

## Codified Ordinances of Freeport, Illinois

## **CHAPTER 1252**

### **Business Districts**

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#### ***CROSS REFERENCES***

Enterprise zones - see 20 ILCS 655/1 et seq.

Amendments generally - see 55 ILCS 5/5-12014; 65 ILCS 5/11-13-14

Zoning and planning generally - see 65 ILCS 5/11-13-1

Special uses - see 65 ILCS 5/11-13-1.1, 5/11-13-7, 5/11-13-7a, 5/11-13-11

Enforcement - see 65 ILCS 5/11-13-3, 5/11-14.2; P. & Z. Ch. 1242

Amendments require two-thirds vote - see 65 ILCS 5/11-13-3.1

Business district development or redevelopment - see 65 ILCS 5/11-74.3-3

Parking - see TRAF. 480.06; P. & Z. 1262.04(b)

Signs - see B. & H. 1468.22, 1468.27

#### **1252.01 B1-1 RESTRICTED RETAIL BUSINESS DISTRICT.**

(a) Permitted Uses. The following retail business and service uses are permitted, provided they are operated entirely within a building, except for off-street parking and loading facilities:

- (1) Art and school supply stores.
- (2) Art galleries and studios.
- (3) Bakery shops, including the baking and processing of food products when prepared for retail sales on the premises only.
- (4) Banks and financial institutions.
- (5) Book and stationery stores.
- (6) Barber shops, beauty parlors, chiropody, massage or similar personal service shops.
- (7) Candy and ice cream shops.

- (8) Camera and photographic supply shops for retail sale.
- (9) Carpet, rug and linoleum stores.
- (10) China and glassware stores.
- (11) Churches, rectories and parish houses.
- (12) Coin and philatelic stores.
- (13) Currency exchanges.
- (14) Custom dressmaking, millinery, tailoring or shoe repair shops, when conducted for retail sale on the premises only.
- (15) Department stores.
- (16) Dry-goods stores.
- (17) Drug stores.
- (18) Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than 750 pounds of dry goods per day, and when using perchlorethylene or other similar non-inflammable solvents approved by the Fire Department.
- (19) Electrical appliance stores and repairs, but not including appliance assembly or manufacturing.
- (20) Employment agencies.
- (21) Florist shops and conservatories for retail trade on the premises only.
- (22) Food, meat and fruit stores.
- (23) Frozen food stores and food lockers.
- (24) Furniture stores, and upholstery when conducted as a part of the retail operations and secondary to the main use.
- (25) Furriers, when conducted for retail trade on the premises only.
- (26) Gift shops.
- (27) Hardware stores.
- (28) Haberdasheries.
- (29) Hobby stores.
- (30) Household appliance stores and repair.
- (31) Interior decorating shops, including upholstery and making of draperies, slip covers and other similar articles, when conducted as a part of the retail operations and secondary to the main use.
- (32) Jewelry and watch repair shops.
- (33) Laundries, automatic self-service types, or hand.
- (34) Leather goods and luggage stores.
- (35) Locksmiths.
- (36) Millinery shops.
- (37) Musical instrument sales and repair, retail trade only.

- (38) Newsstands.
  - (39) Offices, business and professional, including medical clinics.
  - (40) Opticians and optometrists.
  - (41) Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles.
  - (42) Paint and wallpaper stores.
  - (43) Pet shops, but not including animal hospitals.
  - (44) Photography studios, including the development of film and pictures when done as a part of the retail business on the premises.
  - (45) Picture framing, when conducted for retail trade on the premises only.
  - (46) Photo developing and processing.
  - (47) Postal substations.
  - (48) Public utility collection offices.
  - (49) Restaurants, tearooms or cafes, when the establishment is not of the drive-in type where food is served to occupants remaining in motor vehicles.
  - (50) Savings and loan associations.
  - (51) Sewing machine sales and service.
  - (52) Shoe and hat stores, and repairing when done as a part of the retail business.
  - (53) Signs, as regulated by Chapter 1468 of the Building and Housing Code.
  - (54) Sporting goods stores.
  - (55) Telegraph offices.
  - (56) Telephone booths, public.
  - (57) Tobacco shops.
  - (58) Toy stores.
  - (59) Travel bureaus and transportation ticket offices.
  - (60) Typewriter and adding machine sales and service.
  - (61) Wearing apparel shops.
  - (62) Accessory uses, including off-street parking and loading facilities as permitted or required in accordance with the provisions of Chapter 1262.
- (b) Special Uses. The following uses may be allowed by special use permit:
- (1) Other retail and service business uses not specifically listed above when found to have economic compatibility with established uses on adjoining property.
  - (2) Automobile service stations.
  - (3) Churches, rectories and parish houses.

(4) Clubs or lodges (non-profit), fraternal or religious institutions.

(5) Hospitals and sanitariums.

(6) Hotels and motels, including restaurants and meeting rooms.

(7) Meeting halls.

(8) Planned developments, business, as defined herein.

(9) Parks, when publicly owned and operated.

(10) Restaurants with outdoor serving areas; however, if alcoholic beverages are to be served, such restaurant must be in compliance with Section 806.17 of these Codified Ordinances.

(11) Taverns, package liquor stores and any establishment selling alcoholic beverages for consumption on or off the premises.

(12) Public utilities and public service uses, including: electric substations; fire stations; police stations; public art galleries and museums; public libraries; telephone exchange, repeater stations, microwave relay towers and stations, mobile transmitting towers and stations, antenna towers and other outdoor equipment essential to the operation of the exchange in the interest of public convenience and necessity; bus terminals or other public transportation terminal facilities; water filtration plants; water pumping stations; water reservoir; and other similar uses.

(13) Residential uses, including dwelling units and lodging rooms, if business uses or premises designed for such uses occupy the ground floor, and provided that either:

A. Not less than twenty percent of the frontage on the same street and within the same block, or twenty percent of the frontage directly across the street from such frontage, is already developed with buildings in which there are dwelling units or lodging rooms; or

B. At least two-thirds of the frontage in the entire block is zoned for business, and not less than twenty percent of the frontage so zoned for business is already developed with buildings in which there are dwelling units or lodging rooms.

(14) Outdoor amusement establishments, fairgrounds, carnivals, circuses, race tracks, kiddie parks and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums or arenas.

(15) Automatic teller machines.

(16) Crematoriums for human and animal remains only in conjunction with an on-site licensed undertaking establishment, funeral parlor or mortuary, provided that the cremator/retort for human remains is separated by a solid wall from the cremator/retort for domesticated pet remains and both cremators/retorts are within a fully enclosed crematorium with no windows. For the purposes of this paragraph, the term "animal" shall not include any animal over 200 pounds nor any animal commonly raised for profit as part of an agricultural operation (whether miniature or full-sized) including, but not limited to cattle, cows, hogs, pigs, sheep, horses, goats, llamas, etc. Provided, however,

A. Except when vehicles are entering or exiting the crematorium, the exterior doors of the crematorium shall remain closed so that the cremator/retort shall not be visible from any public right-of-way.

B. Except when vehicles are entering or exiting the crematorium, all business vehicles containing human remains or animal remains and associated with the crematorium shall not be visible from any public right-of-way.

C. The crematorium shall comply with all applicable State and Federal laws and regulations.

(c) Conditions of Use. All uses permitted in this district, except residence district uses, shall be retail establishments dealing directly with consumers and shall be subject to the following conditions:

- (1) Dwelling units and lodging rooms are not permitted below the second floor, except by special use permit.
- (2) The sale of foodstuffs or articles intended for human consumption shall be conducted wholly within an enclosed building.
- (3) Except for banks and financial institutions, establishments of the "drive-in" type, offering goods or services directly to customers waiting in parked motor vehicles, are not permitted.
- (4) There shall be no manufacture, processing or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises.
- (5) Not more than five persons (exclusive of manager, clerk and drivers) shall be engaged in said manufacturing, processing or treatment of products.
- (6) Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
- (7) Any exterior sign displayed shall pertain only to the use conducted within the building.

(d) Transitional Yards. Where a B1-1 District adjoins a residence district, transitional yards shall be provided in accordance with the following regulations:

- (1) Where lots in a B1-1 District front on the street and at least eighty percent of the frontage directly across the street between two consecutive intersecting streets is in a residence district, the front yard regulations for the residence district shall apply to the said lots in the business district.
- (2) In a B1-1 District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Zoning Code for a residential use on the adjacent property in the residence district.
- (3) In a B1-1 District, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimensions to the minimum side yard which would be required under this Zoning Code for a residential use on the adjacent property in the residence district.
- (4) In a B1-1 District, where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be twenty feet in depth, but may begin at a height of fifteen feet or one story above grade, whichever is lower.
- (5) In a B1-1 District, where the extension of the front or side lot line coincides with the front lot line of an adjacent lot located in a residence district, a yard of not less than ten feet shall be provided.

Transitional yards shall be unobstructed from the lowest level to the sky except as may be otherwise provided in this Zoning Code.

(e) Maximum Floor Area Ratio and Coverage. The floor area ratio shall not exceed 1.2, and not more than sixty percent of a zoning lot shall be covered by a building or buildings.

(1977 Code § 73-801; Ord. 80-5. Passed 2-4-80; Ord. 82-67. Passed 10-18-82; Ord. 90-46. Passed 6-4-90; Ord. 99-34. Passed 6-21-99; Ord. 2001-23. Passed 7-2-01; Ord. 2007-53. Passed 7-16-07; Ord. 2011-11. Passed 3-21-11; Ord. 2015-31. Passed 7-6-15.)

## **1252.02 B1-2 GENERAL RETAIL BUSINESS DISTRICT.**

(a) District Regulations. The zoning regulations of the B1-2 General Retail Business District shall be the same as the regulations of the B1-1 Restricted Retail Business District, except for floor area ratio and coverage.

(b) Maximum Floor Area Ratio and Coverage. The floor area ratio shall not exceed 10.0, and not more than eighty percent of a zoning lot shall be covered by a building or buildings, including accessory buildings.

(1977 Code § 73-802)

### **1252.03 B2-1 LIMITED SERVICE BUSINESS DISTRICT.**

(a) Permitted Uses. The following retail and service uses are permitted, provided they are operated entirely within a building, except for off-street parking or loading facilities, and except for establishments of the "drive-in" type offering goods and services directly to customers waiting in parked motor vehicles:

(1) Any use permitted in the B1-1 Business District.

(2) Auction rooms.

(3) Automobile service stations, for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories and supplies, including installation and minor services customarily incidental thereto. Facilities for chassis and gear lubrication, and for washing of not more than two vehicles, are permitted only if enclosed in a building.

(4) Ambulance services.

(5) Amusement establishments, including bowling alleys, billiard parlors, gymnasiums, commercial swimming pools, dance halls, skating rinks and other similar places of recreation.

(6) Auto accessory stores, where there is no driveway entrance across the sidewalk into the main building.

(7) Automobile sales and service shops, including painting and repairing, but not the painting or repairing of trucks.

(8) Blueprinting and photostating establishments.

(9) Bicycle sales and repair.

(10) Boat showrooms, sales and service.

(11) Catering establishments.

(12) Costume rental shops.

(13) Cutting of glass and glazing establishments.

(14) Exterminating shops.

(15) Garages, public, for storage of private passenger automobiles and commercial vehicles under one and one-half tons.

(16) Hand laundries.

(17) Hotels and motels, including restaurants, cocktail lounges and meeting rooms.

(18) Laboratories (medical, dental, research, experimental and testing), provided no production of or manufacturing of products takes place and provided the performance standards of the M-1 District are

complied with.

- (19) Loan offices, when located above the first floor.
- (20) Meeting halls.
- (21) Monument sales, but not including the cutting or grinding of stones or other material, on an open lot or within a building.
- (22) Pawn shops.
- (23) Physical culture and health services.
- (24) Plumbing, heating and air conditioning sales and service.
- (25) Printing and publishing of newspapers, periodicals and books, including letter process work.
- (26) Radio and television broadcasting stations.
- (27) Schools: music, dance, business, commercial or trade.
- (28) Secondhand stores, antique and rummage shops.
- (29) Silver plating and repair shops.
- (30) Telephone exchange, repeater stations, micro-wave relay towers and stations, mobile transmitting towers and stations, antenna towers and other outdoor equipment essential to the operation of the exchange in the interest of public convenience and necessity, and including business offices in conjunction therewith.
- (31) Theaters, indoor.
- (32) Undertaking establishments, funeral parlors or mortuaries.
- (33) Repair, rental, servicing of any article the sale of which is a permitted use in the district.
- (34) Accessory uses, including off-street parking and loading facilities as permitted or required in accordance with the provisions of Chapter 1262.
- (35) Landscape supplies and firewood, but not including the processing of same, on an open lot or in a building.

(b) Special Uses. The following uses may be allowed by special use permit:

- (1) Any use which may be allowed as a special use in the B1-1 Business District, unless already permitted under subsection (a) hereof.
- (2) Teen centers.

(c) Conditions of Use. All uses permitted in this district (except residence district uses) shall be retail establishments only and shall be subject to the following conditions:

- (1) Dwelling units and lodging rooms are not permitted below the second floor, except in hotels and motels.
- (2) There shall be no manufacture, processing or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises.
- (3) Not more than five persons (exclusive of manager, clerk or drivers) shall be engaged in said manufacture, processing or treatment of products, including catering, cleaning, laundering, plumbing, upholstering and other similar permitted uses.

(4) Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibrations or other similar causes.

(d) Yard Areas. All yard regulations shall be the same as required and as apply in the B1-1 Retail Business District.

(e) Maximum Floor Area Ratio and Coverage. The floor area ratio shall not exceed 1.2, and not more than sixty percent of a zoning lot shall be covered by a building or buildings.

(f) Signs. All sign regulations shall be as required and as apply in Chapter 1468 of the Building and Housing Code.

(1977 Code § 73-803) (Ord. 2002-65. Passed 11-4-02; Ord. 2007-79. Passed 11-19-07; Ord. 2010-02. Passed 1-19-10.)

#### **1252.04 B2-2 LIMITED SERVICE BUSINESS DISTRICT.**

(a) District Regulations. The zoning regulations of the B2-2 Limited Service Business District shall be the same as the regulations of the B2-1 Retail Business District, except for floor area ratio and coverage.

(b) Maximum Floor Area Ratio and Coverage. The floor area ratio shall not exceed 10.0, and not more than eighty percent of a zoning lot shall be covered by a building or buildings, including accessory buildings.

(1977 Code § 73-804)

#### **1252.05 B-3 COMMERCIAL AND WHOLESALE BUSINESS DISTRICT.**

(a) Permitted Uses. The following retail business uses and service establishments are permitted, provided they are conducted wholly within an enclosed building, except for off-street parking or loading facilities, and except for establishments of the "drive-in" type offering goods and services directly to customers waiting in parked motor vehicles, and except where specified below.

(1) Any use permitted in the B2-1 Business District.

(2) Agricultural implement sales and services, on an open lot or within a building.

(3) Automobile washing, including the use of mechanical conveyors, blowers and steam-cleaning.

(4) Battery and tire service stations.

(5) Beverages, non-alcoholic, bottling and distributing.

(6) Bicycle and motorcycle sales and repair.

(7) Book binding.

(8) Building materials sales, when conducted wholly within a building.

(9) Contractor's offices and shops, where no fabricating is done on the premises and where all storage of material and equipment is within a building.

(10) Cutting of glass and glazing establishments.

(11) Feed, seed and farm supply store, wholesale and retail.

(12) Greenhouse.

- (13) Heating and air conditioning (fabricating and assembly) shops.
- (14) Live bait stores.
- (15) Motels.
- (16) Pet shops or animal hospitals when conducted wholly within an enclosed building.
- (17) Plumbing, heating and roofing supply shops.
- (18) Printing, publishing and issuing of periodicals, books, stationery and other reading matter.

(19) Processing or assembly limited to the following, provided that space occupied in a building does not exceed 10,000 square feet of total floor space and basement space, not including stairwells or elevator shafts, and provided such processing or assembly can be conducted without noise, vibration, odor, dust or any other condition which might be disturbing to occupants of adjacent buildings. When manufacturing operations of the same or similar products demand space exceeding 10,000 square feet, they shall then be located in the M-1 Manufacturing District.

- A. Advertising displays;
- B. Awnings, venetian blinds and window shades;
- C. Brushes and brooms;
- D. Bakeries, wholesale;
- E. Cosmetics, drugs and perfumes;
- F. Electrical equipment appliances;
- G. Food processing, packaging and distribution;
- H. Jewelry;
- I. Medical and dental supplies;
- J. Optical goods and equipment;
- K. Pattern making;
- L. Scientific and precision instruments;

M. Products from finished materials such as plastic, bone, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, precious or semi-precious stones, paper, rubber, shell or yarn.

- (20) Restaurants and taverns, including live entertainment and dancing.
- (21) Storage and warehousing, and wholesale establishments.
- (22) Taxidermist shops.
- (23) Tinsmiths.

(24) Trailer sales or rental (house trailers) business on an open lot or within a building, not including occupancy of trailers.

- (25) Used passenger automobile sales on an open lot or within a building.

(26) Accessory uses, including off-street parking and loading facilities as permitted or required in Chapter 1262.

(b) Special Uses. The following uses may be allowed by special use permit:

(1) Any use which may be allowed as a special use in the B1-1 and B2-1 Business Districts unless already permitted under subsection (a) hereof.

(2) Riding academies and public stables.

(3) Trailer or mobile home parks, provided that public or community sewer and water facilities are available for each trailer, and that each trailer site contains not less than 2,400 square feet of area, including parking space, but not including roadways.

(c) Yard Areas. The yard regulations shall be the same as required and as apply in the B1-1 Retail Business District.

(d) Maximum Floor Area Ratio. The floor area ratio shall not exceed 2.5.

(e) Signs. Sign regulations shall be as required or permitted in Chapter 1468 of the Building and Housing Code.

(1977 Code § 73-805; Ord. 90-46. Passed 6-4-90; Ord. 2005-26. Passed 6-20-05; Ord. 2010- 02. Passed 1-19-10; Ord. 2011-11. Passed 3-21-11.)