

CITY OF LE ROY

ILLINOIS

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ORDINANCE NO. 268

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF LE ROY TO PROVIDE FOR THE CREATION OF A NEW ZONING DISTRICT TO BE KNOWN AS THE "B-O-I" DISTRICT, AND AMENDING Chapter 21, ZONING, SECTION 21.17, AND CREATING NEW SECTION 21.18, MUNICIPAL CODE OF LEROY, ILLINOIS 1975 (AS AMENDED).

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ADOPTED BY THE CITY COUNCIL OF

CITY OF LEROY, ILLINOIS

THIS 3rd DAY OF March, 1986.

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Published in pamphlet for by  
authority of the City Council  
of the City of LeRoy, McLean  
County, Illinois, this 3rd day  
of March, 1986.

ORDINANCE NO. 268

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF LEROY TO PROVIDE FOR THE CREATION OF A NEW ZONING DISTRICT TO BE KNOWN AS THE "B-0-1" DISTRICT, AND AMENDING CHAPTER 21, ZONING, SECTION 21.17, AND CREATING NEW SECTION 21.18, MUNICIPAL CODE OF LEROY, ILLINOIS 1975 (AS AMENDED).

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, have determined that it is in the best interests of the City to create a new zoning district to combine some of the uses presently permitted in the commercial (C-1 and C-2) districts and industrial (I-1 and I-2) districts as they now exist in the zoning district scheme of the City zoning ordinance, and

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, deem it to be in the best interests of the City and its citizens to encourage business development in and about the City, and that it is deemed by the aforesaid that such business development will be enhanced by the creation of such a new zoning district,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of LeRoy, McLean County, Illinois, in lawful meeting assembled:

Section 1. That Chapter 21, Zoning, Section 21.17, Administration and Enforcement, Municipal Code of LeRoy, Illinois 1975 (as amended) is hereby renumbered Section 21.18, and all sub-sections thereof shall retain their original designations as previously set forth under the former heading Section 21.17.

Section 2. That new Section 21.17, B-0-1, Business/Office/Industrial District, is hereby created in words and figures as follows:

21.17. B-0-1, BUSINESS/OFFICE/INDUSTRIAL DISTRICT.

(a). General Character.

The purpose of the B-0-1, Business/Office/Industrial District, is to provide an area for business sites, office locations, and low-nuisance industrial uses (that are environmentally compatible with a primarily residential community) that are a compatible mix of such business, office and industrial uses, and that can all be located in proximity to residential areas. The compatibility of all such uses is deemed to be that combination of such uses which will not have a deleterious effect on adjacent residential and business areas, and that will not have a deleterious effect on the other business, office and industrial uses made of sites located within the same district.

(b). Permitted Uses. The following uses are permitted in in the B-0-1, Business/Office/Industrial District:

1. Churches and Synagogues;
2. Libraries;
3. Schools - public, private or parochial;
4. Museums and art galleries;
5. Parks, playgrounds and other non-commercial public open space;
6. Community Centers;
7. Clubs and lodges, private;
8. Funeral homes and mortuaries;
9. Hospitals, clinics, nursing homes, group homes and mental health centers, and retirement institutions;
10. Child day care centers;
11. Animal hospitals and veterinarian offices;
12. Antique shops, art shops or galleries;
13. Automobile parts and accessories stores;
14. Bicycle sales, repair and rental shops;
15. Banks and financial institutions;
16. Beverage distributors, but not including bottling plants;
17. Book binderies;
18. Catering establishments;
19. Bowling alleys;
20. Air conditioning and heating, sales and service;
21. Automobile sales and service shops conducted wholly within a completely enclosed building and as one integrated business operation;
22. Dentists and doctors offices;

23. Department, furniture and home appliance stores;
24. Business machine sales, rental and service, including computer stores;
25. Camera and photographic supply stores;
26. Carpet and rug stores (retail sales);
27. Blueprinting, photostating and copying establishments;
28. Employment agencies;
29. Equipment rental establishments;
30. Grocery stores;
31. Hardware stores;
32. Jewelry and watch sales and repair shops;
33. Laboratories, medical, dental, research and testing;
34. Musical instrument sales and repairs;
35. Newspaper distribution agencies for home delivery and retail trade;
36. Offices -business, professional, governmental, political and institutional;
37. Paint, tile and wallpaper stores;
38. Phonographic, record, tape, sheet music, video stores;
39. Picture framing shops;
40. Post Office;
41. Sporting goods stores;
42. Theaters, indoor;
43. Toy stores;
44. Travel bureaus;
45. Transportation ticket offices;
46. Variety stores;
47. Yard goods and sewing materials stores;
48. Commercial schools for music, dance, business or trade;
49. Roller skating and ice skating rinks - entirely indoor;
50. Restaurants, eat-in or carry-out;

51. Electrical showrooms in shops;
52. Camping equipment sales;
53. Garden supplies, tools and seed stores including lawnmower, snow blower, snow mobile sales and service;
54. Greenhouses and nurseries;
55. Gunsmiths;
56. Mail order houses;
57. Meeting and union offices and halls;
58. Swimming pool sales;
59. Water softener service;
60. Mini-warehouses;
61. Off-street parking lots, public garages or storage garages;
62. Outdoor amusement establishments, including archery ranges, miniature golf and similar facilities;
63. Printing and publishing establishments;
64. Radio and T.V. stations and studios;
65. Radio and T.V. towers;
66. Recording studios;
67. Insurance offices;
68. Real estate sales offices;
69. Automated teller machines;
70. Graphics and drafting services;
71. Office supply stores;
72. Studios for artists, musicians and photographers;
73. Fire stations;
74. Police stations;
75. Telephone exchanges, telephone transmission equipment buildings;

76. Laundry and dry-cleaning establishments - coin-operated, self-service only, or hand laundry and dry-cleaning establishments - employing not more than 6 persons in addition to one owner or manager;
77. Hobby shops, for retail of items to be assembled or used away from the premises;
78. Boat sales, rentals, storage and repair, including sales and service of marine motors, boat parts and accessories;
79. Packing and crating establishments;
80. Commercial advertising and business sign shops;
81. Farm implement sales and service;
82. Hotels and motels;
83. Monument establishments, including accessory open sales lots;
84. Box and carton manufacturing;
85. Clothing manufacturing;
86. Furniture manufacturing;
87. Toy manufacturing;
88. Warehouse and storage operations; and
89. Other manufacturing of light nature, free from any objectionable odors, fumes, dirt, vibration or noise detectable at the lot line.

(c). Additional Permitted Uses. Other uses of the same general character and compatible with those listed above may be permitted upon review by the Zoning Board of Appeals in accordance with the provisions of 21.18 - (j)., contained herein, and in accordance with the other requirements for businesses located in this district as set forth hereafter.

(d). General Requirements.

1. All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods or products, shall conform with the performance standards set forth immediately hereafter, as such standards are applied at the boundaries of the lot on which such activities take place.

Performance Standards:

(aa). Noise.

(i). Maximum Sound Levels - No operation or activity shall cause or create noise above the sound pressure levels in Tables 1 and 2 at the locations specified therein.

(ii). Measurement - A sound level meter and associated octave band analyzer shall be employed to measure the intensity and frequency of sound. The flat network slow meter response of the sound level meter shall be used. Sounds of short duration, such as from forge hammers, punch presses and the like, which cannot be measured accurately with the sound level meter shall be measured with an impact noise analyzer as manufactured by the General Radio Company or its equivalent in order to determine the peak value of the impact. For sounds so measured, the peak value shall not exceed by 6 decibels the values given in Tables 1 and 2 as set forth hereafter.

(iii). Exemptions - The following shall be exempt from noise performance standards:

(1). Noises emanating from construction and maintenance activities between 7:00 a.m., and 9:00 p.m.

(2). Noises of safety signals, warning devices, and emergency pressure relief valves.

(3). Transient noises of moving sources such as automobiles, trucks, railroads and aircraft.

(4). Noises associated with snow plowing and mosquito abatement.

(5). Church bells, chimes and carillons.

(6). Other noises not under the direct control of the property user.

TABLE 1: PERMITTED SOUND LEVELS

<u>Pre-1960 Octave Band Cycles Per Second</u>	<u>Maximum Permitted Sound Pressure Level in Decibels at Boundaries of Nearest Residential District</u>
0-75	67
75-150	66
150-300	61
300-600	54
600-1,200	47
1,200-2,400	39
2,400-4,800	29
Over 4,800	20

Above figures for octave band analyzers calibrated with pre-1960 octave bands. (American Standards Association Z24.10-1953 Octave Band Filter Set).

<u>Preferred Center Frequency Cycles Per Second</u>	<u>Maximum Permitted Sound Pressure Level in Decibels at Boundaries of Nearest Residential District</u>
31.5	65
63	67
125	66
250	59
500	52
1,000	46
2,000	37
4,000	26
8,000	17

Above figures for octave band analyzers calibrated with Preferred Frequencies (American Standards Association S1.6-1960, Preferred Frequencies for Acoustical Measurement).

Adjustments:

At the boundaries of the nearest Commercial, Industrial, Business and Office Districts, levels in the above tables shall be permitted to be increased by 5 percent.

Between the hours of 9:00 p.m., and 7:00 a.m., sound levels in the above cycles shall be reduced by 5 decibels.

Sound levels in the above tables shall be modified where applicable by adjustments in Table 2.



TABLE 2: ADJUSTMENTS TO PERMITTED SOUND LEVELS

DURATION of noise in any one-hour period (use one adjustment only):	<u>Adjustment in Decibels</u>
a. under 12 minutes	Add 5 dB
b. under 3 minutes	Add 10 dB
c. under 1/2 minute	Add 15 dB
Noise is IMPULSIVE in character (e.g., hammering)	Subtract 5 dB
Noise is PERIODIC in character (e.g., hum, screech)	Subtract 5 dB

(bb). Vibration.

(i). Maximum Vibration - Ground transmitted vibration shall not exceed the maximum permitted Particle Velocities in Table 3 at the locations specified therein.

(ii). Measurement - A seismograph or other three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions shall be used to measure vibration.

Particle Velocity may be measured directly or computed by the following formula:

$$PV = 6.28 \times F \times D$$

PV: Particle Velocity in inches per second

F: Vibration frequency in cycles per second

D: Single amplitude displacement of the vibration in inches

The maximum Particle Velocity shall be the maximum vector sum of the three mutually perpendicular components recorded simultaneously.

TABLE 3: MAXIMUM GROUND TRANSMITTED VIBRATION

Maximum Permitted Particle Velocity\*

<u>District</u>	<u>At Adjacent Lot Line</u>	<u>At Nearest Residential District Boundary**</u>
I	0.1	0.02

\*Where vibration is produced as discrete impulses (impact vibrations) not exceeding 100 per minute, maximum permitted velocities may be doubled.

\*\*Between 7:00 a.m., and 9:00 p.m., maximum permitted velocity at Residential District boundaries shall be reduced 50 percent.

(cc). Smoke.

(i). Maximum Emissions - Emission of smoke shall not exceed the maximum permitted smoke units as defined herein and Ringelmann Number ratings in Table 4.

TABLE 4: MAXIMUM SMOKE EMISSIONS

	<u>During 1 hour Per 24 hour day*</u>	<u>All Other Times</u>
Maximum Permitted Smoke Units Per Hour Per Stack	16	8
Highest Ringelmann Number Permitted	3**	1

\*When blowing soot or cleaning fires  
\*\*For a maximum duration of 3 minutes

(dd). Particulate Matter.

(i). Maximum Emissions - Particulate matter is fine solid or liquid particles small enough to be carried in the air, including products of combustion such as soot and flyash, industrial dust, and products of wind erosion.

The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed the value given below as adjusted by the factors in Table 5.

<u>District</u>	<u>Maximum Pounds Per acre of Net Sit Area Per Hour</u>
All	1

(ii). Measurement - The emission rate in pounds per hour from any single stack shall be determined by selecting the continuous four-hour period which will result in the highest average emission rate.

(iii). Control of Wind Erosion - Emission of particulate matter from materials, products, or surfaces subject to wind erosion shall be minimized by paving, oiling, wetting, covering, landscaping, fencing, or other means.

This shall apply to vacant lots; unpaved roads; yards and storage piles of bulk materials such as coal, sand, cinders, slag, and sulfur; and similar sources of windborne particulates.

TABLE 5: ADJUSTMENTS TO PARTICULATE STANDARDS

Number should interpolate for values not listed.

Minus sign indicates value is to be subtracted from particulate standard.

1. HEIGHT OF EMISSION

<u>Height of Emission Above Ground in Feet</u>	<u>Adjustment in Lbs./Hour/Acre</u>
50	-0.01
100	-0.06
150	-0.1
200	-0.16
300	-0.3
400	-0.5

## 2. VELOCITY OF EMISSION

<u>Exit Velocity in Feet Per Second</u>	<u>Adjustment in Lbs./Hour/Acre</u>
0	-
20	-0.03
40	-0.09
60	-0.16
80	-0.24
100	-0.5

## 3. TEMPERATURE OF EMISSION

<u>Temperature in Degrees Fahrenheit</u>	<u>Adjustment in Lbs./Hour/Acre</u>
200	-
300	-0.001
400	-0.002
500	-0.003
1,000	-0.01
1,500	-0.04
2,000	-0.1

(ee). Toxic Matter.

(i). Maximum Emissions - Release of any airborne toxic matter shall not exceed the permitted standards in Table 6 at the locations specified therein.

TABLE 6: PERMITTED EMISSION OF TOXIC MATTER

<u>Maximum Fraction of Threshold Limit Value</u>	<u>Location Where Applicable</u>
1/30	At lot lines

\*Threshold Limit Values adopted by the American Conference of Government and Industrial Hygienists.

(ii). Measurement. Measurement of toxic matter shall be at ground level or habitable elevation and shall be the average of any 24-hour sampling period.

(ff). Odor.

(i). Maximum Emissions - Odorous material released shall not exceed the Odor Threshold concentration beyond the lot line.

(ii). Measurement - Odor shall be measured by Odor Threshold concentrations with the American Society for Testing and Materials Method D1391-57 Standard Method for Measurement of Odor in Atmospheres (Dilution Method) or its equivalent.

Odor shall be measured at ground level or habitable elevation.

(gg). Fire and Explosion.

(i). Other Regulations Applicable - In addition to the requirements herein, all materials regulated in this section shall be utilized, stored, manufactured, and handled in accordance with the City Fire Protection Code and the standards of the National Fire Protection Association.

(ii). All flammable solid, liquid, or gaseous materials must, where permitted, be stored, manufactured, or utilized in completely enclosed buildings that:

(AA). have fire resistive construction of no less than two hours;

(BB). are protected with an automatic fire extinguishing system;

(CC). are set back at least 40 feet from all lot lines.

Flammable solid materials that are incombustible to moderate burning and flammable liquids with a closed cup flash point of 187 degrees Fahrenheit or greater are exempt from this requirement.

(hh). Detonable Materials - Detonable Materials are all materials or products that decompose by detonation, including, among other materials:

(i). All primary explosives such as lead azide, lead styphnate, fulminates, and tetracene;

(ii). All high explosives such as TNT, RDX, HMX, PETN, and picric acid;

(iii). Propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives;

(iv). Pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate;

(v). Blasting explosives such as dynamite and nitroglycerine;

(vi). Unstable organic compounds such as acetylides, tetrazoles, and ozonides;

(vii). Strong unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentrations greater than 35 percent; and

(viii). Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

The storage, utilization, or manufacture of detonable materials shall be permitted only as licensed by the City or as incidental to a Principal Use subject to the requirements of Table 7.

TABLE 7: STANDARDS FOR DETONABLE MATERIALS

<u>Storage, Utilization or Manufacture of 5 lbs. or Less</u>	<u>Storage or Utilization of Over 5 lbs.</u>	<u>Manufacture of Over 5 Lbs.</u>
Permitted Use	Conditional Use	Prohibited

(ii). Flammable Solid Materials -The utilization, storage, and manufacture of flammable solid materials are permitted subject to the provisions concerning Building Requirements above.

(jj). Flammable Liquids and Gases - The storage, utilization, and manufacture of flammable liquids or gases that produces flammable or explosive vapors shall be limited to the quantities specified in Tables 8 and 9.

TABLE 8: STANDARDS FOR FLAMMABLE LIQUIDS

<u>Closed Cup Flash Point in Degrees Fahrenheit</u>	<u>Maximum Gallons</u>	
	<u>Above Ground</u>	<u>Below Ground</u>
Under 24	-0-	2,000
24-104	-0-	20,000
105-186	-0-	100,000
Over 186	-0-	100,000
Total All Flammable Liquids	-0-	100,000

Storage of unfinished products in original sealed containers of 60 gallons or less is exempt from above standards.

TABLE 9: STANDARDS FOR FLAMMABLE GASES

<u>Maximum Standard Cubic Feet*</u>	
<u>Above Ground</u>	<u>Below Ground</u>
-0-	300,000

At 60 degrees Fahrenheit and 29.9 inches Hg.

(kk). Glare - No operation shall produce direct or indirect illumination greater than 0.5 footcandles in any Residential District.

(ll). Heat - No heat from operations or processes shall be sensed at any lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

(mm). Radioactive Radiation - No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations in effect as of the date of application for a Certificate of Occupancy.

Radioactive materials shall be contained in a fireproof container at or below ground level if they are stored, utilized, or manufactured in a quantity exceeding 100,000 times the quantity listed in Section 3, Paragraph b, of the Radiation Installation Registration Law of the State of Illinois or any amendment thereto.

(nn). Administration - The procedures following are intended to enforce the Performance Standards herein, to protect businesses from arbitrary enforcement, and to protect the public from unnecessary enforcement costs.

(i). New Uses. An application for a Building Permit shall include a certification by a licensed engineer, licensed architect, or scientific laboratory that the use involved in the application is able to meet all applicable Performance Standards to the extent that this can be judged based on the submitted building plans.

(ii). Existing Uses. In enforcing Performance Standards on existing uses, the Zoning Administrative Officer may issue a written Notice of Violation to an alleged violator.

The Zoning Administrative Officer shall, before issuing such notice, make technical determinations of violations when such determinations can be made using equipment and trained personnel normally available to the City or obtainable without extraordinary expense.

In other cases, however, technical complexity or extraordinary expense makes it unreasonable for the City to maintain personnel or equipment for making determinations of violation prior to issuing a Notice of Violation. In such cases, a Notice of Violation may be issued when the Zoning Administrator has other reason to believe there is probable violation.

The Zoning Administrative Officer shall give Notice of Violation by any means that ensures a signed receipt for such notice to the party responsible for the alleged violation.

The notice shall describe the alleged violation and the results of the technical determinations or the other reasons why the Zoning Administrative Officer believes there is a violation. The notice shall require either an answer or correction of the alleged violation to the satisfaction of the Zoning Administrative Officer and within a time limit he or she shall specify in the Notice.



The Notice shall also state that failure to provide an answer or correct the alleged violation within this time limit shall constitute admission of a violation.

The Notice shall further state that, if technical determinations have not already been made, upon request of the alleged violator such determinations will be made. If a violation is found as a result of such determinations, the cost of the determinations will be assessed against the properties or parties responsible in addition to any other penalties provided for. If no violation is found, the City will pay the cost of the determinations.

(e). The conduct of business, service or processing shall be within completely enclosed buildings, except for off-street parking or loading, or other open-air facilities or storage as may be permitted within the district, or by variance granted in accordance with this zoning ordinance.

(f). Storage which is an auxiliary use to the principal use is permitted in the open if it occupies not more than 20 percent of the gross lot area for the business establishment. Storage of merchandise on display for sale to the public is unrestricted so long as it is kept in a neat and orderly manner.

(g). Height Regulations. No building or structure shall exceed three stories or 35 feet in height.

(h). Lot Area, Frontage and Yard Requirements.

1. Lot Area - No minimum lot width.

2. Yards - Front, 60 feet from center of right-of-way or 25 feet, whichever is greater (however front yard area may be utilized for off-street parking as required by this zoning ordinance); rear - 10 feet; side - 10 feet on one side only, except where adjoining a residential district, then, side adjoining the residential district must, at a minimum, have the same side yard as is required in the R-1 Residential District.

(i). Signs. Sign Regulations shall be the same as those enumerated in Section 21.12-(f) of this ordinance.

(j). Off-Street Parking and Loading Facilities. As required in Section 21.06 of this ordinance, generally, and in keeping with the particular type of business as is set forth in Section 21.06(d).

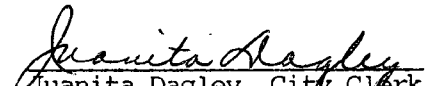
Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

Aldermen elected 6  
Aldermen present 6

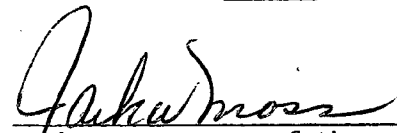
AYES King, Bulta, Hanafin, Davis, Hillard, Derby

NAYS None

Passed by the Mayor and City Council of the City of LeRoy, Illinois, this 3rd day of March, 1986.


  
Juanita Dagley, City Clerk  
of City of LeRoy, Illinois

Approved by the Mayor of the City of Le Roy, Illinois, this 3rd day of March, 1986.

  
Jack Moss, Mayor of the  
City of LeRoy, Illinois

ATTEST:

(seal)

  
Juanita D gley, City Clerk  
of City of LeRoy, Illinois

CERTIFICATE

I, Juanita Dagley, certify that I am the duly elected and acting municipal clerk of the City of Le Roy, McLean County, Illinois.

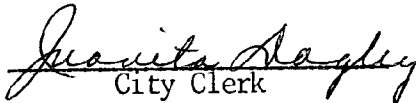
I further certify that on March 3, 1986, the Corporate Authorities of such municipality passed and approved Ordinance No. 268, entitled AN ORDINANCE AMENDING THE ZONING CODE OF CITY OF LE ROY TO PROVIDE FOR CREATION OF NEW ZONING DISTRICT "B-O-I". DISTRICT.

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

The pamphlet form of Ordinance No. 268, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the City hall, commencing on March 3, 1986, 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 City Clerk.

DATED at LeRoy, Illinois, this 3rd day of March, 1986.

(SEAL)

  
City Clerk

STATE OF ILLINOIS)  
                                   )SS  
 COUNTY OF MC LEAN)

I,           Juanita Dagley          , do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such 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 OCE OF THE CITY OF LEROY, TO PROVIDE FOR THE CREATION OF A NEW ZONING DISTRICT TO BE KNOWN AS THE "B-O-I" DISTRICT, AND AMENDING CHAPTER 21, ZONING, SECTION 21.17, and CREATING NEW SECTION 21.18, MUNICIPAL CODE OF LEROY, ILLINOIS 1975 (AS AMENDED)

That said ordinance was adopted by the Mayor and City Council of the City of LeRoy at a regular meeting on the       3rd       day of       March      , 1986, and that a faithful record of said ordinance has been made in the record books.

Dated this       3rd       day of       March      , 1986.

Juanita Dagley  
 City Clerk

(seal)