

ORDINANCE NO. 577

**AN ORDINANCE AMENDING CHAPTER 21, ZONING ORDINANCE,
MUNICIPAL CODE OF THE CITY OF LEROY, ILLINOIS, 1975 (as amended)**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS 16th
DAY OF January, 1995.

PRESENTED: January 16, 1995

PASSED: January 16, 1995

APPROVED: January 16, 1995

RECORDED: January 16, 1995

PUBLISHED: January 16, 1995

In Pamphlet Form

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.

(SEAL)

X Juanita Bagley
City Clerk of the City of LeRoy,
McLean County, Illinois

Dated: January 16, 1995.

**AN ORDINANCE AMENDING CHAPTER 21, ZONING ORDINANCE,
MUNICIPAL CODE OF THE CITY OF LEROY, ILLINOIS, 1975 (as amended)**

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, deem it to be in the best interests of the City and its residents that the zoning ordinance amendments hereinafter set forth be approved, and

WHEREAS, appropriate hearing by the City of LeRoy Zoning Board of Appeals, required notice having first been given, has been held, and the findings and recommendations of the aforesaid zoning board of appeals have been submitted to the Mayor and City Council of the City of LeRoy, and

WHEREAS, the Mayor and City Council of the City of LeRoy have carefully considered the proposed changes to the aforesaid zoning ordinance and the findings and recommendations of the zoning board of appeals,

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

Section 1. Chapter 21, Section 21.12, sub-section (b), sub-sub-section 11., Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), is hereby repealed, and new Chapter 21, Section 21.12, sub-section (b), sub-sub-section 11., is hereby adopted in amendment of the aforesaid Chapter 21, in words and figures as follow:

[21.12 C-1, CENTRAL COMMERCIAL DISTRICT (b) Permitted Uses.]...

11. Dwellings, above first floor only in the case of structures consisting of two or more stories, not including any basement; no dwelling in a basement area; dwellings permitted on the first floor (of a one story building only - basement level not counted as a story) provided that all of the following requirements are met:


- a. There is a business establishment open to the public on a regular basis (with the proprietor, principal, or at least one of the principals, of the partnership or corporation, or manager, being available to conduct business with the public at least thirty-five hours per week in any week of a calendar year, not less than forty-eight weeks per year - which requirements shall be deemed the minimum in order to be considered an "ongoing" business as the term is used hereafter in this sub-sub-section 11), said commercial establishment occupying the front, or streetside, fifty-five percent of the available floor

space of the principal structure located on the premises subject to the zoning requirements of the central commercial district, no portion of the fifty-five percent being devoted to the permanent or long term storage of goods and wares, other than to the extent such goods and wares are part of the goods and wares displayed in connection with the conduct of the business on the premises and available for immediate sale and delivery to the public.

- b. The dwelling area shall not occupy more than forty-five percent of the available floor space, and may not be used for storage of goods or wares or materials and supplies normally utilized in the conduct of the business to which the front fifty-five percent or any portion thereof of the structure is devoted;
- c. The dwelling area may only be occupied by the person or persons owning the building or structure and operating the business in the front fifty-five percent of the building and the family of any such person, "family" being limited to spouse of the owner and children, as well as any step-child or ward legally in the custody of the owner or the owner's spouse, total number of occupants of the dwelling area to be not more than four;
- d. There shall be a wall dividing the front portion where the business is located from the rear portion where the dwelling area is located said wall to have a one hour or greater fire rating and containing not more than two doors opening into the business area, each door being a solid-core door;
- e. One or more separate rear entrances are provided for the dwelling area and are not used for ingress or egress by the public to gain entrance to the business area located in the front of the structure;
- f. At least one off-street parking space is provided on the zoned premises at the rear of the building generally not for use by the public, but rather for the general parking of the building owner/business owner's personal vehicle;
- g. The owner of the building/business establishment gives written permission at the time the Certificate of Occupancy is applied for permitting the City Zoning Administrative Officer to make an annual inspection of the premises, such annual inspection to be conducted during reasonable business hours for the purpose of determining that the structure, including the interior dividing wall between the business and the dwelling portions of the first floor of the structure meets all applicable city ordinances, and all other requirements as set forth previously herein, are being met on an ongoing basis; and
- h. The building owner/business owner executes an agreement in a form provided by the City, at the time application is made for a Certificate of Occupancy, that the dwelling area shall be occupied only so long as the business establishment continues to be in operation and open to the public on an ongoing basis; that once the business establishment ceases to be open to the public on an ongoing basis that the structure owner/business owner agrees to vacate the dwelling area within a period not less than three months after receiving written notice from the Zoning Administrative Officer that the business has been deemed no longer to meet the previous stated requirements of being open to the public on an ongoing basis; that the dwelling area shall not again be occupied unless it is by a person or persons

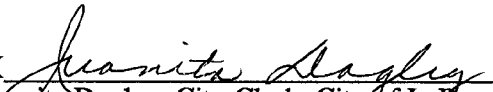
APPROVED BY the Mayor of the City of LeRoy, Illinois, this 16th day of

January _____, 199__.

X 

Jerry C. Davis, Mayor of the City of LeRoy,
McLean County, Illinois

ATTEST: (SEAL)

X 

Juanita Dagley, City Clerk, City of LeRoy,
LeRoy, McLean County, Illinois

CERTIFICATE

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

I further certify that on January 16, 1995, the Corporate Authorities of such municipality passed and approved Ordinance No. 577, entitled:

AN ORDINANCE AMENDING CHAPTER 21, ZONING ORDINANCE, MUNICIPAL CODE OF THE CITY OF LEROY, ILLINOIS, 1975 (as amended),

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

The pamphlet form of Ordinance No. 577, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on January 16, 1995, 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 16th day of January, 1995.

(SEAL)


Municipal Clerk

