

ORIG

CITY OF LeROY
COUNTY OF McLEAN
STATE OF ILLINOIS

ORDINANCE NO. 293

AN ORDINANCE AMENDING CHAPTER 21, ZONING, SECTION 21.17, ADMINISTRATION AND ENFORCEMENT (G). VARIATIONS. AMENDMENTS TO 21.17 (G).

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LeROY THIS 2nd DAY OF March, 1987

PRESENTED: March 2, 1987
PASSED: March 2, 1987
APPROVED: March 2, 1987
RECORDED: March 2, 1987
PUBLISHED: March 2, 1987
In Pamphlet Form/In Newspaper

Voting "Aye" 5
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.

Jeanita Bagley

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

(SEAL)

Dated: March 2, 1987

AN ORDINANCE AMENDING CHAPTER 21, ZONING, SECTION 21.17, ADMINISTRATION AND ENFORCEMENT (G). VARIATIONS. AMENDMENTS TO 21.17 (G).

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation (hereinafter referred to as "CITY"), have determined that it is in the best interests of the City and its residents that variations to the Zoning Code of the City, contained in Chapter 21 of the Municipal Code of LeRoy, 1975 (as amended), be limited in order that variations not be permitted that would essentially accomplish a change of zoning district, map amendment, or other significant or substantial change in regard to the zoning as to any given parcel of property, where such change should be made as a matter of amendment to the zoning map of the City or to the zoning code of the City, and

WHEREAS, the Mayor and City Council of the City of LeRoy deem the present Zoning Code to permit the Zoning Board of Appeals of the City of LeRoy to grant variations at this time that would accomplish changes of use which would, in essence, accomplish a change of zoning district as to any given parcel of real estate,

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

Section 1. That Chapter 21, Section 21.17(G), Variations., sub-section 1. Authority, of the the Municipal Code of LeRoy, Illinois, 1975 (as amended), is hereby repealed and in its place new sub-section 1. Authority., in words and figures as follows, is adopted:

1. Authority. Following public hearing and receipt of findings and recommendations of the Zoning Board of Appeals, the City Council, by Ordinance, may grant variations in the regulations of this Ordinance. Such variations shall be in harmony with the general purpose and intent of this Ordinance and shall be granted in accordance with standards and procedures set forth herein. In the exercise of such authority, the City Council shall delegate to the Zoning Board of Appeals the power to decide, after public hearing, such variations as are specified in this sub-section, regarding variations, specifically being set forth

in sub-sub-section 4. Decisions. Variances of this Ordinance shall be in harmony with the general purpose and intent of this Ordinance and shall be granted only in those specific instances where the Zoning Board of Appeals shall have made a finding of fact based upon the standards hereinafter prescribed. A variance may not be requested or granted where the effect of such request or grant would be to amend the zoning district boundaries or to create a conditional permitted use other than is allowed in accordance with the provisions of sub-sub-section 4. hereafter.

Section 2. That Chapter 21, Section 21.17 (G) Variations., of the Municipal Code of LeRoy, Illinois, 1975 (as amended), sub-sub-section 4., is hereby further amended by repeal of said sub-section 4. and adoption of new sub-section 4. in its place, in words and figures, as follows:

4. Decisions - Variations to be Decided by Zoning Board of Appeals. The following variations from regulations of this Ordinance shall be decided by the Zoning Board of Appeals in accordance with the procedures and standards for variations as set forth in this sub-section:

- a. To permit the extension of a District or the boundary line of a District that divides a lot in single ownership as shown of record prior to date of initial passage of this Ordinance;
- b. To permit a front yard, side yard, or rear yard less than that required by this Ordinance, but such variation shall not exceed 25 per cent of the depth of the front yard, or of the depth of the rear yard, or of the width of a side yard, as required by this Ordinance;
- c. To permit a building to exceed the height limit by not more than 10 per cent of the maximum height allowed by this Ordinance;
- d. To permit the use of a lot less in area by not more than 10 percent of the lot area required for such use by this Ordinance;
- e. To permit the use of a lot less in width by not more than 15 percent of the lot width required for such use by this Ordinance;

f. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;

g. To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20 percent of the applicable regulations, whichever number is greater;

h. To increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served;

Section 3. That Section 21.17 (G), Municipal Code, LeRoy, Illinois, 1975 (as amended) 4. Decisions, as repealed in the preceding paragraph is replaced and renumbered in words and figures as follows:

4. A. Decisions. The concurring vote of a majority of all members of the Zoning Board of Appeals shall be necessary to recommend to the City Council and, when applicable, to decide a variation. The City Council, by ordinance and without further public hearing, may adopt a proposed variation, other than a variation upon which the Zoning Board of Appeals is required to decide, or that may be referred to the Zoning Board of Appeals for further consideration, and any such proposed variation which fails to receive a favorable recommendation of the Zoning Board of Appeals shall not be adopted except by favorable vote of three-fourths of all the corporate authorities then holding office of the City of LeRoy, Illinois. All decisions made by the Zoning Board of Appeals or by the City Council shall be final, subject only to judicial review in accordance with applicable statutes of the State of Illinois. No order of the City Council, or, when applicable, the Zoning Board of Appeals, granting a variation shall be valid for a period longer than one year from the date of such order unless the building or any other required permit is obtained within such period and the erection or alteration of a building, structure or land improvement has been substantially completed or the use has commenced within such period.

5. That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as required by law.

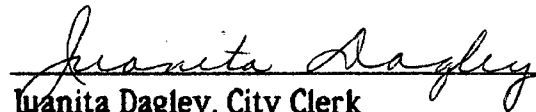
PASSED by the City Council of the City of LeRoy, Illinois, on the
2nd day of March, 1987

Aldermen elected 6

Aldermen present 5


AYES Jerry Davis, David King, Patrick Derby, Gary Bulta, Jon Winston

NAYS None



Juanita Dagley, City Clerk
of the City of LeRoy, Illinois

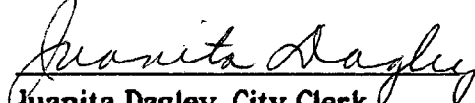
APPROVED by the Mayor of the City of LeRoy, Illinois, this 2nd day of
March, 1987



Jack Moss, Mayor of the
City of LeRoy, Illinois

ATTEST:

(SEAL)



Juanita Dagley, City Clerk
of the City of LeRoy, Illinois

CERTIFICATE

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

I further certify that on March 2, 1987, the Corporate Authorities of such municipality passed and approved Ordinance No. 293, entitled:

AN ORDINANCE AMENDING CHAPTER 21, ZONING, SECTION 21.17, ADMINISTRATION AND ENFORCEMENT (G). VARIATIONS. AMENDMENTS TO 21.17(G).

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

The pamphlet form of Ordinance No. 293, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on March 2, 1987, 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 2nd day of March, 1987.

(seal)

Juanita Dagley
Municipal Clerk

STATE OF ILLINOIS)
)SS
COUNTY OF MC LEAN)

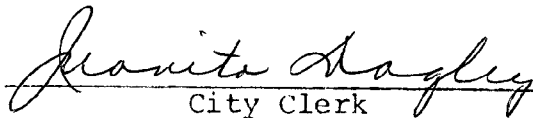
I, Juanita Dagley, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

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

AN ORDINANCE AMENDING CHAPTER 21, ZONING, SECTION 21.17, ADMINISTRATION AND ENFORCEMENT (G). VARIATIONS. AMENDMENTS TO 21.17 (G).

That said ordinance was adopted by the Mayor and City Council of the City of LeRoy at a regular meeting on the 2nd day of March, 1987, and that a faithful record of said ordinance has been made in the record books.

Dated this 2nd day of March, 1987.



City Clerk

(seal)