

CITY OF LEROY
COUNTY OF MC LEAN
STATE OF ILLINOIS

ORDINANCE NO. 838

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF LEROY TO
PROVIDE FOR AN ADDITIONAL PERMITTED USE IN THE B-O-I DISTRICT AS TO THAT
REAL ESTATE DESCRIBED IN THIS ORDINANCE

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS 3rd
DAY OF May, 1999.

PRESENTED: May 3, 1999

PASSED: May 3, 1999

APPROVED: May 3, 1999

RECORDED: May 3, 1999

PUBLISHED: May 3, 1999


In Pamphlet Form

Voting "Aye" 6

Voting "Nay" 0

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

(SEAL)


X _____
City Clerk of the City of LeRoy,
McLean County, Illinois

Dated: May 3, 1999.

ORDINANCE NO. 838

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF LEROY TO PROVIDE FOR AN ADDITIONAL PERMITTED USE IN THE B-O-I DISTRICT AS TO THAT REAL ESTATE DESCRIBED IN THIS ORDINANCE

WHEREAS, a petition for an additional permitted use was received by the City of LeRoy, in regard to premises described hereinafter, said petition seeking to obtain an additional permitted use, as stated in the petition for the aforesaid premises, in the B-O-I zoning district; and

WHEREAS, a public hearing was held by the Zoning Board of Appeals of the City of LeRoy, Illinois, on April 8, 1999, scheduled to be held at 7:10 p.m., actually convened at 7:49 p.m., (due to delays of hearings held previously thereto,) at the City Hall, LeRoy, Illinois, in accordance with the laws of the state of Illinois and the ordinances of the City of LeRoy, McLean County, Illinois, to consider said petition after due notice was given in accordance with all applicable laws and ordinances; and

WHEREAS, said Zoning Board of Appeals recommended to the LeRoy City Council, upon the conclusion of the aforesaid hearing, denying the additional permitted use request; and

WHEREAS, 65 ILCS 5/11-13-1.1, regarding special uses, provides that the aldermen or board of trustees of an Illinois municipality have the authority to make a final decision upon a special use, or additional permitted use as designated under the City of LeRoy Zoning Code, and that in the instance a zoning board of appeals recommends denial of a special use, that a majority of all aldermen then holding office must vote in favor of overturning the decision of the zoning board of appeals; and

WHEREAS, additional permitted uses are provided for as to the B-O-I zoning district, at Section 21.17(c) of Chapter 34 Zoning, Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), and procedures for petitioning for an additional permitted use are set forth at Section 21.18(i) of Chapter 34 Zoning, Municipal Code of the City of LeRoy, Illinois, 1975 (as amended),

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of LeRoy, Illinois, in lawful meeting assembled, as follows:

Section 1. The City Council hereby finds that the use of the phrase "additional permitted uses" was intended, by the draftsmen of the original zoning code of the City of LeRoy (Chapter 34, Municipal Code of the City of LeRoy, Illinois, 1975) to be in the nature of, although not specifically identical to, the use of the phrase "special uses," as set forth in 65 ILCS 5/11-13-1.1, and, therefore, the City Council hereby finds that "additional permitted uses" shall be deemed to be "special uses" insofar as the provisions regulating the use of special uses and the procedures for obtaining special use zoning relief are set forth in the Illinois Municipal Code, Chapter 65 Illinois Compiled Statutes.

Section 2. An additional permitted use, as designated hereafter, is hereby approved for that real estate described as follows:

That real estate as described in Exhibit A, attached hereto and incorporated herein be reference,

said additional permitted use to be conditioned upon those requirements, regulations and conditions as set forth later in this ordinance.

Section 3. The additional permitted use hereby approved for the previously described real estate is: "state highway maintenance facility"; which additional permitted use is hereby approved for that property as described in Section 2 of this ordinance and for no other property in the B-O-I zoning district classification, unless with further action of the City of LeRoy Zoning Board of Appeals and the City Council of the City of LeRoy.

Section 4. The aforesaid additional permitted use is conditioned upon all activities taking place on said premises meeting the general requirements set forth under Chapter 21 Zoning, Section 21.17(d). General Requirements, as the same exist from time to time, shall include the following performance standards: (aa). Noise., (bb). Vibration., (cc). Smoke., (dd). Particulate Matter., (ee). Toxic Matter., (ff). Odor., (gg). Fire and Explosion., (hh). Detonable Materials., (jj). Flammable Liquids and Gases., and (mm). Radioactive Radiation. Further, the parcel of real estate previously described herein and for which the additional permitted use is hereby granted must be effectively screened on the south side with landscape plantings which shall be so designed and/or planted as to be at least fifty percent (50%) opaque when viewed horizontally between two feet and eight feet above the average ground level; said screening to be "filled in" to at least fifty percent opacity, as previously stated, within 18 months from the date construction of the facility permitted by this permitted use ordinance is substantially completed.

Section 5. The City Zoning Administrative Officer is hereby directed to prepare an appropriate permit noting the special conditions upon which the additional permitted use at the premises as described previously herein (Exhibit A) and only upon those premises, in the B-O-I zoning district, shall be permitted until such time as the State of Illinois highway maintenance facility shall cease to use the premises, at which time the additional permitted use granted in accordance with this ordinance shall terminate.

Section 6. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by

Ryan Miles, seconded by Dick Oliver

by roll call vote on the 3rd day of May, 1999, as follows:

Aldermen elected 6 Aldermen present 6

VOTING AYE:

Ryan Miles, Dawn Thompson, Dave McClelland, Dick Oliver, Steve Dean, Ron Litherland
(full names)

VOTING NAY:

None

(full names)

ABSENT:

None

(full names)

ABSTAIN:

None

(full names)

OTHER:

None

(full names)

and deposited and filed in the office of the acting City Clerk in said municipality on the 3rd day of May, 1999.

X 

Sue Marcum, City Clerk of the City of LeRoy,
McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 3rd day of

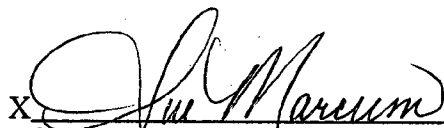
May, 1999.

X 

Robert Rice, Mayor of the City of LeRoy,
McLean County, Illinois

ATTEST:

(SEAL)

X 

Sue Marcum, City Clerk, City of LeRoy,
McLean County, Illinois

Exhibit A

That part of the South Half of the Southeast Quarter of the Southwest Quarter of Section 21, Township 22 North, Range 4 East of the Third Principal Meridian described as follows: Commencing at the northwest corner of said South Half; thence, South 00 degrees 00 minutes 00 seconds East 60.00 feet on the west line of the Southeast Quarter of the Southwest Quarter of said Section 21 to the south line of Maple Street and the POINT OF BEGINNING; thence, South 89 degrees 29 minutes 00 seconds East 187.02 feet; thence, South 00 degrees 31 minutes 00 seconds West 87.00 feet; thence, South 81 degrees 21 minutes 12 seconds East 197.99 feet; thence, South 73 degrees 06 minutes 26 seconds East 425.92 feet; thence, North 00 degrees 11 minutes 00 seconds East 136.00 feet; thence, South 48 degrees 27 minutes 00 seconds East 133.25 feet; thence, South 00 degrees 11 minutes 00 seconds West 289.42 feet; thence, North 89 degrees 37 minutes 48 seconds West 888.76 feet to the west line of the Southeast Quarter of the Southwest Quarter of said Section 21; thence, North 00 degrees 00 minutes 00 seconds West 478.27 feet to the POINT OF BEGINNING containing 7.322 acres, more or less, and all being situated in McLean County, Illinois.

CERTIFICATE

I, Sue Marcum, certify that I am the duly appointed and acting municipal clerk of the City of LeRoy, of McLean County, Illinois.

I further certify that on May 3, 1999, the Corporate Authorities of such municipality passed and approved Ordinance No. 838, entitled:

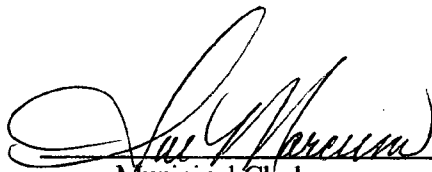
AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF LEROY TO PROVIDE FOR AN ADDITIONAL PERMITTED USE IN THE B-O-I DISTRICT AS TO THAT REAL ESTATE DESCRIBED IN THIS ORDINANCE,

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 838, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on May 3, 1999, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 3rd day of May, 1999

(SEAL)



Municipal Clerk

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)


I, Sue Marcum, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such acting City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF LEROY TO PROVIDE FOR AN ADDITIONAL PERMITTED USE IN THE B-O-I DISTRICT AS TO THAT REAL ESTATE DESCRIBED IN THIS ORDINANCE.

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the 3rd day of May, 1999, and prior to the making of this certificate the said ordinance was spread at length upon the permanent records of said City where it now appears and remains as a faithful record of said ordinance in the record books.

Dated this 3rd day of May, 1999.



City Clerk

(SEAL)