

Chapter 9
BUSINESS AND MUNICIPAL DISTRICTS

- 5A-9-1 B-1 Business Zoning District
- 5A-9-2 B-2 Business Zoning District
- 5A-9-3 M-I Municipal Zoning District
- 5A-9-4 Exceptions
- 5A-9-5 Downtown Overlay District *2006-07-778*

5A-9-1 B-1 Business Zoning District

5A-9-1.1 Permitted and Special Uses *Amended, 23-24-1019*

The only permitted and special uses for a parcel or tract of land in the B-1 Business Zoning District are found in Appendix A of this Title. Each permitted or special use for a parcel or tract of land in the B-1 Business Zoning District listed in Appendix A of this Title, other than a public parking lot, shall be conducted with a principal building on such parcel or tract of land.

If a parcel or tract of land in the B-1 Zoning District is being used for the growing of agricultural crops as of October 1, 2023, and which is outside the DOD, such use shall be allowed to continue.

In addition, no parcel or tract of land in the B-1 Business Zoning District may be utilized for a permitted or special use listed in Appendix A of this Title, other than a parking lot, if a principal building on such parcel or tract of land is not connected to, and served by, the Village's sanitary sewer and potable water systems.

The purposes of the requirements of this Section are to:

- i) insure that an owner of such parcel or tract of land without a principal building, the use of which generates a demand for public water or wastewater treatment services provided through transmission mains, pays his, her or its fair share of the costs of such services, rather than patrons or other persons generated from activities on such parcel or tract of land utilizing sanitary facilities, such as bathrooms and sinks, of businesses with principal buildings who do not patronize the business associated with such principal building, and to help the financial viability of the Village's water and wastewater treatment system by receiving revenue for water or wastewater treatment services from vacant parcels or tracts of land generating demand for such services as Village officials have been made aware;
- ii) provide for the safety of patrons and/or pedestrians utilizing an adjacent sidewalk to a parcel or tract of land without a principal building as well as motorists utilizing a nearby road adjacent to a parcel or tract of land without a principal building by requiring that a parcel or tract of land being utilized for a permitted or special use be accompanied by a permanent principal building rather than portable tents, pop-ups or canopies which are at a much higher risk of collapsing or being uprooted and blown over, as Village officials have been made aware, and harming patrons of a business on a parcel or tract of land

without a principal building, pedestrians utilizing an adjacent sidewalk or motorists utilizing an adjacent roadway relative to such parcel or tract of land without a principal building;

iii) better provide for the collection of sales taxes from taxable transactions occurring on parcels or tracts of land without a principal building and to avoid the problem of tracking the activities of transient or temporary vendors utilizing a tract or parcel of land without a principal building for sales of merchandise who can be there one day and gone the next day and not reporting or paying the required sales taxes which adversely affects the Village's finances and its ability to pay for Village services to its residents;

iv) help eliminate the problem of temporary vendors on a tract or parcel of land without a principal building encroaching upon and at times blocking an adjacent sidewalk with displays of merchandise or otherwise seeking to sell merchandise where pedestrians were seeking to use the same portion of the sidewalk for ingress and egress, leading to altercations and disturbances of the peace as Village officials have been made aware;

v) help eliminate the circumstance where the use of a tract or parcel of land without a principal building by a temporary vendor selling items typically involves the sales of goods of lesser value than those goods being sold from principal buildings, leading to less sales tax for the Village – if such sales taxes are even being reported and paid.

However, notwithstanding anything herein to the contrary, no provision herein shall be so construed so as to prohibit the display of a sign or emblem on a parcel or tract of land expressly permitted by Chapter 10, Sign Regulations, or the display of a flag expressly permitted by Chapter 13, Flags, of Title 4 of the Hebron Municipal Code, or other form of expression that is protected by the First Amendment of the United States Constitution or the State of Illinois Constitution.

5A-9-1.2 **Height, Area and Bulk Regulations** *Amended, 2002-03-704*

- A. Building Height: The principal building cannot exceed two stories, plus the roof line, above grade, nor 30 feet to the highest point of the roof. Accessory buildings cannot exceed 20 feet above grade to the highest point of the roof.
- B. Front Yard: There shall be a minimum front yard depth of 30 feet measured from the front lot line or right of way line.
- C. Side Yards: On each lot there shall be a side yard on each side of not less than 15 feet. Corner lots shall have a minimum side yard of 30 feet. Lots abutting any residential zoning district shall have a minimum side yard of 20 feet and provide a 20-foot easement buffer to be used exclusively for screening purposes.
- D. Rear Yard: Each lot shall have a minimum rear yard depth of 30 feet measured from the rear lot line. Lots abutting any residential zoning district shall also provide an additional 20-foot easement buffer to be used exclusively for screening purposes.

- E. Lot Area, Width: Each lot shall have a minimum lot area of 11,000 square feet and a front yard width of not less than 80 feet.

5A-9-2 B-2 Business Zoning District

5A-9-2.1 Permitted and Special Uses *Amended, 23-24-1019*

The only permitted and special uses for a parcel or tract of land in the B-2 Business Zoning District are found in Appendix A of this Title. Each permitted or special use for a parcel or tract of land in the B-2 Business Zoning District listed in Appendix A of this Title, other than a public parking lot, shall be conducted with a principal building on such parcel or tract of land.

If a parcel or tract of land in the B-1 Zoning District is being used for the growing of agricultural crops as of October 1, 2023, and which is outside the DOD, such agricultural use shall be allowed to continue.

In addition, no parcel or tract of land in the B-2 Business Zoning District may be utilized for a permitted or special use listed in Appendix A of this Title, other than a parking lot, if a principal building on such parcel or tract of land is not connected to, and served by, the Village's sanitary sewer and potable water systems.

However, notwithstanding anything herein to the contrary, no provision herein shall be so construed so as to prohibit the display of a sign, flag or emblem on a parcel or tract of land expressly permitted by Chapter 10, Sign Regulations, Title 4 of the Hebron Municipal Code, or other form of expression that is protected by the First Amendment of the United States Constitution or the State of Illinois Constitution.

The purposes of the requirements of this Section are to:

i) insure that an owner of such parcel or tract of land without a principal building, the use of which generates a demand for public water or wastewater treatment services provided through transmission mains, pays his, her or its fair share of the costs of such services, rather than patrons or other persons generated from activities on such parcel or tract of land utilizing sanitary facilities, such as bathrooms and sinks, of businesses with principal buildings who do not patronize the business associated with such principal building, and to help the financial viability of the Village's water and wastewater treatment system by receiving revenue for water or wastewater treatment services from vacant parcels or tracts of land generating demand for such services as Village officials have been made aware;

ii) provide for the safety of patrons and/or pedestrians utilizing an adjacent sidewalk to a parcel or tract of land without a principal building as well as motorists utilizing a nearby road adjacent to a parcel or tract of land without a principal building by requiring that a parcel or tract of land being utilized for a permitted or special use be accompanied by a permanent principal building rather than portable tents, pop-ups or canopies which are at a much higher risk of collapsing or being uprooted and blown over, as Village officials have been made aware, and harming patrons of a business on a parcel or tract of land

without a principal building, pedestrians utilizing an adjacent sidewalk or motorists utilizing an adjacent roadway relative to such parcel or tract of land without a principal building;

iii) better provide for the collection of sales taxes from taxable transactions occurring on parcels or tracts of land without a principal building and to avoid the problem of tracking the activities of transient or temporary vendors utilizing a tract or parcel of land without a principal building for sales of merchandise who can be there one day and gone the next day and not reporting or paying the required sales taxes which adversely affects the Village's finances and its ability to pay for Village services to its residents;

iv) help eliminate the problem of temporary vendors on a tract or parcel of land without a principal building encroaching upon and at times blocking an adjacent sidewalk with displays of merchandise or otherwise seeking to sell merchandise where pedestrians were seeking to use the same portion of the sidewalk for ingress and egress, leading to altercations and disturbances of the peace as Village officials have been made aware;

v) help eliminate the circumstance where the use of a tract or parcel of land without a principal building by a temporary vendor selling items typically involves the sales of goods of lesser value than those goods being sold from principal buildings, leading to less sales tax for the Village – if such sales taxes are even being reported and paid.

5A-9-2.2 **Height, Area and Bulk Regulations**

- A. **Building Height:** The principal building cannot exceed three stories, plus the roof line, above grade, nor 40 feet to the highest point of the roof. Accessory buildings cannot exceed 20 feet above grade to the highest point of the roof.
- B. **Front Yard:** No front yard shall be required except where lots comprising 75 percent or more of the frontage on the same street in any block are improved with buildings used primarily for business purposes, and such buildings are at a uniform setback line, the uniform setback line shall be followed.
- C. **Side Yards:** No side yards shall be required except:
 - 1. When a lot is adjacent to a lot zoned R-4 or R-7 there shall be a minimum side yard with of 10 feet for each story of the main structure on the adjoining lot.
 - 2. Lots adjacent to a street which borders a R-4 or R-7 zoning district shall be provided with a side yard having a minimum width of 10 feet.
 - 3. If a side yard is provided where not required, the side yard shall be a minimum of three feet.

D. Rear Yard:

1. Lots adjoining R-4 and R-7 zoning districts shall have a minimum rear yard depth of 10 feet.
2. Alley setback: If an alley abuts the lot there shall be a 10-foot yard from the center line of the alley to any building on the zoning lot.

E. Lot Area, Width: Each lot shall have a minimum lot area of 11,000 square feet and a front yard width of not less than 80 feet.

5A-9-2.3 Dwelling Standards

Any apartment or family housekeeping unit shall have a total floor area of not less than 1,200 square feet, excluding spaces that are not used frequently or during extended periods for living, eating or sleeping purposes. An apartment or family housekeeping unit shall not be permitted on the first floor.

5A-9-3 M-1 Municipal Zoning District

5A-9-3.1 Permitted Uses

The uses permitted in the M-1 Municipal Zoning District are uses required for municipal and public purposes.

5A-9-3.2 Height, Area and Bulk Regulations

In the M-1 Municipal Zoning District a broad range of uses exist which would make it difficult to set limits on the height, area and other regulations so those regulations shall be determined in a case by case basis by the Board of Trustees after public hearing is conducted by the Planning and Zoning Commission in accordance with this Title.

5A-9-4 Exceptions to Height and Area Regulations

The height and area regulations contained in this Chapter 9 shall be subject to the following exceptions and regulations:

1. Height:
 - a. When computing height requirements the following shall not be included: chimneys, ornamental towers, penthouses, scenery lofts, monuments, cupolas, domes, spires, false mansards, parapet walls, similar structures and necessary appurtenances may be erected to their customary height in accordance with Village ordinances.

- b. On through lots 150 feet or less in depth, the height of the building may be measured from the curb level on either street. On through lots more than 150 feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than 150 feet from the street.
2. Area: Every part of a required yard shall be open from its lowest point to the sky unobstructed except for:
- a. Open fire escapes;
 - b. The ordinary projections of sills, belt courses, cornices, buttresses, chimneys, ornamental features and eaves which do not exceed 19 inches.
 - c. Accessory buildings in rear yards.

5A-9-5 **Downtown Overlay District** *Amended, 23-24-1019, 2006-07-778*

5A-9-5.1 Philosophy of District: The Downtown Overlay District (DOD) is intended to provide the focal point of community life through the maintenance and development of an activity center of retail shopping, personal services, offices, entertainment and public facilities based on principal buildings. Current investment and the provision of a wide variety of employment opportunities are encouraged in the DOD for the maintenance and enhancement of the Village's sales and property tax bases and the strengthening of the local economy. The DOD is intended to enhance the Village's image and utility through high quality services and facilities, visual amenities and a compatible relationship with surrounding neighborhoods.

5A-9-5.2 Purpose and Intent: The DOD is created for the following reasons:

- A. The help maintain an economically viable downtown;
- B. To facilitate and foster the downtown's commercial and retail development;
- C. To provide reasonable and achievable development standards for the downtown area; and
- D. To identify territory on the zoning map as the DOD.

5A-9-5.3 The DOD encompasses properties on the north side of Maple Avenue, starting at 12008 Maple Avenue, presently assigned PIN 03-09-354-029 and known as the "Broadway" property, then due west on Maple Avenue, across Main Street to the northwest corner of 10101 Main Street (Illinois Route 47), presently assigned PIN 03-17-226-002, also commonly known as the "Vole properties", thence south to

those properties presently assigned PIN 03-17-227-016, also commonly known as the “Johnson property, the parcel presently assigned PIN 03-17-227-017, also commonly known as the “Fabri property”, and 10003 Main Street, presently assigned PIN 03-17-227-006, also commonly known as the “Cook property” as well as 12105 IL Rt. 173, presently assigned PIN 13-17-227-032, also commonly known as the “Johnston property” to and across the alleyway immediately west of PIN 03-17-227-006 (the “Cook property”), then south down such alleyway to 4th Avenue, then east across Main Street on 4th Avenue to the west side of Illinois Avenue and then north along Illinois Avenue to the original starting point at 12008 Maple Street. All the properties described above as well as those which are east of the above-referenced alley, north of 4th Avenue, west of Illinois Avenue and south of the Broadway property assigned PIN 03-09-354-029 and south of the Vole properties are included in the DOD.

5A-9-5.4 Permitted Uses: Except as provided in Section 5A-9-5.5, the use of any building or land within the DOD shall be in conformance with the rules and regulations of the underlying zoning district but in the event that there is any conflict or inconsistency with the rules and regulations of the underlying zoning district and this Section 5A-9-5, the terms and provisions of this Section 5A-9-5 shall control, govern and prevail. The requirements of this Section 5A-9-5 shall not interfere with, abrogate, annul or repeal any ordinance previously adopted with respect to allowable uses on a specific site.

5A-9-5.5 Prohibited Uses: Future uses should be compatible with existing uses in the DOD. Due to the nature of the DOD, trailers and other storage units, such as box truck beds, semi-trailers and portable storage units, shall not be permitted except for unloading and loading.