupying a dwelling unit.

FLOOR AREA (for determining the floor area ratio): For the purpose of determining the floor area ratio, the floor area of a building is the sum of the gross horizontal area of several floors of the building measured from exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor area of a building shall include basement floor area (when more than one-half of the basement height is above the finished lot grade level), elevator shafts and stairwells at each floor, floor space used for mechanical equipment, (except equipment, open or closed, located on the roof), penthouses, attic space having headroom of 90 inches (7' 6") or more, interior balconies and mezzanines, and enclosed porches and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in floor area of structures devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks.

FLOOR AREA RATIO (F.A.R.): The floor area ratio of the building or buildings on any zoning lot is the floor area of said building or buildings lot divided by the area of such zoning lot, or in the case of planned developments, by the net site area. The floor area ratio requirements, as set forth for each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

HABITABLE ROOM: A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closets, laundries, furnace rooms, pantries, kitchenettes and utility rooms with a floor area of less than 50 square feet, foyers or common hallways, stairways, closets, attics, storage spaces and workshops, hobby and recreation areas.

HOME OCCUPATION: Any business or commercial activity that is conducted in whole or in part in a dwelling unit and is clearly subordinate to the residential use. Such business or commercial activity shall:

1. Be registered with the Illinois Secretary of State, Department of Revenue, for an Illinois business tax number;
2. Not include the selling or offering for sale of any article that is illegal or endangers the health, safety, morals or property values of Village residents;

3. Not involve any change in the exterior appearance of the residence or customary accessory buildings;
4. Be clearly incidental to the residential use;
5. Be conducted solely by the permanent members of the residential family;
6. Not display any products on a stand or otherwise outside the building or in a window so as to be seen from the street;
7. Not have a sign other than one non-illuminated identification sign, not exceeding two square feet in area and which is mounted flat against the wall of the residence or accessory building;
8. Not cause an appreciable increase in traffic volume on the street or streets on which the dwelling unit is located;
9. Comply with the off-street parking requirements of this Title and shall not be located in a required front yard;
10. Not permit any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of the lot.

HOTEL: A building in which lodging is offered and provided to transient guests for compensation either with or without meals.

KENNEL: Any building, structure or enclosure used or intended to be used primarily for housing for more than four dogs. Activities include, but are not limited to, boarding, raising, breeding, training, exhibiting and sale subject to Section 5A-11-5 of this Code. All dogs kept must be owned by or co-owned by or under contract to the owner or lessor of the sale. At the time of the sale of a dog, supplies relating to the pet's care may be sold.

LINE OF BUILDING: The boundary of any side of the building excluding only open porches not more than one story in height, steps or terraces/decks at or below the first floor level and balconies, canopies and bay window projecting not more than 24 inches.

LODGING HOUSE: A building where lodging is provided for compensation to three or more regular patrons and not more than 25 patrons. Such lodging shall not be provided to transients.

LOT: A parcel of land indicated as such upon a plat recorded in the office of the McHenry County Recorder of Deeds, or consisting of parts of or a combination of several such recorded lots when adjacent to one another and used as one parcel.

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 AREA MEASUREMENT (for calculation of lot area per family): The gross area of a lot, excluding land dedicated as public street right-of-way or land designated and/or used as a private street.

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

LOT DEPTH: The horizontal distance between the front and rear lot lines, exclusive of all rights-of-way and easements for street purposes, measured as the mean distance 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.

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

LOT LINE, FRONT: The front property line of a zoning lot. Where a lot contains an easement for street purposes across the front of a lot, the edge of the easement shall be considered the front lot line.

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

LOT LINE, SIDE: A lot line in common with another lot, or in the case of a corner lot in common with a street right-of-way or easement line, and intersecting the front line.

LOT OF RECORD: A lot, within a subdivision, or a parcel of land described by deed, where both the plat and/or deed have been recorded in the office of the McHenry County Recorder of Deeds prior to the adoption of this Title. Such action must have been in conformity with the Village of Hebron Subdivision Ordinance in effect at the time of subdivision or parcel creation.

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

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 front building line.

LOT, ZONING: A plot of ground made up of one or more parcels, which are or may be occupied by a use, building or buildings, including the yards and open spaces required by this Title.

MUNICIPAL: A zoning classification for any public property with an underlying zoning classification of R-1 Residential Zoning District in the event the property is no longer used for public purposes.

MUNICIPAL CODE: The codified ordinances of the Village incorporated into the Hebron Municipal Code of which this Title is a part of.

ADULTS-ONLY NIGHTCLUB: An establishment or place either occasionally or primarily in the business of featuring topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

NIGHTCLUB: An establishment serving food and/or liquor and providing music and space for dancing by patrons only. A nightclub shall not include an “Adult Business.”

NUDITY: The display of the human male or female genitalia; pubic hair; buttocks; perineum; anal or pubic regions; female breast, at or below the areola thereof, with no covering or with a less than fully opaque covering; or, male genitalia, in a discernible turgid state, with or without covering.

NURSING HOME OR SHELTERED CARE HOME: An institution, licensed by the State of Illinois, for the residential care of children, the aged, infirmed or those suffering body disorders, but not including facilities for the treatment of sickness, injuries or surgical care.

OBSCENE: Any material or performance is obscene if: (1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and (2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and (3) taken as a whole, it lacks serious literary, artistic, political or scientific value. [Statutory Reference: 720 ILCS 5/11-20]

OCCUPANT: An individual, permanently living, sleeping, cooking and/or eating within or having possession of a building, dwelling unit or rooming unit, or any part thereof.

OPEN SPACE: An area designated as open space, either dedicated to the public or maintained privately, containing natural site features, woodlands, wetlands or open areas set aside and preserved as a buffer between urbanized areas or at the edge of developed lands.

OPERATOR: Any person who has charge, care, control and/or management of a building, or portion thereof, in which units and/or space are let or offered for occupancy. For purposes of an Adult Business, as defined herein, any person, (whether said persons be an individual, partner, corporation, joint stock company, fiduciary, officer, director, stockholder, employee, or manager), which conducts, maintains or owns any Adult Business.

OUTSIDE STORAGE: The keeping, in a unroofed area, of any goods, materials, merchandise or vehicles in the same place for more than 24 hours, for specific use, except areas solely designated for garbage and trash.

OWNER: Any person alone, jointly or with others, having legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof, or having charge, care or control of any premises, dwelling or dwelling unit, as owner, or agent of owner, or executor, administrator or trustee, or guardian of the estate of the owner.

PARK: A publicly dedicated or privately owned open space area with recreational facilities such as playing fields, play ground equipment, picnic shelters, paths/trails, benches, fences and parking lots.

PARKING AREA, PRIVATE: An open hard-surfaced area including driveways other than a street or public way, designed, intended, arranged or made available for the storage of automobiles, trucks, trailers or other vehicles, and for the use by occupants of the building or buildings for which the parking area is developed and is accessory.

PARKING AREA, PUBLIC: An open, hard-surfaced area including driveways, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles, and available to the public whether for compensation, free or as an accommodation to clients or customers.

PATRON: For purposes of an Adult Business, as defined herein, any customer, patron or visitor to an Adult Business who is not employed by any operator of said establishment.

PLANNING AND ZONING COMMISSION: Pursuant to the Illinois Municipal Code, the duly appointed Zoning Board of Appeals of the Village, which may be referred to as Commission in this Title.

PLOT: A parcel of land occupied or suitable for occupancy by one principal building or for one main use, and by buildings and for uses customarily incidental thereto including open spaces required under these regulations.

RAP PARLOR: An establishment or place primarily in the business of providing non-professional conversation or similar services for adults, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

RESIDENCE, SINGLE-FAMILY: A detached building designated for or occupied exclusively by one family, as defined herein.

RESIDENCE, TWO-FAMILY: A building designated for or occupied by two families, living independently of each other.

RESIDENCE, MULTI-FAMILY: A building designated for or occupied by three or more families, living independently of each other.

RESTAURANT, CLASS I: Sit down, substantially all the patrons sit at tables inside; or a predominant percentage of patrons sit down inside, although some may carry out food; or a predominant number of patrons carry out food although some inside seating is provided.

RESTAURANT, CLASS II: All patrons carry food out; concession shops without seating, selling ice cream popcorn and comparable items as the primary use.

ROOM: Synonymous with “booth,” as defined herein.

SADOMASOCHISTIC ACTIVITY: Flagellation or torture by or upon a nude person; a person clad in undergarments, a mask or bizarre costume. In addition, the condition of being fettered, bound or otherwise physically restrained with the intent to stimulate or arouse sexually the initiator and/or the recipient.

ADULTS-ONLY SAUNA: An establishment or place primarily in the business of providing a steam bath and/or massage services, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

SELL: Includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

SEXUAL CONDUCT: Ultimate sex acts (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity. In addition, physical contact, intended to stimulate or arouse sexually the initiator and/or the recipient, with a person’s unclothed genitalia, buttocks, perineum, anal or pubic regions, or female breast.

STORY: That portion of a building included between the surface of any floor and the surface of the floor above it; or if there is no floor above it, then the space between such floor and the ceiling above it.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

THIS TITLE: Title 5A of the Hebron Municipal Code, also known as the Hebron Zoning Ordinance.

UNDERAGE: Any person under 18 years of age, the legally minimum age at which one can purchase or view adults-only items. (Statutory Reference: 720 ILCS 5/11-20)

VILLAGE: The Village of Hebron, McHenry County, Illinois.

WALL SIGN: Any flat sign which is placed against a building or other structure and attached thereto in such manner that only one side is visible.

YARD: A required open space, on the same lot with a building, unoccupied or unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT: A yard extended across the front of the lot between the inner side yard lines and measured between the front line of the lot and front line of the building.

YARD, REAR: A yard extending between the inner side yard lines and measured between the rear line of the principal building and the rear lot line, and unoccupied except by accessory buildings.

YARD, SIDE: A yard between a building and the side line of the lot and extending from the front lot line to the rear lot line.

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

ZONING MAP: The map or maps incorporated into this Title as a part hereof, designating the zoning districts in the Village.