

**REGULAR CITY COUNCIL MEETING  
105 S MAIN ST  
FARMER CITY, ILLINOIS  
MONDAY NOVEMBER 4, 2024  
6:00 P.M.  
AGENDA**

**PRELIMINARY MATTERS**

Call to order  
Roll call  
Pledge of allegiance to the flag  
Proclamations/presentations/recognitions    **FY 24 Audit Findings**  
Public Comment

**CONSENT AGENDA**

The following items will be adopted on a single motion without discussion unless a council member requests separate consideration:

- A. Approval of the minutes of the October 7, 2024 council minutes
- B. Fund Warrant List

**UNFINISHED BUSINESS--Ordinances or resolutions previously tabled.**

- A. Ordinance 1130 An Ordinance Amending Chapter 91: Criminal Public Nuisance Property. AMENDED

**NEW BUSINESS--Ordinances and resolutions for initial consideration**

- B. Discussion from Chris Risler regarding 2025 Heritage Days updates.
- C. Ordinance 1132 An ordinance implementing a non-home rule municipal retailers' occupation tax and a non-home rule municipal service occupation tax for the City of Farmer City, Illinois.
- D. Ordinance 1133 An Ordinance Authorizing the Execution of the RMA Minimum/Maximum Contribution Agreement.
- E. Ordinance 1134 An Ordinance Adopting a Zoning Map and Zoning Code and Adding Chapter 155: Zoning Code.
- F. Resolution 2024-117 amending 2025 meeting dates as required by law.
- G. Resolution 2024-118 Resolution authorizing extension of an employee leasing agreement with GovTempsUSA.
- H. Resolution 2024-120 Authorizing Extension of the Consulting Agreement with Sue McLaughlin.

**EXECUTIVE SESSION**

5 ILCS 120/2(c)21 Meetings to review closed session minutes, including the semi-annual review of closed session minutes pursuant to Section 2.06 of OMA.

- I. Resolution 2024-119 a resolution determining whether the need for confidentiality still exists or is no longer required as to all or part of minutes of all confidential closed meetings.

**OTHER ITEMS**

- 1. City manager report
- 2. Non-agenda items and other business

**ADJOURNMENT**

NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the city clerk's office at (309) 928-2842, 48 hours before the meeting. Staff will be pleased to make the necessary arrangements.

**MINUTES OF THE FARMER CITY, ILLINOIS**  
**CITY COUNCIL REGULAR MEETING**  
**OCTOBER 7, 2024 6 p.m.**

**ROLL CALL** Present: Councilmembers Shelley Friedrich, Willard McKinley, David Walsh, Jason Strough and Mayor Scott Testory.

Also, in attendance: Interim City Manager Austin Edmondson, City Clerk Angie Wanserski and City Attorney Joe Chamley.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**PROCLAMATION/PRESENTATION**

**PUBLIC COMMENT**

**CONSENT AGENDA**

A. Approval of the minutes of the September 3, 2024 council meeting

B. Fund Warrant List

**MOTION** by McKinley, seconded by Friedrich, to approve the consent agenda. Voted unanimously. Motion carried.

**NEW BUSINESS**

A. Ordinance 1129 An Ordinance Amending Chapter 32: Personnel Regulations and Policies (compensatory time).

This ordinance will allow employees to take compensatory time in lieu of overtime. It will be at the discretion of employee whether or no to use.

**MOTION** by McKinley, seconded by Friedrich, to approve Ordinance 1129 An Ordinance Amending Chapter 32: Personnel Regulations and Policies (compensatory time). Voted unanimously. Motion carried.

B. Ordinance 1130 An Ordinance Amending Chapter 91: Criminal Public Nuisance Property.

Council would like to table this ordinance to acquire more clarification on it.

**MOTION** by McKinley, seconded by Friedrich, to TABLE Ordinance 1130 An Ordinance Amending Chapter 91: Criminal Public Nuisance Property. Voted unanimously. Motion carried.

C. Ordinance 1131 An Ordinance implementing a municipal grocery retailers' occupation tax and a municipal grocery service occupation tax for the City of Farmer City, Illinois.

The state is eliminating their grocery tax and allowing municipalities to retain it for their use if they choose to do so. This will not be a new, additional tax. It will just begin to be captured by the municipality beginning January 1, 2026.

**MOTION** by McKinley, seconded by Friedrich, to approve Ordinance 1131 An Ordinance implementing a municipal grocery retailers' occupation tax and a municipal grocery service occupation tax for the City of Farmer City, Illinois. Voted unanimously. Motion carried.

**CITY MANAGER REPORT**

Interim City Manager Edmondson informed council that the EPA grant has been awarded and bid packages for water filters at the water plant have been sent. The current sidewalk grant has been

submitted. The city manager search has garnered 11 applicants with 5 being qualified. The cutoff to apply is October 25<sup>th</sup>. There is a non-home rule sales tax option that will be brought before council at the next meeting. Well #11 that was talked about at the last meeting has had a complete rebuild and it back online. The sewer plant is currently removing sewage drying bed and the recruitment for an additional sewer worker continues. The city is also seeking a crossing guard.

#### **NON-AGENDA ITEMS AND OTHER BUSINESS**

Mayor Testory wanted to acknowledge the passing of the city's crossing guard Steve Friedrich. He will be greatly missed.

#### **ADJOURNMENT**

**MOTION** by McKinley, seconded by Friedrich, to adjourn the meeting. Voted unanimously

. Motion carried.

---

Angie Wanserski, City Clerk

Vendor Name	Net Invoice Amount	Description	Created by
100			
MAURER-STUTZ	1,102.50	ZONING	DSB
McLAUGHLIN, SUE	200.00	ADMIN SERVICES	DSB
WATTS COPY SYSTEMS INC	213.05	MONTHLY COPIER FEES	DSB
U.S. BANK	3,184.83	U.S. BANK	DSB
COOPER, BILLIE	300.00	MONTHLY SERVICE	DSB
T-MOBILE	33.82	PHONE & INTERNET- OCT 24	DSB
QUADIENT FINANCE USA INC.	200.00	POSTAGE	DSB
PAVLOV MEDIA	198.34	PHONE & INTERNET 11-24	DSB
WANSERSKI, ANGIE	2.00	HR ADVERTISING	DSB
U.S. BANK	2.00	U.S. BANK	DSB
NICOR GAS	50.14	MONTHLY GAS	DSB
NICOR GAS	44.08	MONTHLY GAS	DSB
SIMPLY SENNETT	100.00	WEB DEVELOPMENT- SEPT 24	DSB
U.S. BANK	32.71	U.S. BANK	DSB
HINCKLEY SPRINGS	52.09	WATER AND COOLER	DSB
U.S. BANK	1,615.72	U.S. BANK	DSB
U.S. BANK	1,566.03	U.S. BANK	DSB
MEIER AUTOMOTIVE	284.85	DODGE DURANGO REPAIRS	DSB
COOPER, BILLIE	100.00	GUN RANGE SERVICE	DSB
U.S. BANK	12.59	U.S. BANK	DSB
VERIZON	186.29	POLICE PHONE AND AIR CARDS	DSB
PAVLOV MEDIA	183.48	PHONE & INTERNET 11-24	DSB
U.S. BANK	40.00	U.S. BANK	DSB
U.S. BANK	22.56	U.S. BANK	DSB
DUPREE, MELISSA	108.00	RESOURCE OFFICER TRAVEL- 10-24	DSB
DUPREE, MELISSA	84.00	RESOURCE OFFICE MILEAGE	DSB
HORIZON CONNECTIONS	316.63	COMPUTER REPAIRS	DSB
RAY O'HERRON	44.00	UNIFORMS	DSB
RAY O'HERRON	484.22	UNIFORMS	DSB
CORNEGLIO AG	4.99	BATTERIES	DSB
U.S. BANK	218.05	U.S. BANK	DSB
KI JUNG KWON	96.29	BOOTS REIMBURSEMENT	DSB
EVERGREEN FS INC	1,515.69	POLICE FUEL	DSB
EVERGREEN FS INC	1,417.46	POLICE FUEL	DSB
U.S. BANK	155.88	U.S. BANK	DSB
WALKER TIRE & EXHAUST	620.00	STREETS REPAIR	DSB
SPENCER OIL	52.00	STATE INSP	DSB
RUSH TRUCK CENTER- CHAMP	693.32	PARTS FOR VEHICLE REPAIR	DSB
MID-WEST TRUCKERS ASSOCI	85.00	ANNUAL CHARGE- STREETS	DSB
MIDWEST SERVICE CORPORAT	170.00	ANNUAL SERVICE CHARGE	DSB
T-MOBILE	33.83	PHONE & INTERNET- OCT 24	DSB
PAVLOV MEDIA	82.75	STREETS PHONE & INTERNET	DSB
ILLINOIS ASSOC OF CHIEFS OF	130.00	ANNUAL DUES	DSB
WANSERSKI, ANGIE	13.68	TRAINING MATERIALS	DSB
NAPA AUTO PARTS	29.99	STREETS EQUIPMENT PARTS	DSB
NAPA AUTO PARTS	52.34	STREETS EQUIPMENT PARTS	DSB
PROGRESSIVE CHEMICAL & LI	344.05	STREET	DSB
CORNEGLIO AG	68.31	STREETS PARTS	DSB
CORNEGLIO AG	2.01	STREETS PARTS	DSB
McKINLEY WATER CONDITIONI	7.00	STREETS WATER	DSB
McKINLEY WATER CONDITIONI	7.00	STREETS WATER	DSB
McKINLEY WATER CONDITIONI	10.00	STREETS WATER	DSB
PEARL TRUCKING LLC	613.60	STREETS MATERIALS	DSB
HEIDELBERG MATERIALS	424.76	STREET MATERIALS	DSB
HEIDELBERG MATERIALS	558.48	STREETS SUPPLIES	DSB
EVERGREEN FS INC	444.16	STREETS DIESEL	DSB
EVERGREEN FS INC	272.48	STREETS FUEL	DSB

Vendor Name	Net Invoice Amount	Description	Created by
EVERGREEN FS INC	468.46	STREETS DIESEL	DSB
EVERGREEN FS INC	85.00	STREETS FUEL	DSB
U.S. BANK	35.52	U.S. BANK	DSB
MENARDS - CHAMPAIGN	7.92	PARKS LEAF BAGS	DSB
STILLWATER MULCH	2,390.00	MULCH FOR SOUTH PARK	DSB
MIDWEST SERVICE CORPORAT	85.00	ANNUAL SERVICE CHARGE	DSB
T-MOBILE	33.83	PHONE & INTERNET- OCT 24	DSB
HORIZON CONNECTIONS	37.50	MONTHLY SERVICE	DSB
WANSERSKI, ANGIE	13.68	TRAINING MATERIALS	DSB
MENARDS - CHAMPAIGN	87.78	PARKS SUPPLIES	DSB
CORNEGLIO AG	68.86	PARKS- SUPPLIES	DSB
U.S. BANK	17.98	U.S. BANK	DSB
LEROY TRUE VALUE HARDWAR	37.99	PARKS MOTOMIX	DSB
EVERGREEN FS INC	391.70	PARKS FUEL	DSB
EVERGREEN FS INC	207.49	PARKS FUEL	DSB
MENARDS - CHAMPAIGN	167.16	PARKS- MISC	DSB
MENARDS - CHAMPAIGN	64.30	PARKS- MISC	DSB
HORIZON CONNECTIONS	37.50	MONTHLY SERVICE	DSB
PAVLOV MEDIA	37.83	PHONE & INTERNET 11-24	DSB
Total 100:	23,162.55		
<b>110</b>			
MCK CPA & ADVISORS	7,000.00	AUDIT SERVICES 2024	DSB
Total 110:	7,000.00		
<b>140</b>			
IML RISK MANAGEMENT ASSO	43,544.00	ADDITIONAL MIN/MAX BILLING 2024	DSB
Total 140:	43,544.00		
<b>150</b>			
MAURER-STUTZ	10,675.00	2024 RESURFACING PROJECT	DSB
MAURER-STUTZ	380.00	BIDDING ASSISTANCE PROGRAM	DSB
MAURER-STUTZ	17,092.04	PLUM ST IMPROVEMENTS	DSB
Total 150:	28,147.04		
<b>240</b>			
FARMER CITY MASONIC LODG	1,036.79	PARTIAL REIMB CHAIR LIFT- LODGE	DSB
Total 240:	1,036.79		
<b>270</b>			
TRIMBLE PLUMBING SEPTIC P	250.00	MONTHLY RENTAL	DSB
Total 270:	250.00		
<b>280</b>			
CORNEGLIO AG	45.79	SANTA'S HOUSE- PAINT	DSB
U.S. BANK	859.82	U.S. BANK	DSB
Total 280:	905.61		
<b>490</b>			
GFL ENVIRONMENTAL	12,494.68	MONTHLY SERVICE	DSB

Vendor Name	Net Invoice Amount	Description	Created by
<b>Total 490:</b>	<b>12,494.68</b>		
<b>510</b>			
MIDWEST SERVICE CORPORAT	85.00	ANNUAL SERVICE CHARGE	DSB
T-MOBILE	33.82	PHONE & INTERNET- OCT 24	DSB
FRONTIER	182.15	WATER PHONE	DSB
PAVLOV MEDIA	37.83	PHONE & INTERNET 11-24	DSB
CORNEGLIO AG	10.10	WATER SUPPLIES	DSB
EVERGREEN FS INC	110.70	WATER FUEL	DSB
EVERGREEN FS INC	444.16	WATER DIESEL	DSB
EVERGREEN FS INC	259.99	WATER FUEL	DSB
EVERGREEN FS INC	468.46	WATER DIESEL	DSB
LAYNE CHRISTENSEN COMPAN	8,875.00	WELL DISINFECTION SERVICE	DSB
WATER PRODUCTS CO.	179.12	REPAIR CLAMPS	DSB
<b>Total 510:</b>	<b>10,686.33</b>		
<b>520</b>			
MIDWEST SERVICE CORPORAT	85.00	ANNUAL SERVICE CHARGE	DSB
T-MOBILE	33.83	PHONE & INTERNET- OCT 24	DSB
PAVLOV MEDIA	80.80	PHONE & INTERNET 11-24	DSB
WANSERSKI, ANGIE	13.68	TRAINING MATERIALS	DSB
U.S. BANK	1,835.40	U.S. BANK	DSB
CHEMTRADE CHEMICALS US L	3,600.00	CHEMICALS- SEWER	DSB
CHEMTRADE CHEMICALS US L	3,600.00	CHEMICALS- SEWER	DSB
PROGRESSIVE CHEMICAL & LI	317.68	SEWER SUPPLIES	DSB
CORNEGLIO AG	110.53	SEWER SUPPLIES	DSB
CORNEGLIO AG	43.98	SEWER SUPPLIES	DSB
EVERGREEN FS INC	444.16	SEWER DIESEL	DSB
EVERGREEN FS INC	323.57	SEWER FUEL	DSB
EVERGREEN FS INC	254.99	SEWER FUEL	DSB
EVERGREEN FS INC	468.46	SEWER DIESEL	DSB
EVERGREEN FS INC	1,088.44	SEWER DIESEL	DSB
MENARDS - CHAMPAIGN	155.92	REPAIR SUPPLIES	DSB
GFL ENVIRONMENTAL	9,388.62	SLUDGE REMOVAL	DSB
<b>Total 520:</b>	<b>21,845.06</b>		
<b>530</b>			
MENARDS - CHAMPAIGN	23.45	ELECTRIC SUPPLIES	DSB
FEHR GRAHAM	1,168.50	GOCO ELECTRICAL/POWER	DSB
BHMG ENGINEERS	1,087.61	EPA ANNUAL REPORTING	DSB
MID-WEST TRUCKERS ASSOCI	255.00	ANNUAL CHARGES- ELECTRIC	DSB
DECATUR INDUSTRIAL ELECTR	590.00	ANNUAL C/H INSPECTIONS	DSB
MIDWEST SERVICE CORPORAT	85.00	ANNUAL SERVICE CHARGE	DSB
T-MOBILE	33.82	PHONE & INTERNET- OCT 24	DSB
U.S. POSTAL SERVICE	689.57	MONTHLY BILLS	DSB
QUADIENT LEASING USA INC.	488.04	POSTAGE EQUIP LEASE	DSB
PAVLOV MEDIA	178.07	PHONE & INTERNET 11-24	DSB
ASSN OF ILLINOIS ELECTRIC C	125.00	TRAINING- A. TURPEN	DSB
NICOR GAS	44.08	MONTHLY GAS	DSB
IMEA	109,329.93	ELEC GENERATION OCT 24	DSB
NICOR GAS	1,091.27	MONTHLY GAS	DSB
NICOR GAS	144.59	MONTHLY GAS	DSB
NAPA AUTO PARTS	24.85	ELECTRIC TOOLS	DSB
CORNEGLIO AG	25.98	ELECTRIC SUPPLIES	DSB
ANIXTER INC	3,780.62	ELECTRIC SUPPLIES	DSB

Vendor Name	Net Invoice Amount	Description	Created by
ANIXTER INC	266.00	SUPPLIES	DSB
EVERGREEN FS INC	444.16	ELECTRIC DIESEL	DSB
EVERGREEN FS INC	224.23	ELECTRIC FUEL	DSB
EVERGREEN FS INC	468.47	ELECTRIC DIESEL	DSB
EVERGREEN FS INC	274.99	ELECTRIC FUEL	DSB
Total 530:	120,843.23		
Grand Totals:	269,915.29		



**CITY OF FARMER CITY, ILLINOIS**

105 South Main Street  
Farmer City, Illinois 61842-0049

Telephone: (309) 928-2842

Facsimile: (309) 928-2228

---

**MEMO**

---

Date: October 25, 2024

To: City Council

From: Austin Edmondson  
Interim City Manager

RE: Adoption of Changes in Criminal Public Nuisance Property code

**REVISED**

---

This is a revised version of what was previously submitted and subsequently tabled based on the concerns of the Realtors group. This ordinance was adopted from another community that dealt with a similar situation and changed the ordinance to incorporate the concerns identified by the Realtors. Chief Guest is of the opinion adopting this will make things easier for him to enforce and end up with a better result in resolving some of our nuisance properties. Therefore, the staff would recommend the changes be approved.



Ordinance No. 1130 AMENDED

---

An Ordinance Amending Chapter 91: Criminal Public Nuisance Property

---

**Whereas**, the City of Farmer City desires to have properties maintained in clean and safe conditions and free from crime; and

**Whereas**, the City Council for the City of Farmer City desires to bolster the existing nuisance ordinance by adding provisions to address criminal public nuisance properties and Section 11-60-2 of the Illinois Municipal Code (65 ILCS 5/11-60-2) grants municipalities authority to define, prevent and abate public nuisances; and

**NOW, Therefore**, be it ordained by the Mayor and City Council of the City of Farmer City as follows, to-wit:

**Section 1.** Sections 91.20 through and including 91.26, under the heading of "Criminal Public Nuisance Properties" of Chapter 91, entitled "NUISANCES; ABANDONED VEHICLES", of Title IX, entitled "General Regulations" of the Farmer City Code, are added to read as set forth below:

**Criminal Public Nuisance Properties**

§ 91.20 - Declaration of public nuisance.

Any property at, in or upon which three or more of the offenses described in Section 91.22(A) have occurred within a one-year period is declared to be a public nuisance.

§ 91.21 - Prohibition of criminal public nuisance—Abatement.

No person shall intentionally, knowingly, recklessly or negligently permit any property within the corporate limits of the city to become, exist as or be used as a criminal public nuisance property, and any owner of a criminal public nuisance property found to exist within the city shall be subject to the abatement procedures and penalties of Chapter 91 of the Farmer City Code.

§ 91.22 - Definitions.

The following terms, when used in Chapter 91, have the meanings set forth below:

- (A) **"Criminal public nuisance property"** means any property at, in, or upon which one or more of the offenses set forth below, have occurred or have been alleged to have occurred, on three or more occasions within any one year period, as determined by authorized sworn personnel of the City police department or by any authorized members of a law enforcement agency lawfully exercising jurisdiction within the City. The criminal offenses which may be considered in determining whether or not a property is a criminal public nuisance property shall be as follows below.

- (1) Any offense defined and prohibited by Article 9 (Homicide) of the Criminal Code of 2012, 720 ILCS 5/9-1 *et seq.*, as now in effect or hereafter amended or codified, the same being a public record of the State of Illinois;
- (2) Any offense defined and prohibited by Article 10 (Kidnapping and Related Offenses) of the Criminal Code of 2012, 720 ILCS 5/10-1 *et seq.*, as now in effect or hereafter amended or codified, the same being a public record of the State of Illinois;
- (3) Any offense defined and prohibited by the following provisions of the Criminal Code of 2012: Article 11, Subdivision 15 (Prostitution Offenses), 720 ILCS 5/11- 14 *et seq.*, Article 11, Subdivision 20 (Pornography Offenses), 720 ILCS 5/11-20 *et seq.*, or Section 11-21 (Harmful Material) 720 ILCS 5/11-21 *et seq.*, as any of the statutes referenced in this subsection (3) are now in effect or hereafter amended or codified, the same being public records of the State of Illinois;
- (4) Any offense defined and prohibited by Article 12 (Bodily Harm) of the Criminal Code of 2012, 720 ILCS 5/12-1 *et seq.*, as now in effect or hereafter amended or codified, the same being a public record of the State of Illinois;
- (5) Any offense defined and prohibited by Article 16 (Theft and Related Offenses) of the Criminal Code of 2012, 720 ILCS 5/16-1 *et seq.*, as now in effect or hereafter amended or codified, the same being a public record of the State of Illinois;
- (6) Any offense defined and prohibited by Section 20-2 (Possession of Explosives or Explosive or Incendiary Devices) of the Criminal Code of 2012, 720 ILCS 5/20-2 *et seq.*, as now in effect or hereafter amended or codified, the same being a public record of the State of Illinois;
- (7) Any offense defined and prohibited by Article 24 (Deadly Weapons) of the Criminal Code of 2012, 720 ILCS 5/24-1 *et seq.*, together with any violation of Section 6-12 of the City Code of Ordinances (discharge of firearms within the municipal limits of the City), as any of the statutes and ordinances referenced in this subsection (7) are now in effect or hereafter amended or codified, the same being public records of the State of Illinois;
- (8) Any offense defined and prohibited by Article 25 (Mob Action) of the Criminal Code of 2012, 720 ILCS 5/25-1 *et seq.*, as now in effect or hereafter amended or codified, the same being a public record of the State of Illinois;
- (9) Any offense defined and prohibited by Article 26-1 (Disorderly Conduct) of the Criminal Code of 2012, 720 ILCS 5/26-1 *et seq.*, as now in effect or

hereafter amended or codified, the same being a public record of the State of Illinois;

- (10) Any offense defined and prohibited by Article 28 (Gambling and Related Offenses) of the Criminal Code of 2012, 720 ILCS 5/28-1 *et seq.*, as now in effect or hereafter amended or codified, the same being a public record of the State of Illinois;
- (11) Any offense defined and prohibited by Article 31 (Interference with Public Officers) of the Criminal Code of 2012, 720 ILCS 5/31-1 *et seq.*, as now in effect or hereafter amended or codified, the same being a public record of the State of Illinois;
- (12) Any offense defined and prohibited by Section 6-16 (Prohibited Sales and Possession) or Section 6-20 (Purchase or Acceptance of Gift of Liquor by Persons Under Age 21) of the Liquor Control Act of 1934, 235 ILCS 5/6-16 and 5/6-20, as any of the statutes referenced in this subsection (12) are now in effect or hereafter amended or codified, the same being public records of the State of Illinois;
- (13) Any offense defined and prohibited by the Illinois Controlled Substances Act, 720 ILCS 570/100 *et seq.*, as now in effect or hereafter amended or codified, the same being a public record of the State of Illinois;
- (14) Any offense defined and prohibited by the Cannabis Control Act, 720 TLCS 550/1 *et seq.*, as now in effect or hereafter amended or codified, the same being a public record of the State of Illinois; or
- (15) Any inchoate offense defined and prohibited by Article 8 (Inchoate Offenses) of the Criminal Code of 2012, 720 ILCS 5/8-1 *et seq.*, as now in effect or hereafter amended or codified, the same being a public record of the State of Illinois, which is relative to the commission of any of the aforesaid principal offenses.

This Chapter shall not be enforced in such a manner that penalizes tenants or landlords based on:

- a. contact made to police or other emergency services, if (i) the contact was made with the intent to prevent or respond to domestic violence or sexual violence; (ii) the intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or (iii) the contact was made by, on behalf of, or otherwise concerns an individual with a disability as defined in Section 1-2-1.5(a) of the Illinois Municipal Code, 65 ILCS 5/1-2-1.5 (as now in effect or hereafter amended or codified, the same being a public record of the State of Illinois) and the purpose of the contact was related to that individual's disability;

- b. an incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the dwelling unit or on the premises; or
  - c. criminal activity or a local ordinance violation occurring in the dwelling unit or on the premises that is directly relating to domestic violence or sexual violence, engaged in by a tenant, member of a tenant's household, guest, or other party, and against a tenant, household member, guest, or other party.
- (B) **"Occupant"** means any person in actual or constructive possession of any real property within the corporate limits of the City, or any of the buildings, structures, fixtures, or improvements located thereon.
- (C) **"Owner"** means any person having a legal or equitable interest in a criminal public nuisance property or any person who has the ability, authority, or right to regulate, restrain, control, direct, or affect the conduct of persons present upon a criminal public nuisance property.
- (D) **"Permit"** means to allow, approve, consent to, acquiesce in, agree to, suffer, or fail to prevent.
- (E) **"Person"** means any natural individual, corporation, firm, partnership, limited liability company, unincorporated association, land trust, or any other group, enterprise, or entity.
- (F) **"Property"** means any real property, together with any buildings, structures, improvements, or fixtures located thereon or affixed thereto, located within the City.

**§ 91.23 - Pre-abatement procedure.**

Whenever the chief of the city police department (chief) shall receive a certified copy of two or more court adjudications or two or more police reports generated in the ordinary course of the business of the police department, or any reports from sworn personnel of any other law enforcement agency lawfully exercising jurisdiction in the city, which describe the commission of any two or more of the offenses set forth in Section 91.22(A) upon the same property, the chief may take the following action:

A. Notify by registered mail, return receipt request or by personal service, the owners or any occupant of the property that such property may be in danger of becoming a criminal public nuisance property under the provisions of Section 91.20 et seq. of the Farmer City Code, which notice shall:

- (1) identify the property by either street address, DeWitt County assessor property identification number or legal description,

- (2) describe the acts or conduct which have occurred on the property that could be the basis for determining that the property constitutes a criminal public nuisance property, and
- (3) direct the owner or occupant contact the chief within fourteen (14) days of the date of the letter to determine and implement a plan of action which will protect the property from becoming a criminal public nuisance property.

B. After complying with the notification procedure set forth in subsection A above, if within twelve (12) months of the notification issued in accordance with subsection A the chief receives an additional certified copy of a court adjudication or police report describing the commission of one or more of the offenses set forth in subsection 91.22 A upon the property described in the subsection 91.23 A notice, the chief may by registered mail, return receipt requested, or by personal service, and in addition to either of the foregoing, by posting on the property itself, provide the owner and/or occupant of the property with a second notice, which notice shall inform the owner and/or occupant that the property is a criminal public nuisance property describing all acts and conduct forming the basis for the determination and direct the owner or occupant to contact the chief within fourteen (14) days of the date of the Section 91.22(A) notice to determine and implement a plan of action which will result in the abatement of the property as a criminal public nuisance property.

C. Proof that the notices required under this section were sent or given in the manner required hereunder shall be deemed proof that the owner or occupant of the property received such notices.

D. Any statement made by an owner or occupant pursuant to the pre-abatement procedure will not be admissible as evidence in any proceeding under this chapter.

**§ 91.24 - Judicial abatement procedure.**

A. In the event that neither the owner nor the occupant of the property complies with Section 91.23(A) or (B), the chief of police shall notify the city attorney to initiate judicial proceedings in the circuit court of DeWitt County, Illinois, to abate the criminal public nuisance, and to seek the penalties and remedies set forth in Section 91.25.

B. The owner and any occupant are responsible for any reasonable legal and other expenses incurred by the city in the abatement proceedings authorized hereunder.

**§ 91.25 - Abatement remedy—Penalty.**

In any proceeding instituted under Section 91.24, the court shall, in addition to any other powers granted by the provisions of this code or applicable law, have the power to enter an order restraining the owner and occupant from using the property for one or more specified purposes for a period of not more than one year, which order may further provide that the owner or occupant shall post a bond or other security payable to the city and approved by the court in an amount between one thousand dollars (\$1,000.00) and five thousand dollars (\$5,000.00), which bond or security shall be forfeited over to the city by the obligor thereof in the event that an offense set forth in Section 91.21 is committed upon the property within the period of time set

forth by the court.

§ 91.26 - - Penalty.

Any owner or occupant of any property who intentionally, knowingly, recklessly or negligently permitted such property to become, be used, as or exist as a criminal public nuisance property shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) per day for each day on which such property was used as or existed as a criminal public nuisance property.

**Section 2. Invalidation.** Should any section or provision of this Ordinance be declared to be invalid, that decision shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**Section 3. Effective Date.** The provisions of this Ordinance shall become effective ten (10) days following its passage, approval and publication as required by law.

**Section 4. Conflict.** All other ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded.

**Section 5. Publication.** The City Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form immediately after passage.

Upon motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, passed by the Mayor and City Council of the City of Farmer City, Illinois this 4<sup>TH</sup> day of November 2024, by roll call vote, as follows:

Voting "aye" (names): \_\_\_\_\_

Voting "nay" (names): \_\_\_\_\_

Abstained (names): \_\_\_\_\_

Absent (names): \_\_\_\_\_

**PASSED** this 4<sup>th</sup> day of November, 2024.

\_\_\_\_\_  
Angie Wanserski, City Clerk

**APPROVED** this 4<sup>th</sup> day of November, 2024.

\_\_\_\_\_  
Scott Testory, Mayor

STATE OF ILLINOIS                    )  
COUNTY OF DEWITT                 ) SS  
CITY OF FARMER CITY                )

**CERTIFICATION OF ORDINANCE**

I, the undersigned, do hereby certify that I am the duly selected, qualified and acting Clerk of the City of Farmer City, DeWitt County, Illinois (the "**Municipality**"), and as such official I am the keeper of the records and files of the Municipality and of the Mayor and City Council (the "**Corporate Authorities**").

I do further certify that the foregoing constitutes a full, true and complete excerpt from the proceedings of the meeting of the Corporate Authorities held on the 4<sup>th</sup> of November, 2024, insofar as same relates to the adoption of Ordinance No. 1130 (amended), entitled:

An Ordinance Amending Chapter 91: Criminal Public Nuisance Property

a true, correct and complete copy of which ordinance (the "**Ordinance**") as adopted at such meeting appears in the proceedings of the minutes of such meeting and is hereto attached. The Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify that the deliberations of the Corporate Authorities on the adoption of such Ordinance were taken openly, that the vote on the adoption of such Ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that the agenda for the meeting was duly posted at the City Hall and so that each page of the agenda was continuously visible for public review and inspection in a City Hall window 24/7 at least 48 hours prior to the meeting, that such meeting was called and held in strict compliance with the provisions of the open meetings laws of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such open meeting laws and such Code and their procedural rules in the adoption of such Ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the City of Farmer City, Illinois, this 4<sup>th</sup> day of November, 2024.

(SEAL)

\_\_\_\_\_  
Angie Wanserski, City Clerk

# Non-Home Rule Local Sales Tax

06/12/24 43 SALE  
7009063 1 EA \$229.99 EA  
BLOWER CORDLESS 650CFM \$229.99  
5035839 3 EA \$16.99 EA  
SAFETY CONE ORNG 18"H \$50.97  
SUB-TOTAL:\$ 280.96 TAX:\$ 27.39  
TOTAL:\$ 308.35  
BC AMT:\$ 308.35

August 13, 2024

BY ILLINOIS MUNICIPAL LEAGUE STAFF

Prior to Public Act 103-0781, only home rule municipalities had the authority to impose a local sales tax by ordinance; whereas, non-home rule municipalities could only implement a local sales tax through referendum. As part of the State Fiscal Year (SFY) 2025 budget negotiations, the Illinois Municipal League (IML) advocated for and secured the authority for all non-home rule municipalities to implement a local sales tax without need for referendum approval. The tax may not be more than 1% and may be imposed only in 0.25% increments.

For non-home rule municipalities that wish to implement a local sales tax, IML has developed a model ordinance, available on its website,<sup>1</sup> which can be adopted at any time.

In order to implement the tax, the corporate authorities of a non-home rule municipality must adopt an ordinance implementing the tax, and a certified copy of the ordinance must then be submitted to the Illinois Department of Revenue (IDOR). Please keep in mind that ordinances authorizing a local tax must be sent to IDOR and postmarked before

April 1 for collection to begin on July 1, or postmarked after April 1 but before October 1, for collections to begin January 1 of the following year. Questions may be directed to IDOR regarding their processes and rules. IDOR Local Tax Allocation Division (LTAD) contact information is available on their website,<sup>2</sup> or contact LTAD by phone at (217) 785-6518.

This new non-home rule sales tax authority is silent as to how it impacts municipalities that have an existing non-home rule sales tax that was established by referendum.

IML suggests you consult with your municipal attorney prior to considering the adoption of this model ordinance.

<sup>1</sup> <https://www.iml.org/page.cfm?category=5381>

<sup>2</sup> <https://tax.illinois.gov/localgovernments/contacts>





ORDINANCE NO. 113a

**AN ORDINANCE IMPLEMENTING A NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX AND A NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX FOR THE CITY OF FARMER CITY, ILLINOIS**

**WHEREAS**, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and,

**WHEREAS**, the City of Farmer City, Illinois (City) is a non-home rule Illinois municipality pursuant to the Constitution of the State of Illinois of 1970, as amended; and,

**WHEREAS**, Section 8-11-1.1 of the Illinois Municipal Code (65 ILCS 5/8-11-1.1) empowers non-home rule Illinois municipalities to impose certain Municipal Retailers' Occupation Taxes as outlined at Section 8-11-1.3 of the Illinois Municipal Code (65 ILCS 5/8-11-1.3) (the "Non-Home Rule Municipal Retailers' Occupation Tax"); and,

**WHEREAS**, Section 8-11-1.1 of the Illinois Municipal Code (65 ILCS 5/8-11-1.1) empowers non-home rule Illinois municipalities to impose certain Municipal Service Occupation Taxes as outlined at Section 8-11-1.4 of the Illinois Municipal Code (65 ILCS 5/8-11-1.4) (the "Non-Home Rule Municipal Service Occupation Tax"); and,

**WHEREAS**, Section 8-11-1.3 of the Illinois Municipal Code (65 ILCS 5/8-11-1.3) empowers a non-home rule municipality to "impose a tax upon all persons engaged in the business of selling tangible personal property, other than on an item of tangible personal property which is titled and registered by an agency of this State's Government, at retail in the municipality" based upon the "gross receipts from such sales made in the course of such business" for "expenditure on public infrastructure or for property tax relief or both" as defined in Section 8-11-1.2 (65 ILCS 5/8-11-1.2); and,

**WHEREAS**, Section 8-11-1.4 of the Illinois Municipal Code (65 ILCS 5/8-11-1.4) empowers a non-home rule municipality to "impose a tax upon all persons engaged, in such municipality, in the business of making sales of service . . . of the selling price of all tangible personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service;" and,

**WHEREAS**, Section 8-11-1.3 of the Illinois Municipal Code (65 ILCS 5/8-11-1.3) and Section 8-11-1.4 of the Illinois Municipal Code (65 ILCS 5/8-11-1.4) empower the City to impose the Non-Home Rule Municipal Retailers' Occupation Tax and the Non-Home Rule Municipal Service Occupation Tax in 1/4% increments up to 1%; and,

**WHEREAS**, Section 8-11-1.3 of the Illinois Municipal Code (65 ILCS 5/8-11-1.3) requires any municipality imposing a Non-Home Rule Municipal Retailers' Occupation Tax under Section 8-11-1.3 of the Illinois Municipal Code (65 ILCS 5/8-11-1.3) to impose a Non-Home Rule Municipal Service Occupation Tax under Section 8-11-1.4 of the Illinois Municipal Code (65 ILCS 5/8-11-1.4) at "the same rate" as the rate imposed as the Non-Home Rule Municipal Retailers' Occupation Tax being imposed; and,

**WHEREAS**, any Non-Home Rule Municipal Retailers' Occupation Tax imposed by the City under Section 8-11-1.3 of the Illinois Municipal Code (65 ILCS 5/8-11-1.3) shall be administered, collected and enforced by the Illinois Department of Revenue; and,

**WHEREAS**, any Non-Home Rule Municipal Service Occupation Tax imposed by the City under Section 8-11-1.4 of the Illinois Municipal Code (65 ILCS 5/8-11-1.4) shall be administered, collected and enforced by the Illinois Department of Revenue; and,

**WHEREAS**, proceeds generated from the imposition of any Non-Home Rule Municipal Retailers' Occupation Tax or Non-Home Rule Municipal Service Occupation Tax by the City must be used for "public infrastructure" or "property tax relief," as those terms are defined at Section 8-11-1.2 of the Illinois Municipal Code (65 ILCS 5/8-11-1.2); and,

**WHEREAS**, the Mayor and City Council of the City believe that it is appropriate, necessary, and in the best interests of the City and its residents, that the City levy a Non-Home Rule Municipal Retailers' Occupation Tax pursuant to Section 8-11-1.3 of the Illinois Municipal Code (65 ILCS 5/8-11-1.3) and a Non-Home Rule Municipal Service Occupation Tax pursuant to Section 8-11-1.4 of the Illinois Municipal Code (65 ILCS 5/8-11-1.4) so that the City can provide property tax relief and invest in public infrastructure, as those terms are defined at Section 8-11-1.2 of the Illinois Municipal Code (65 ILCS 5/8-11-1.2).

**NOW, THEREFORE**, be it ordained, by the Mayor and City Council of the City of Farmer City as follows:

Section 1. Incorporation of Recitals. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. Non-Home Rule Municipal Retailers' Occupation Tax Imposed. A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this state's government, at retail in this municipality at the rate of **1.00%** of the gross receipts from such sales made in the course of such business while this Ordinance is in effect. The imposition of this tax is in accordance with and subject to the provisions of Section 8-11-1.3 of the Illinois Municipal Code (65 ILCS 5/8-11-1.3).

Section 3. Non-Home Rule Municipal Service Occupation Tax Imposed. A tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service, of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. The rate of this tax shall be the same rate identified in Section 2, above. The imposition of this tax is in accordance with and subject to the provisions of Section 8-11-1.4 of the Illinois Municipal Code (65 ILCS 5/8-11-1.4).

Section 4. Illinois Department of Revenue to Administer Both Taxes. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The Department of Revenue shall have full power to administer and enforce the provisions of this Ordinance.

Section 5. Clerk to file Ordinance with Illinois Department of Revenue. As required under Section 8-11-1.3 of the Illinois Municipal Code (65 ILCS 5/8-11-1.3), the Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue on or before April 1, 2025.

Section 6. Effective Date. This Ordinance shall take effect on: (i) the first day of July next following the adoption and filing of this Ordinance with the Department of Revenue, if filed on or before the preceding April 1st; or, (ii) the first day of January next following the adoption and filing of this Ordinance with the Department of Revenue, if filed on or before the preceding October 1st.

Section 7. Limitation on Use of Proceeds. The City shall only expend the proceeds generated from any tax imposed by virtue of this Ordinance on: (a) expenditures related to "municipal roads and streets, access roads, bridges, and sidewalks; waste disposal systems; and water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities[;]" (b) efforts to "reduce the levy for real estate taxes or avoid an increase in the levy for real estate taxes that would otherwise have been required" by the City; or (c) any other or further permitted uses under Section 8-11-1 of the Illinois Municipal Code (65 ILCS 5/8-11-1) as may now or hereafter be authorized therein.

Section 8. Qualified Exemption of Aviation Fuel from Both Taxes. No provision of this Ordinance shall be interpreted to impose any tax on aviation fuel, as defined in Section 3 of the Retailers' Occupation Tax Act (35 ILCS 120/3), unless the proceeds of said tax are expended for airport-related purposes, as that term is defined in Section 6z-20.2 of the State Finance Act (30 ILCS 105/6z-20.2), and said expenditures are made in compliance with the certification requirements for airport-related purposes under Section 2-22 of the Retailers' Occupation Tax Act (35 ILCS 120/2-22).

Section 9. Repeal of Conflicting Provisions. All ordinances, resolutions and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 10. Severability. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 11. Headings/Captions. The headings/captions identifying the various sections and subsections of this Ordinance are for reference only and do not define, modify, expand or limit any of the terms or provisions of the Ordinance.

Section 12. Publication. The Clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

Upon motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, passed by the Mayor and City Council of the City of Farmer City, Illinois this \_\_\_\_ day of November 2024, by roll call vote, as follows:

Voting "aye" (names): \_\_\_\_\_

Voting "nay" (names):

---

---

Abstained (names):

---

Absent (names):

---

**PASSED** this \_\_\_\_\_ day of November, 2024.

---

Angie Wanserski, City Clerk

**APPROVED** this \_\_\_\_\_ day of November, 2024.

---

Scott Testory, Mayor

STATE OF ILLINOIS )  
COUNTY OF DEWITT ) SS  
CITY OF FARMER CITY )

**CERTIFICATION OF ORDINANCE**

I, the undersigned, do hereby certify that I am the duly selected, qualified and acting Clerk of the City of Farmer City, DeWitt County, Illinois (the "**Municipality**"), and as such official I am the keeper of the records and files of the Municipality and of the Mayor and City Council (the "**Corporate Authorities**").

I do further certify that the foregoing constitutes a full, true and complete excerpt from the proceedings of the meeting of the Corporate Authorities held on November \_\_\_\_\_, 2024, insofar as same relates to the adoption of Ordinance No. \_\_\_\_\_, entitled:

**AN ORDINANCE IMPLEMENTING A NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX AND A NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX FOR THE CITY OF FARMER CITY, ILLINOIS**

a true, correct and complete copy of which ordinance (the "**Ordinance**") as adopted at such meeting appears in the proceedings of the minutes of such meeting and is hereto attached. The Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify that the deliberations of the Corporate Authorities on the adoption of such Ordinance were taken openly, that the vote on the adoption of such Ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that the agenda for the meeting was duly posted at the City Hall and so that each page of the agenda was continuously visible for public review and inspection in a City Hall window 24/7 at least 48 hours prior to the meeting, that such meeting was called and held in strict compliance with the provisions of the open meetings laws of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such open meeting laws and such Code and their procedural rules in the adoption of such Ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the City of Farmer City, Illinois, this \_\_\_\_\_ day of November, 2024.

(SEAL)

\_\_\_\_\_  
Angie Wanserski, City Clerk

Illinois Municipal League



Risk Management Association

# INVOICE

## 2025 Min/Max Contribution

The signed Min/Max Agreement must be returned with your payment.

PO Box 5180, Springfield, IL 62705-5180 | Ph: (217) 525-1220 | Fax: (217) 525-7438

Please return this form with payment after completing the information on the reverse side.

Date: October 1, 2024  
Member: City of Farmer City  
Account #: 0189  
Indicate Payment Option (from list below): \_\_\_\_\_  
Amount Enclosed: \$ \_\_\_\_\_

**MAKE CHECK PAYABLE TO RMA**

### BILLING DETAIL

#### 2025 IML RISK MANAGEMENT ASSOCIATION ANNUAL CONTRIBUTION

Work Comp	\$25,288
Auto Liability & Comprehensive General Liability	\$40,860
Portable Equipment	\$ 942
Auto Physical Damage	\$3,616
Property	\$60,643
	\$131,349
2025 ILLINOIS MUNICIPAL LEAGUE MEMBERSHIP DUES*	\$ 250

### INVOICE TOTAL

**\$131,599**

PLEASE CHOOSE ONE OF THE FOLLOWING PAYMENT OPTIONS and enter it in the space provided above:

#### OPTION #1 – Pay Full Amount

Contribution Amount	\$131,349.00
Minus 1% Savings	\$1,313.49
	\$130,035.51
Illinois Municipal League Dues	\$ 250.00
<b>Total due by 11/15/24</b>	<b>\$130,285.51</b>

#### OPTION #2 - Pay Full Amount

Contribution Amount	\$131,349.00
Illinois Municipal League Dues	\$ 250.00
<b>Total due by 12/13/24</b>	<b>\$131,599.00</b>

#### OPTION #3 - Pay in two installments

Includes 1% installment fee

Contribution Amount	\$131,349.00
Plus 1% fee	\$1,313.49
	\$132,662.49
Illinois Municipal League Dues	\$ 250.00
	\$132,912.49

\$66,456.25 Due by 12/13/24  
\$66,456.24 Due by 5/16/25

\*Membership with the Illinois Municipal League (IML) is a requirement to remain a member of the IML Risk Management Association.

On behalf of the municipality named above ("Member"), I hereby warrant that I have the authority to sign this agreement on the Member's behalf. (If choosing the installment option, I acknowledge and understand that it is afforded only as a benefit for budgeting purposes and is not meant to allow for mid-term withdrawal.) I acknowledge and understand that Article 5 of the Intergovernmental Cooperation Contract ("Contract") prohibits termination of the Intergovernmental Cooperation Contract no less than 120 days prior to the first day of January of any given year. Per Article 5, I warrant that the Member will adhere to the Contract and pay all contributions when due.

**Municipal Official (please sign):**

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Ordinance No. 1133

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE RMA  
MINIMUM/MAXIMUM CONTRIBUTION AGREEMENT

**Whereas**, the City of Farmer City, a member in good standing of the Illinois Municipal League Risk Management Association (RMA) and party to the RMA Intergovernmental Cooperation Contract, has been fully apprised of the RMA Minimum/Maximum Contribution Agreement which amends and supplements the RMA Declarations pages dated 01/01/25 to 01/01/2026 and all endorsements thereto; and

**Whereas**, the City Council of the City of Farmer City finds it to be in the best interest of the municipality to make its RMA contribution in accordance with the RMA Minimum/Maximum Contribution Agreement; and

**NOW, Therefore**, be it ordained by the Mayor and City Council of the City of Farmer City as follows, to-wit:

**Section 1.** That the execution of the RMA Minimum/Maximum Contribution Agreement for a one (1) year period beginning 01/01/2025 and ending 01/01/2026 is hereby authorized.

**Section 2.** That the Mayor and City Manager are hereby granted authority to execute the RMA Minimum/Maximum Agreement which amends and supplements the RMA Declarations pages dated 01/01/2025 to 01/01/2026 and all endorsements thereto.

**Section 3. Effective Date.** The provisions of this Ordinance shall become effective immediately following its passage, approval and publication as required by law.

**Section 4. Conflict.** All other ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded.

**Section 5. Publication.** The City Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form immediately after passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMER CITY,  
COUNTY OF DEWITT, ILLINOIS THIS 4<sup>th</sup> DAY OF November 2024.

AYES: \_\_\_ NAYES: \_\_\_ ABSTAIN: \_\_\_ ABSENT: \_\_\_

ATTESTED:

\_\_\_\_\_  
Scott Testory, Mayor

\_\_\_\_\_  
Angie Wanserski, City Clerk

**CITY OF FARMER CITY, ILLINOIS**

**ZONING COMMISSION**

**REPORT ON THE ADOPTING OF CITY ZONING REGULATIONS**


With the distinct probability of significant development within the corporate boundaries of the city, the Farmer City City Council was interested in the possibility of adopting its own set of zoning regulations. As part of that effort and in accordance with state statutes, the Zoning Commission was established for the sole purpose of performing that study and to make a recommendation to the City Council.


The Zoning Commission met several times to review the concept of adopting a set of zoning regulations. Through the course of this review, it was decided that the best approach would be to simply adopt DeWitt County's zoning map (as to within the corporate limits of Farmer City and within 1.5 miles of the Farmer City corporate limits (known as "Extra Territorial Jurisdiction" or "ETJ") and regulations (the current regulations) and make minor adjustments and editorial corrections to them. By adopting the current regulations, it should be emphasized that the current zoning of any property within the City of Farmer City will NOT change with the adoption of any new city zoning regulations.

The Zoning Commission completed review and held a public hearing on October 30th, 2024, to gather public comments prior to submitting a proposed draft zoning map and ordinance to the City Council for its consideration. The attached draft zoning map and ordinance represents the culmination of the Zoning Commission's work and is hereby submitted for City Council action. It is the recommendation of the Zoning Commission that the zoning map and ordinance be adopted.

Dated: 30 OCT 2024

  
\_\_\_\_\_  
Jason Reynolds, Chairman

  
\_\_\_\_\_  
Joe Atwell, Member

  
\_\_\_\_\_  
Melissa Ward, Member



**CITY OF FARMER CITY, ILLINOIS**

**ZONING COMMISSION**

**A RESOLUTION RECOMMENDING THE ADOPTING  
OF CITY ZONING REGULATIONS**

**WHEREAS**, With the distinct probability of significant development within the corporate boundaries of the city, the Farmer City City Council was interested in the possibility of adopting its own set of zoning regulations. As part of that effort and in accordance with state statutes, the Zoning Commission was established to perform that study and to make a recommendation to the City Council; and

**WHEREAS**, The Zoning Commission met several times to review the concept of adopting a set of zoning regulations. Through the course of this review it was decided that the best approach would be to simply adopt DeWitt County's zoning map (as to within the corporate limits of Farmer City and within 1.5 miles of the Farmer City corporate limits (known as "Extra Territorial Jurisdiction" or "ETJ") and regulations (the current regulations) and make minor adjustments and editorial corrections to them. By adopting the current regulations it should be emphasized that the current zoning of any property within the City of Farmer City will NOT change with the adoption of any new city zoning regulations

**WHEREAS**, The Zoning Commission completed review and held a public hearing on October 30th, 2024, to gather public comments prior to submitting a proposed draft zoning map and ordinance to the City Council for its consideration. The attached draft zoning map and ordinance represents the culmination of the Zoning Commission's work and is hereby submitted for City Council action. It is the recommendation of the Zoning Commission that the zoning map and ordinance be adopted.

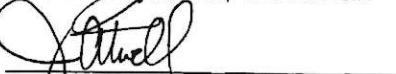
**NOW THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF  
THE CITY OF FARMER CITY, DEWITT COUNTY, ILLINOIS that:**

The Zoning Commission does hereby recommend that the Mayor and City Council of the City of Farmer City, Illinois adopt the proposed zoning map and ordinance.

Dated: 30 OCT 2024



Jason Reynolds, Chairman



Joe Atwell, Member



Melissa Ward, Member

Ordinance No. 1034

---

An Ordinance Adopting a Zoning Map and Zoning Code and Adding Chapter 155: Zoning Code

---

**WHEREAS**, the Mayor and the City Council (the “**Corporate Authorities**”) of the City of Farmer City, DeWitt County, Illinois (the “**City**”) desire to provide for the orderly growth of buildings, homes and infrastructure within the City corporate limits and within the area of 1.5 miles outside of the City corporate limits and to protect the health, safety and welfare of the citizenry of Farmer City; and

**WHEREAS**, the Corporate Authorities of the City previously adopted a Comprehensive Plan in Ordinance No. 1056 on December 7, 2020; now Section 154.01 of the City Code ; and

**WHEREAS**, the Corporate Authorities of the City previously created a Zoning Commission to study and review proposed Zoning Map and Zoning Code for the City to allow for the oversight of development and growth and the protection of the health, safety and welfare of the citizenry of Farm City;

**WHEREAS**, the Zoning Commission several times, most recently on October 30, 2024 and conducted a Public Hearing after due notice was published and the Zoning Commission unanimously recommended that the Corporate Authorities adopt the Zoning Map and Zoning Code as referenced herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FARMER CITY, DEWITT COUNTY, ILLINOIS**, as follows:

**Section 1. New Chapter 155.** Chapter 155, entitled “Zoning Code”, and the Zoning Map, as set forth in Exhibit A to this Ordinance, Sections 155.001 through 155.999, inclusive, is hereby added to TITLE XV: LAND USAGE of the Farmer City Code, as “Chapter 155: Zoning Code”, which is hereby adopted.

**Section 2. Invalidity.** Should any section or provision of this Ordinance be declared to be invalid, that decision shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**Section 3. Effective Date.** The provisions of this Ordinance shall become effective immediately following its passage, approval and publication as required by law. For any penalty imposed by this Ordinance, said sections shall become effective 10 days following its passage, approval and publication as required by law.

**Section 4. Conflict.** All other ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded.

**Section 5. Publication.** The City Clerk is hereby authorized and directed to cause this

Ordinance to be published in pamphlet form immediately after passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMER CITY,  
COUNTY OF DEWITT, ILLINOIS THIS 4th DAY OF NOVEMBER, 2024.

Voting "aye" (names):

---

---

Voting "nay" (names):

---

---

Abstained (names):

---

Absent (names):

---

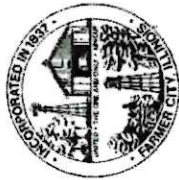
---

**PASSED** this 4<sup>th</sup> day of November, 2024.

\_\_\_\_\_  
Angie Wanserski, City Clerk

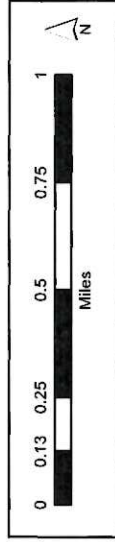
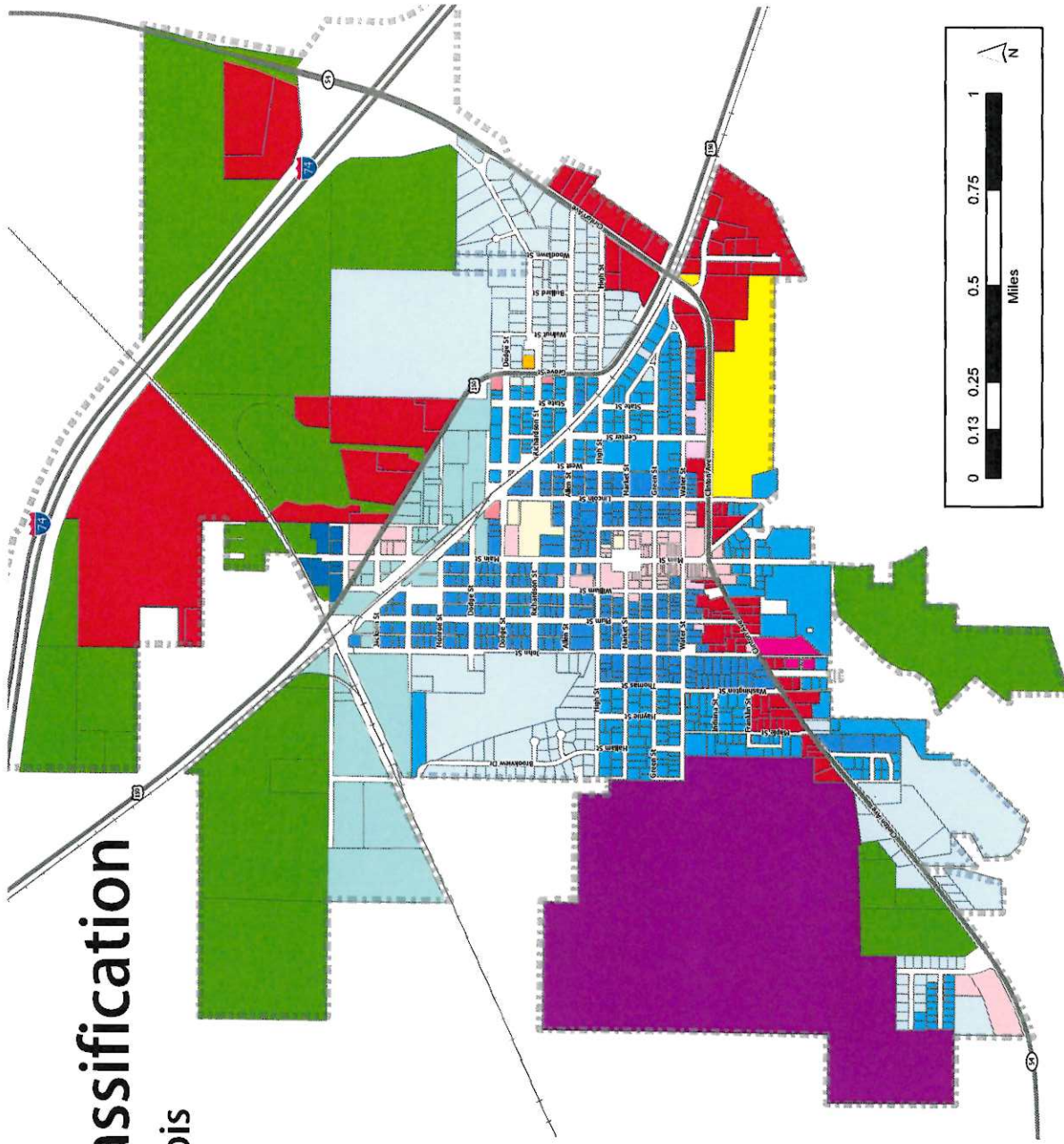
**APPROVED** this 4<sup>th</sup> day of November, 2024.

\_\_\_\_\_  
Scott Testory, Mayor



# Zoning Classification

## Farmer City, Illinois



Zoning Districts	
A	Agricultural District
FP	Floodplain District
I	General Industrial District
B-1	General Commercial District
B-2	Convenience Commercial District
B-3	Highway Commercial District
R-1	Low Density Single-Family Residential
R-2	High Density Single-Family Residential
R-3	Multi-Family Residential District
R-4	Mobile Home District
Combined Districts	
A + R-2	
B-1 + R-3	
B-2 + R-2	
B-3 + R-2	
B-3 + R-3	
R-1 + B-3	

City Limits  
 Major Roads  
 Railroads

**MAURER-STUTZ**  
 GEOSPATIAL SERVICES

Scottsdale, Arizona  
 1000 North Central Expressway  
 Suite 1000, Scottsdale, AZ 85261

## CHAPTER 155: ZONING CODE

### Section

#### General Provisions

- 155.001 Title
- 155.002 Statutory authorization
- 155.003 Purpose
- 155.004 Intent
- 155.005 Definitions
- 155.006 Interpretation
- 155.007 Jurisdiction; compliance
- 155.008 Use restrictions
- 155.009 Site restrictions
- 155.010 General development
- 155.011 Abrogation and greater restrictions

#### Zoning District Boundaries and Maps

- 155.025 Zoning districts established
- 155.026 Zoning map directory
- 155.027 Interpretation of zoning district boundaries
- 155.028 Annexed territory

#### Districts Use Regulations

- 155.040 Agricultural district
- 155.041 Intentionally left blank
- 155.042 Intentionally left blank
- 155.043 Intentionally left blank
- 155.044 R-1 Low Density Single-Family Residential District
- 155.045 R-2 High Density Single-Family Residential District
- 155.046 R-3 Multi-Family Residential District
- 155.047 R-4 Mobile Home Residential

- 155.048 B-1 General Commercial District
- 155.049 B-2 Convenience Commercial District
- 155.050 B-3 Highway Commercial District
- 155.051 I General Industrial District
- 155.052 FP Floodplain District
- 155.053 Schedule of permitted uses, prohibited uses, and special permit uses by district

#### Area Regulations

- 155.065 District lot regulations

#### Special Use Regulations

- 155.080 Application
- 155.081 Performance standards
- 155.082 Off-street parking requirements
- 155.083 Off-street loading and unloading requirements
- 155.084 Signs
- 155.085 Kennels; veterinary establishments
- 155.086 Country club; golf course
- 155.087 Golf driving ranges and amusement parks
- 155.088 Cemeteries; crematories; columbariums
- 155.089 Hospitals, churches or other religious or eleemosynary institutions
- 155.090 Shooting club
- 155.091 Amusement centers, bowling alleys, dance halls and similar places of amusement
- 155.092 Apartments; multi-family dwellings
- 155.093 Standards for home occupation
- 155.094 Special commercial developments
- 155.095 Mobile home rules and regulations
- 155.096 Modifications and exceptions
- 155.097 Single-family dwellings

155.098 Landscape waste composting facility

Non-Conforming Uses and Structures

155.110 Existing non-conforming land or building

155.111 Non-conforming buildings

155.112 Non-conforming use of land

155.113 Exceptions

Administration and Enforcement

155.125 Zoning Administrator

155.126 Permits required

155.127 Board of Zoning Appeals

155.128 Planning Commission duties in zoning administration

155.129 Variances

155.130 Special use permits

155.131 Amendments

155.132 Fees

155.999 Penalty

GENERAL PROVISIONS

§ 155.001 TITLE.

This chapter shall be known as, referred to or cited as the "Zoning Code of Farmer City, Illinois".

§ 155.002 STATUTORY AUTHORIZATION.

These regulations are adopted under the authority of the state statutes. The City Council does hereby ordain this chapter.

§ 155.003 PURPOSE.

This chapter is adopted for the following purposes:

- (A) Left blank on purpose.
- (B) To control the growth and development so as to avoid the admixture of urban and rural uses, while preserving property values;
- (C) To promote and protect the public health, safety, morals, comforts and general welfare of the people;
- (D) To divide the city into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residential, business and manufacturing and other specified uses;
- (E) To protect the character and the stability of the residential, business and manufacturing areas within this chapter's geographic jurisdiction, and to promote the orderly and beneficial development of the areas;
- (F) To provide adequate light, air, privacy and convenience of access to property;
- (G) To regulate the intensity of use of lot areas and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air to protect the public health;
- (H) To establish building lines and the location of buildings designed for residential, business, manufacturing or other uses within the areas;
- (I) To fix reasonable standards to which buildings or structures shall conform;
- (J) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts; and
- (K) To prevent additions or alterations or remodeling of existing buildings or structures in a way as to avoid the restrictions and limitations imposed hereunder:
  - (1) To limit congestion by providing for the off-street parking of motor vehicles and the loading of commercial vehicles in the interest of the public health, safety, convenience and general welfare;
  - (2) To protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare;
  - (3) To prevent the overcrowding of land and undue concentrations of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;
  - (4) To conserve the taxable value of land and buildings throughout the geographic jurisdiction of this chapter;



(5) To provide for the elimination of non-conforming use of land, buildings and structures which are adversely affecting the character and value of desirable development in each district; and

(6) To define and limit the powers and duties of the administrative officers and bodies as provided herein.

#### § 155.004 INTENT.

The intent of this chapter is to divide the city into districts for the purpose of classifying, regulating and restricting the location of trades, industries and commercial enterprises, and the location of buildings arranged, intended and designed for specified uses, or regulating and limiting the height and bulk of buildings hereafter erected, or classifying, regulating and determining the area of front, rear and side yards, courts and other open spaces about buildings and of regulating and limiting the intensity of the use of the land and lot areas within the geographic area of jurisdiction; creating a Board of Zoning Appeals; defining certain terms used in this chapter; providing penalties for its violation and designating the time when this chapter shall take effect.

#### § 155.005 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY BUILDING.** A building on the same lot with the main or principal structure, or the main or principal use, either detached from or attached to the main or principal structure, and is subordinate to and used for purposes customarily incidental to the main or principal structure or the main or principal use.

**ACCESSORY STRUCTURE.** A structure on the same lot with the main or principal structure, or the main or principal use, either detached from or attached to the main or principal structure, and is subordinate to and used for purposes customarily incidental to the main or principal structure or the main or principal use.

**ACCESSORY USE.** A use on the same lot, incidental and subordinate to the main or principal use or the main or principal structure.

**AGRICULTURE.** Land, or land, buildings and structures, the principal uses of which are growing of farm or truck garden crops and one or more of the following: dairying, pasturage, agriculture, horticulture, floriculture, viticulture or animal and poultry husbandry, and accessory uses customarily incidental to agricultural activities including, but not limited to, the farm dwelling, dwellings for tenant farmers and full-time hired farm workers and dwellings or lodging rooms for seasonal workers. All buildings and structures housing poultry or livestock shall be located no nearer than 200 feet from a residence district boundary line.

**AIRPORT.** Any area of land which is used, or intended for use, for the landing and taking off of aircraft; and any appurtenant areas which are used for or intended for the use of airport buildings or other airport facilities or rights-of-way including all necessary taxiways, pads, aircraft storage and tie-down areas, hangars and other necessary accessory buildings and open spaces. AIRPORT does not include a private landing strip.

**ALLEY.** A special public right-of-way affording only secondary access to abutting properties.

**ALTERATION.** A change in size, shape, character, occupancy or use of a building or structure.

**ANIMAL HOSPITAL.** Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

**AUTOMOBILE SERVICE STATION.** A building, or portion thereof or premises used for dispensing, or offering for sale at retail, gasoline when stored only underground in tanks, kerosene, lubricating oil or grease, for operation of automobiles, and where tires, batteries and similar automobile accessories may be offered for sale on the premises at retail, including minor services and installations customarily incidental thereto; and facilities. Open storage shall be limited to no more than four vehicles stored for minor repair. The storage shall not exceed 72 hours duration and shall not permit storage of wrecked vehicles for more than 15 days.

**AWNING.** A roof-like mechanism, retractable in operation and covered with flexible textured material, which projects from the wall of a building.

**BASE FLOOD.** The flood having 1% probability of being equaled or exceeded in any given year. The BASE FLOOD is also known as the 100-YEAR FLOOD. The base flood elevation at any location as is defined in this section.

**BASE FLOOD ELEVATION.** The protection standard in the base flood according to the best, most current data available to the city. Whenever a person or party disagrees with this best available data, he, she or they may finance the detailed engineering study needed to replace the best available data and submit it to both the city and the state water survey. The city shall not be responsible or required to conduct additional engineering studies to determine a new BASE FLOOD ELEVATION.

(1) The BASE FLOOD ELEVATION for the special flood hazard areas of Salt Creek shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the city's areas prepared by the Federal Emergency Management Agency and dated 9-29-1989.

(2) The base flood information for each of the remaining special flood hazard areas delineated as an "A Zone" on the Flood Insurance Rate Map shall be based on the best available data available to the city in the following order:

(a) Engineering data, based on the BASE FLOOD ELEVATION as determined for federal, state, county or township bridge construction, or similar studies;

(b) The State Water Survey's Floodplain Information Repository; and

(c) The 100-year flood depth calculated according to the formulas presented in Depth and Frequency of Floods in Illinois, published by the U.S. Geologic Survey.

**BASEMENT.** The portion of any structure located partly below the average adjoining lot grade.

**BED AND BREAKFAST.** An operator occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent. Breakfast shall be provided for the guest only. BED AND BREAKFAST establishments shall not include motels, hotels, boarding houses, or food service establishments.

**BOARDING HOUSE (ROOMING OR LODGING HOUSE).** A residential building, a portion thereof other than a motel, apartment hotel or hotel containing lodging rooms for accommodation of three or more persons who are not members of the keeper's family and where lodging or meals or both are provided by prearrangement and for definite periods at a definite prearranged price.

**BORROW PIT.** A place or premises where soil, peat, sand, gravel or other material is removed by excavation or otherwise, for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

**BUILDING.** A structure that is principally above ground and is enclosed by at least two walls and a roof. The term includes a gas or liquid storage tank in order that the tanks will be constructed to be the same flood damage protection standards. For the purposes of the provisions of this chapter, the term shall include manufactured, modular or mobile homes, prefabricated structures, sheds on skids and other similar structures which are either affixed and/or placed upon the ground surface whether or not connected to utilities.

**BUILDING HEIGHT.** The vertical distance measured from the mean elevation of the finished lot grade along the front yard face of the structure to the highest point of flat roofs, to mean height level between the eaves and ridges of gables, gambrel, hip and pitch roofs, or the deck line of the mansard roofs.

**CAMPS or CAMPGROUNDS.** Tracts of land of a design or character suitable for and used for seasonal recreational and other similar living purposes. The tracts may have located on them a structure of a seasonal temporary or movable nature such as a cabin, hunting shelter or tent.

**CLINIC.** An establishment without facilities for in-patient nursing care, where one or more physicians and other medical professionals diagnose and treat human physical and/or mental ailments.

**CLUB, PRIVATE.** A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**COMPOST.** The humus-like product of the process of composting waste, which may be used as a soil conditioner.

**COMPOSTING.** The biological treatment process by which microorganisms decompose the organic fraction of the waste, producing compost.

**COMPREHENSIVE PLAN.** The extensively developed and evolving plan, also called a **MASTER PLAN**, adopted by the City Council.

**CONSERVATION.** Preservation of land, water, flora, fauna and cultural artifacts in their original state.

**CONSUMER SERVICE.** Sale of any service to individual customers for their own personal benefit, enjoyment or convenience. For example, **CONSUMER SERVICES** include the provisions of the personal services such as beautician and barbering service, the provision of lodging, entertainment, specialized instruction, financial service, transportation, laundry and dry cleaning services and all other similar services.

**DENSITY.** Number of living units per acre allowable under the schedule of district regulations.

**DEVELOPMENT.**

(1) Any human-made change to real estate including:

(a) Construction, reconstruction, location or placement of a building or any addition to a building valued at more than \$250;

(b) Installing or placing a manufactured, modular or mobile home on a site, preparing a site for a manufactured, modular or mobile home, or installing or placing a travel trailer on a site for more than 30 days;

(c) Installing utilities, construction of roads or other similar projects;

(d) Construction or erection of levees, walls, fences, bridges or culverts;

(e) Drilling, mining, filling, dredging, grading, excavating or other non-agricultural alterations of the ground surface;

(f) Storage of materials;

(g) Any other activity which might change the direction, height or velocity of flood or surface waters; and

(h) Installing or constructing overhead or underground utilities.

(2) **DEVELOPMENT** does not include normal, general maintenance of existing buildings and facilities such as re-roofing; resurfacing roads; gardening, tilling and similar agricultural activities that do not involve filling, grading or the construction of levees; construction or reconstruction of public or private roads which causes no substantial change to the existing grade; the construction or installation of a farm, such as livestock, fences which do not cross or are at right angles to flowing water, however, farm activities are not exempt from required federal and state permits; the construction or installation of public highway bridges or culverts which have been approved by the State Department of

Transportation, Division of Water Resources, permit § 9 of 12, or the Corps of Engineer 404 permits; provided that, the accumulated effect of construction does not increase the base flood more than the state standard, but in no case more than one foot; and the construction or installation of light poles, sign posts and similar structures, sidewalks, driveways, public parks (no buildings or fences), athletic fields (no fences), properly anchored playground equipment and other similar installations built at existing grade.

**DWELLING.** A building or portion thereof, but not including a recreational vehicle, which is designed, intended or used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including hotels, motels, boarding houses, rooming houses or lodging houses.

**DWELLING, MULTIPLE.** A building designed for or occupied by three or more families.

**DWELLING, SINGLE-FAMILY.** A building designed for or occupied exclusively by one family.

**DWELLING, TWO-FAMILY.** A building designed for or occupied exclusively by two families.

**DWELLING UNIT.** One or more rooms in a residential building which are arranged, designed, used or intended to be used by one family, for living and sleeping purposes and which includes permanently installed complete kitchen facilities.

**ESSENTIAL SERVICES.** Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage and communication systems and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants and the like, but not including buildings.

**FAMILY.** A single individual, or two or more persons related to each other by blood, marriage, legal adoption, or foster care situation, living together as a single housekeeping unit doing their own cooking, living and sleeping upon a premises, or not more than three persons, who need not be related by blood, marriage, legal adoption or foster care situation, living together as a single housekeeping unit and occupying a single dwelling unit, all exclusive of domestic servants, or a group of individuals having developmental disabilities (mental or physical handicaps) living together as a single housekeeping unit; provided that, the groups do not exceed five such persons, exclusive of staff, that the applicant or sponsoring agency demonstrates that the proposed group home has obtained a permit or license from the state and is certified to operate as a group home; and that the group homes are separated by at least 750 feet.

**FLOOD.** A general and temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation or the runoff of surface waters from any source.

**FLOOD PROTECTION ELEVATION (FPE).** The elevation of the base flood, plus three feet, at any given location in the special flood hazard area (SFHA).

**FLOODWAY.** The portion of the special flood hazard area required to store and convey the base flood. The FLOODWAY is identified on the Flood Insurance Rate Map dated 9-29-1989. No development in the FLOODWAY shall cause any increase in the base flood elevation.

**FLOOR AREA, GROSS.** For the purpose of determining the ratio of the floor area of building to the area of the lot, the GROSS FLOOR AREA shall be the sum of the gross horizontal areas of the several floors of the building excluding areas used for accessory garage purposes and the basement or cellar areas as are devoted exclusively to uses accessory to the operation of the buildings. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures or enclosed porches.

**FRONTAGE.** All the property on one side of a street or highway between two intersecting streets or highways (crossing or terminating) measured along the line of the street or highway, or if the street or highway is dead-ended, then all of the property abutting on one side between an intersecting street or highway and the dead end of the street or highway.

**GARAGE, PRIVATE.** An accessory building or an accessory portion of the principal building which is intended and used to store private motor vehicles and other personal property, owned by members of the family or families residing upon the premises, and in which no business, service or industry is carried on; provided that not more than one-half of the space may be rented for the storage of private motor vehicles of persons not residing on the premises, except that all the space in a garage of one- or two-car capacity may be so rented. Such a garage may be used for the storage of not more than one commercial truck having a load capacity of one and one-half tons or less.

**GARAGE, PUBLIC.** Any building or premises, other than a private or storage garage, where motor driven vehicles are equipped, repaired, serviced, rented, sold or stored.

**GARAGE, STORAGE.** A building or premises used for housing only of motor vehicles, and where no equipment or parts are sold, and vehicles are not rebuilt, serviced or repaired, hired or sold; except that, fuel, grease or oil may be dispensed within the building to vehicles stored therein.

**GRADE.** The highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**HOME OCCUPATION.** An accessory use of a dwelling unit for the gainful employment involving the manufacture, provision or sale of goods and/or services.

**HOTEL.** An establishment containing lodging rooms for occupancy by transient guests, but not including a boarding or rooming house. Such an establishment provides customary hotel services such as maid and bellboy service, furnishing of all laundry or linens used in the lodging rooms, and central desk with telephone.

**INDUSTRIAL PARK.** An unified development designed to accommodate a community of compatible and non-nuisance types of industry. INDUSTRIAL PARKS may be promoted or sponsored by private developers, community organizations or government organizations.

**INSTITUTION.** A building occupied by a non-profit corporation or a non-profit establishment for public use.

**JUNK.** Any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. An article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered JUNK.

**KENNEL.** On premises or portions thereof on which four or more dogs, cats or other household domestic animals over four months of age are kept, or on which more than two animals are maintained, bred or cared for, for remuneration or sale.

**LANDING STRIP, PRIVATE.** A strip of land used or intended for use for the landing and take-off of the private aircraft of the owner or lessee of the landing strip and his or her guests and accessory structures customarily incidental to the operations which may include one building for the storage and maintenance of not more than two private aircraft.

**LANDSCAPE WASTE.** All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

**LANDSCAPE WASTE COMPOSTING FACILITY.** An establishment designed and intended for use as a site for the composting of waste materials accumulated as the result of the care of lawns, shrubbery, vines and trees and not accessory to an operating farm.

**LIGHT INDUSTRY.** Industry that does not create air, sight or water pollution. Noise pollution shall be contained on the property. Incoming supplies and outgoing finished products can be shipped with minimum freight or trucking.

**LODGING ROOM.** A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one LODGING ROOM.

**LOT.** Includes the words PARCEL, PIECE and TRACT.

**LOT AREA.** The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.

**LOT, CORNER.** A lot having at least two adjacent sides that abut either fully or partially upon dedicated streets or public ways. All sides shall be deemed to be front lot lines.

**LOT DEPTH.** The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

LOT LINE. A property boundary line of any lot held in single or separate ownership; except that, where any portion of the lot extends into the abutting street or alley, the LOT LINE shall be deemed to be the abutting street or alley right-of-way line.

LOT LINE, FRONT. The boundary of a lot which is along an existing or dedicated street or public way. In the case of corner lots, both lot boundaries which are along the dedicated streets or public ways shall be deemed to be FRONT LOT LINES.

LOT LINE, REAR. The boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line, If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the REAR LOT LINE shall be deemed to be a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front or rear lot line.

LOT, OPEN SALES. Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale. The merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats, monuments, trailers and agricultural equipment.

LOT, THROUGH. A lot having two lot lines fronting on two dedicated streets or public ways which are on opposite sides of the lot, or which fronts on two dedicated streets or public ways which do not intersect at the boundaries of the lot. Both streets shall be deemed to be front lot lines.

LOT WIDTH. The width of a parcel of land measured at the rear of the specified front yard.

LOT, ZONING.

(1) A single property, parcel, unit, tract, plot or otherwise designated portion of land, having principal frontage on a street which comprises a site occupied by, or intended for occupancy by one principal building or principal use together with accessory buildings and uses, yards and other open spaces required by this chapter.

(2) Also any part of single property divided by a stream with a drainage area of 20 square miles or more, an existing street or highway right-of-way, or an existing railroad right-of-way, not in a recorded subdivision, with street or highway frontage bounded by any of the following:

- (a) The property line;
- (b) A stream with a drainage area of 20 square miles or more;
- (c) An existing street or highway right-of-way; and
- (d) An existing railroad right-of-way.

(3) If the property so bounded is substandard, it shall be restricted as specified in § 155.009(F).



**MANAGER.** The principal person authorized by the City Council to carry out the provisions of this chapter who shall be the same person serving as the City Manager, or his/her designee, of the City

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed as a dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning and electrical systems contained therein.

**MEASURED DISTANCE.** The nearest integral foot if a fraction is one-half foot or less, the integral foot next below shall be taken.

**MEDICAL CANNABIS CULTIVATION CENTER.** A facility registered by the Department of Agriculture to perform activities to provide dispensing organizations with usable medical cannabis.

**MEDICAL CANNABIS DISPENSING ORGANIZATION.** A facility registered by the Department of Financial and Professional Regulation to acquire medical cannabis from cultivation centers for the purpose of legally dispensing paraphernalia, related supplies and educational materials.

**MOBILE HOME.** A structure, transportable in one or more sections, in the traveling mode, which is eight feet or more in body width, or is 40 feet or more in length, or when erected on a site, is 320 square feet or more which is built on a permanent chassis and designed and intended as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The terms **MANUFACTURED HOME** and **HUD HOMES** shall be synonymous with the term **MOBILE HOME** as herein defined and used herein.

**MOBILE HOME PARK.** An area of land or lands upon which five or more independent mobile homes are harbored either free of charge or for revenue purposes and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the mobile home park.

**MODULAR HOME.** A structure, transportable in one or more sections, which is factory-fabricated and is designed, intended and used as a dwelling which has a minimum width of 24 feet, contains a minimum of 1,000 square feet, has a pitched roof, which has a surface of wood shakes, asphalt composition, wood shingles or other similar materials approved by the City Manager, is placed on and attached to a permanent foundation which extends to a depth greater than the frost line when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term **MODULAR HOME** shall be synonymous with such common terminology as **SITE BUILT** and **CONVENTIONAL HOME**.

**MOTEL.** An establishment consisting of a group of lodging rooms each with individual bathrooms and designed for use by transient guests. A **MOTEL** furnishes customary hotel services such as maid service and laundering of linen used in the lodging rooms, telephone and secretarial or desk service, and the use and upkeep of furniture.

**MOTOR FREIGHT TERMINAL.** A building or area of land in which freight brought by motor truck is assembled and/or sorted for routing in intrastate or interstate shipment.

**MOTOR VEHICLE.** A passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

**NON-CONFORMING STRUCTURE.** A structure which lawfully occupies a building site or land at the time of adoption of this chapter, or as later amended, and which does not conform with the regulations of the district in which it is located.

**NON-CONFORMING USE.** A use which lawfully occupies a building or land at the time of adoption of this chapter, or as later amended, and which does not conform with the use regulations of the district in which it is located.

**NURSING HOME.** An establishment for the care of the aged or infirm, or a place of rest for those suffering bodily disorders. Such a home does not contain facilities, other than for normal care and medical treatment of the occupants of the home, for surgical care, the treatment of disease or injury, obstetrics, nor does it include care of mentally ill or alcoholic patients.

**PARKING SPACE.** A space accessory to a use or structure for the parking of one vehicle the size of which shall be nine feet by 20 feet, exclusive of passageways, driveways or other means of circulation as such.

**PERFORMANCE STANDARDS.** A criterion established to control noise, odor, smoke, particulate matter, toxic or noxious matter, vibration, fire and explosion hazards, or glare or heat generated by or inherent in uses of land or buildings.

**PLAT.** A map plan or layout showing the subdivision of land and indicating the location and boundaries of individual lots.

**RECREATION SPACE.** Total area in square feet which is countable as open space, but is not paved in streets, walks or driveways and is suitable for recreational pursuits. The smallest countable recreation area is 1,000 square feet. The part of a recreation area having a dimension of less than 20 feet shall not be included as countable RECREATION SPACE.

**REFUSE.** All waste products resulting from human habitation, except sewage.

**RELATIVES.** Persons standing in the relation of wife and husband, son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father or mother, brother, sister, grandchildren or grandparents.

**RESEARCH LABORATORY.** A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but no facilities for the manufacture of products for sale.

**RETAIL SALES.** Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

**SALVAGE YARD.** Any land or structure used for a salvaging operation including, among other things, the storage and sale of waste paper, rags, scrap metal and discarded materials, and the collecting, dismantling, storage and salvaging of unlicensed, inoperative vehicles.

**SANITARY LANDFILL.** A method of disposing of refuse on land without creating nuisances or hazards to public health or safety. The method must conform to state regulations.

**SETBACK LINE.** The building restriction line nearest the front of and across a lot establishing the minimum distance to be provided between the line of a structure located on the lot and the nearest street right-of-way line.

#### **SHOPPING CENTERS.**

(1) **COMMUNITY.** The **COMMUNITY SHOPPING CENTER** is generally designed and constructed to serve a population of approximately 40,000 to 80,000 persons. The facilities usually present in this type of center are a junior department store, branch banks, apparel shops, supermarkets and personal service enterprises such as beauty shops, barber shops and dry cleaners.

(2) **NEIGHBORHOOD.** **NEIGHBORHOOD CENTERS** mainly serve day-to-day needs of people in their immediate vicinity. Normally, the **NEIGHBORHOOD CENTER** contains from five to ten stores with a supermarket as its focal point.

(3) **REGIONAL.** The **REGIONAL SHOPPING CENTER** is generally designed to serve the "one-stop" customer. He or she may park his or her car once and travel to various store destinations and purchase almost everything. The **REGIONAL SHOPPING CENTER** normally contains a major department store where a large variety of goods and services are offered. The center also usually contains professional offices, specialty shops, restaurants and perhaps amusement facilities. A maximum trade population of approximately 100,000 persons is necessary to adequately support a **REGIONAL CENTER**.

**SIGN, ADVERTISING (BILLBOARD).** A sign which directs attention to a business, commodity, service or entertainment not necessarily conducted, sold or offered for sale on the premises where the sign is located, or to which it is affixed.

**SIGN, BUSINESS.** A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered upon the premises where the sign is located, or to which it is affixed.

**SIGNS.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which information is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street, highway or pedestrian way.

**SPECIAL FLOOD HAZARD AREA.** Those lands within the jurisdiction of the city that are subject to inundation by the base flood. The SFHAs of the city's incorporated areas are generally identified as such on the Flood Insurance Rate Maps prepared by the Federal

Emergency Management Agency and dated 9-29-1989, which maps are hereby adopted by reference.

**STREETS.** A public right-of-way providing primary access to abutting properties.

**STRUCTURE.** A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

**TENT.** A structure or enclosure, the roof of which and/or one-half or more of the sides are constructed of silk, cotton, canvas fabric or a similar light material.

**THOROUGHFARE.** A street with a high degree of continuity which serves as an intrastate, intra-county and intra-city or inter-state highway, or as an arterial traffic way between the various districts of this city. It affords a primary means of access to abutting properties, except from thoroughfares classified as freeways or other limited access routes not containing frontage roads.

**TRAILER SPACE.** A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

**TRAVEL TRAILER.** A vehicle designed for recreational use and which cannot be defined as a mobile home under the terms of this chapter.

**USE.** The purpose of activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

**USE, PERMITTED.** A use which may be lawfully established in a particular district or districts; provided, it conforms with all requirements, regulations and performance standards, if any, of the district.

**USE, PRINCIPAL.** The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or special use.

**USED.** Includes ARRANGED FOR, INTENDED FOR, MAINTAINED FOR and OCCUPIED FOR.

**UTILITIES.** Public and private facilities including but not limited to water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouse shops and storage yards.

**WATERLINE.** The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot; provided that, not less than 75% of the length of the waterline shall be on the landward side of the normal high water mark of the stream.

**WHOLESALE ESTABLISHMENT.** A business establishment engaged in selling to retailers or jobbers rather than directly to the consumers.

**YARD.** An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. A YARD extends along a line and at right angles to the lot line to a depth or width specified in the yard regulations for the district in which the lot is located.

YARD, CORNER SIDE. A side yard which adjoins a street or thoroughfare.

YARD, FRONT. A yard extending along the full width of the front lot line between the side lot lines.

YARD, INTERIOR SIDE. A side yard which is located immediately adjacent to another lot or to an alley separating the side yard from another lot.

YARD, REAR. The portion of the yard on the same lot with the principal building, located between the rear line of the building and the rear lot line and extending for the full width of the lot; provided that, in those locations where an alley is platted in the rear of the lots, one-half of the width of the platted alley may be included in the rear yard requirement.

YARD, SIDE. A yard extending along a side lot line between the front and rear yards.

#### § 155.006 INTERPRETATION.

The provisions of this chapter shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other power granted by the state statutes.

#### § 155.007 JURISDICTION; COMPLIANCE.

The jurisdiction of this chapter shall include all lands and waters within the city or which are annexed into the city. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this chapter which are applicable to the zoning districts in which the buildings, uses or land shall be located.

#### § 155.008 USE RESTRICTIONS.

The following use restrictions and regulations shall apply.

(A) Principal uses. Only those principal uses specified for a district or on a planned development plat, their essential services and the following uses shall be permitted in that district.

(B) Accessory uses and structures. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction; except that, a garage for shelter of motor vehicles or a utility shed to store tools needed to garden, farm or maintain the property in question will be permitted.

(C) Uses by special permit. Uses by special permit (conditional uses) and their accessory uses are permitted in districts as specified, but only according to the procedure set forth in

§ 155.130. The development shall be specifically reviewed by the Planning Commission as provided in §§ 155.125 through 155.132.

(D) Unclassified or unspecified uses. In case of uncertainty where the City Manager is unable to determine liberally whether a use is permitted as a principal or accessory use, he or she shall consult the Board of Zoning Appeals for an interpretation.

(E) Temporary uses.

(1) Temporary uses such as field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Administrator through the issuance of a certificate of zoning compliance. In either case, the permit shall expire with the completed construction.

(2) An existing single-family dwelling, an accessory structure such as a garage, or a modular or mobile home may be allowed as temporary dwelling during that period of time that a new, principal, single-family dwelling is being constructed upon the same property. This temporary use is for a period of time not to exceed one year or the date of first occupancy of the newly constructed residence, whichever is the earlier date. The temporary dwelling shall comply with all public health and minimum yard requirements. Upon the expiration of the time period or occupancy of the newly constructed residence, the temporary dwelling shall be removed from the property or otherwise brought into complete conformity with the provisions of this chapter.

(3) Temporary construction operations, such as, but not limited to, the batching or mixing of portland cement concrete or bituminous concrete shall be allowed in all districts; provided, petitions from all land owners within 500 feet of operation are provided the Administrator. If petitions cannot be obtained, an appeal may be made by the special permit procedure. The permit will only be good for a period not greater than two years or the completion of the project, whichever is the earlier date. Under no circumstances will the sale of products from these operations be allowed, except for use on the principal project.

#### § 155.009 SITE RESTRICTIONS.

The following site restrictions and regulations shall apply.

(A) Soil conditions.

(1) No land shall be used or structure erected where the land is held unsuitable for the use or structure by the City Council by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetic and general welfare of the city.

(2) The City Council, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting the

unsuitability, if he or she so desires. Thereafter, the City Council may affirm, modify or withdraw its determination of unsuitability.

(B) Abutment on public thoroughfare. All lots shall abut upon a public thoroughfare.

(C) Dedication. No zoning permit (building permit) shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

(D) Dimensions of building sites.

(1) Lots not served by public sewer.

(a) General. In all districts, lot sizes shall be based on soil capabilities. In no cases shall the lot size be less than those specified as minimum requirements in § 155.065. However, the City Council may require lots larger than the minimums.

(b) Side yards. There shall be a side yard for each principal building. Unless otherwise specifically required or permitted, the side yard requirements for all other districts shall be those indicated as minimums in § 155.065.

(2) Lots served by public sewer. Lots served by public sewer shall be as specified in § 155.065.

(E) Reduction or joint use. No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

(F) Substandard lots. A lot which does not contain sufficient area to conform to the dimensional requirements of this chapter for yards, courts, width, depth or open space may be developed provided:

(1) The use is permitted in the zoning district;

(2) Pre-existing substandard lots which have been properly platted and recorded with the County Recorder shall be allowed to be developed; providing, setback requirements are met; and

(3) Any lot utilizing septic tank filter fields must conform to the City and State Board of Health standards regulating that development.

#### § 155.010 GENERAL DEVELOPMENT.

The Planning Commission and the City Council shall continuously develop their comprehensive plan, including their planning policies to guide future decisions. All comprehensive plan elements, in whatever degree of detail they may embody, shall provide

the basis for approval of all development under this chapter, and no development shall be approved under this chapter which is in conflict with any comprehensive plan elements.

#### § 155.011 ABROGATION AND GREATER RESTRICTIONS.

(A) It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law.

(B) However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

#### ZONING DISTRICT BOUNDARIES AND MAPS

#### § 155.025 ZONING DISTRICTS ESTABLISHED.

In order to carry out the purposes of this chapter, the geographic area within the jurisdiction of this chapter is hereby divided into the following use districts:

- A Agricultural District
- B-1 General Commercial District
- B-2 Convenience Commercial District
- B-3 Highway Commercial District
- FP Floodplain District
- I General Industrial District
- R-1 Low Density Single-Family Residential
- R-2 High Density Single-Family Residential
- R-3 Multi-Family Residential District
- R-4 Mobile Home District



§ 155.026 ZONING MAP DIRECTORY.

The certified copy of the zoning map directory will bear on its face the attestation of the Mayor and the City Clerk. It shall be on file and may be viewed in the office of the City Clerk. It shall contain the zoning map for the city.

§ 155.027 INTERPRETATION OF ZONING DISTRICT BOUNDARIES.

(A) (1) Boundaries of these districts are hereby established as shown on the series of maps entitled "Zoning Map Directory, City of Farmer City, Illinois" dated 3-9-1976 and which accompanies and is hereby declared to be a part of this chapter.

(2) District boundaries shall be construed to follow: corporate limits; public highways, alleys, easements and railroad rights-of-way or the lines extended; soil mapping unit lines; unless otherwise noted in the Zoning Map Directory.

(B) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the adjoining district. If a vacated street or alley adjoins two different zones, the centerline of the vacated street or alley shall constitute the zoning district.

§ 155.028 ANNEXED TERRITORY.

Any land which may be annexed to the City shall be placed in the R-1 Single family Residential District until special action of the City Council shall definitely assign the land to another district.

DISTRICTS USE REGULATIONS

§ 155.040 AGRICULTURAL DISTRICT.

It is the intent of this chapter in establishing an Agricultural District to facilitate the proper use of lands best suited to agriculture through preventing the admixture of urban and rural uses which creates incompatibility and conflict, places unbalanced tax loads on agricultural lands to help pay for urban services and contributes to the premature termination of agricultural pursuits. This zone is also designed to prevent health hazards brought about by the illogical placement of inappropriately high residential densities in the otherwise open countryside.

§ 155.041 Intentionally Left Blank

§ 155.042 Intentionally Left Blank

§ 155.043 Intentionally left blank

§ 155.044 R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT.

The intent of this chapter in establishing a Low Density Residential District is to provide areas for families wishing to live on large lots in residential neighborhoods within communities.

§ 155.045 R-2 HIGH DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT.

The intent of this chapter in establishing a High Density Single-Family Residential District is to protect those residential areas of the community that were developed in most part prior to World War II from encroachment from potential conflicting uses and to provide for future residential and related development and redevelopment.

§ 155.046 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.

The intent of this chapter in establishing a Multi-Family Residential District is to provide for the conversion of single-family structures to multi-family structures in the established portions of the community where larger two-story homes predominate and to provide new areas for modern multi-family development.

§ 155.047 R-4 MOBILE HOME RESIDENTIAL DISTRICT.

The intent of this chapter in establishing a second High Density Single-Family Residential District is to provide for people who wish to own a mobile home placed on a privately owned lot.

§ 155.048 B-1 GENERAL COMMERCIAL DISTRICT.

The intent of this chapter in establishing a General Commercial District to promote development of the existing principal commercial development in municipalities.

§ 155.049 B-2 CONVENIENCE COMMERCIAL DISTRICT.

(A) The intent of this chapter in establishing a Convenience Commercial District is to provide for minor shopping areas at the edges of neighborhoods to provide for the day-to-day needs for goods and services.

(B) These should not be of the type or magnitude to compete directly with the uses found in the General Commercial District.

§ 155.050 B-3 HIGHWAY COMMERCIAL DISTRICT.

The intent of this chapter in establishing a Highway Commercial District is to provide appropriate areas for commercial establishments which are oriented to the motoring public or which require large sites for off-street parking or display of merchandise. Additionally, the establishment of the District is in recognition of existing uses of this nature in decentralized locations, due in part to the past and present shortage of potential commercial sites within the urban centers.

§ 155.051 I GENERAL INDUSTRIAL DISTRICT.

The intent of this chapter in establishing a General Industrial District is to recognize existing industrial development within the city and the desirability of reserving additional land for possible new, expanded or relocated industries. It is intended that land zoned for industry be located so that conflict with incompatible uses would be minimized.

§ 155.052 FP FLOODPLAIN DISTRICT.

(A) The intent of this chapter in establishing a Floodplain District includes the following:

- (1) Promotion of the public health, safety, comfort, convenience and general welfare;
- (2) Conservation of the value of land and buildings throughout the city;
- (3) Generally enhancing aesthetic values throughout the city;
- (4) Prevention of unwise developments in the flood hazard areas and prevention of developments increasing the flood or drainage hazards to others;
- (5) Protection of new buildings and major improvements to buildings from flood damage;
- (6) Protection of human life and health from the hazards of flooding;

(7) Lessening the burden on the taxpayers for flood control projects, repairs to flood damaged public and private buildings, facilities and utilities, and flood rescue and relief operations;

(8) Maintenance of property values and a stable tax base by minimizing the potential for creating flood blight areas;

(9) Making federally subsidized flood insurance available for properties located in the city; and

(10) Providing for the sensible, orderly growth and development of an environment that is especially sensitive to changes and encroachment from human activity.

(B) All lands located in the unincorporated area of the city which are shown to be within the special flood hazard areas shall be subject to the standards, regulations and procedures established and contained in this chapter.

(1) Nothing contained herein shall prohibit the application of these regulations to lands which can be demonstrated by a competent engineering study to lie inside the SFHA; conversely, any lands which can be demonstrated by a competent engineering study to lie outside the SFHA may not be subject to these regulations. If a particular owner(s), after a determination by the Administrator, disputes whether a parcel or parcels of land are within the SFHA, it shall be the responsibility of those particular owner(s) of the land to prove whether or not the land in question is outside the SFHA.

(2) Where not otherwise prohibited in this chapter, all buildings shall have all habitable and usable floor areas, including basements at an elevation at least three feet above the base flood elevation. All mechanical equipment, plumbing, electrical and other utility areas of a building shall also be at least three feet above the base flood elevation.

(3) All underground utilities such as water, sewer and electric lines shall be located or constructed to resist and to insulate the utilities from flood hazards.

(4) Development in the floodway which causes or creates any increase in the base flood elevation shall be prohibited.

(C) The degree of flood protection required by this section is considered for regulatory purposes and is based on the available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by human-made or natural causes. This section does not imply that development either inside or outside the special flood hazard area will be free from flooding or damage. This section does not create liability on the part of the city or any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision made lawfully thereunder.

#### § 155.053 SCHEDULE OF PERMITTED USES, PROHIBITED USES, AND SPECIAL PERMIT USES BY DISTRICT.

(A) (1) Uses permitted, as indicated by “x”, and uses allowed by special use permit, as indicated by “s”, are hereby established and shown for each use district on the following tables.

(2) Uses which may be determined to be inside the special flood hazard area shall be regulated by provisions and standards contained in this chapter.

(3) If no “x” or “s” is shown under a particular zoning district for a particular use, the use shall be deemed prohibited.

(B) (1) General. Uses not listed shall be considered the same as other similar uses. The Administrator shall determine what is similar. If he or she cannot make this determination, he or she shall consult the Board of Zoning Appeals.

(2) Principal uses.

Districts

## AREA REGULATIONS

### § 155.065 DISTRICT LOT REGULATIONS.

It shall be unlawful to erect or alter any structure within the county or the incorporated municipalities affected by this chapter, unless the following minimum lot and yard areas and bulk controls are provided and maintained in connection with the structure.

Minimum Lot Requirements by District

District

Minimum Area (Square Feet)(g)

Maximum Building Height (feet)(i)

Minimum Width (feet)

Minimum Road Frontage (feet)

Minimum Front Setback (feet)(a)

Minimum Rear Setback (feet)

Minimum Side Yard Setback (feet)(b)

Minimum Lot Requirements by District

District

Minimum Area (Square Feet)(g)

Maximum Building Height (feet)(i)

Minimum Width (feet)

Minimum Road Frontage (feet)

Minimum Front Setback (feet)(a)

Minimum Rear Setback (feet)

Minimum Side Yard Setback (feet)(b)

A

NOTES TO TABLE: See accompanying footnotes:

(a) Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of the structure.

(b) Buildings over two stories in height shall require five feet for each additional story in addition to the required minimum side yard.

(c) Detached residential structures may be constructed five feet from the rear property line and three feet from an interior lot line; provided, the provisions of § 155.096(B)(5) are met. Non-residential structures in districts in Districts A may be constructed 15 feet from the rear property line.

(d) Multi-family dwellings must also comply with the land use intensity standards given in § 155.046.

(e) May be used for parking development.

(h) Highway access (includes entrance and exit) shall not be permitted in less than 500-foot intervals.

(i) Exceptions from building height maximums may be granted as a special use permit.

## SPECIAL USE REGULATIONS

### § 155.080 APPLICATION.

The following regulations set forth in this subchapter shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual non-compliance with the special regulations shall be made by the City Council or its duly appointed agent.

§ 155.081 PERFORMANCE STANDARDS.

(A) Residual features. No activity or operation shall be established or maintained which, by reason of its nature or manner of operation, will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter in concentrations as to be detrimental to or endanger the public health, welfare, comfort and safety or cause injury to property or business.

(B) Glare. Any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining residential property or from the public streets. Direct or sky reflected glare, whether from flood lights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

(C) Explosives. No activities involving the storage, utilization or manufacture of materials, goods or products which could decompose by detonation shall be permitted, except such as are specifically licensed by the City Council.

(D) Vibration. No activity or operation shall cause earth vibrations perceptible beyond the limits of the lot upon which the operation is located, except such as are specifically permitted by the City Council.

(E) Enclosed space. All fabrication, manufacturing, processing or production shall be undertaken substantially within enclosed buildings.

(F) Screening. Where outdoor storage of materials, goods and products exists within the General Industrial District, the storage shall be effectively screened from adjacent residential districts and public streets by a solid fence, compact hedge or similar opaque landscaped element. The screening shall be placed along property lines or, in the case of screening along a street, 15 feet from the street right-of-way or adjacent property line with landscaping between the screening and the pavement. A louvered fence shall be considered "solid" if it blocks direct vision.

(G) Refuse. All waste material, debris, refuse or garbage not disposed of through the public sanitary sewerage system shall be kept in an enclosed building or properly contained in a closed container designed for those purposes. The owner of vacant land shall be responsible for keeping the land free of refuse.

(H) Landscaping. In all but the General Commercial and General Industrial Districts all developed uses shall provide a landscaped yard along all streets. The yard shall be kept clear of structures and storage except off-street parking. The yard shall be at least eight feet in depth along all streets, measured from the street right-of-way. Except for driveways, the

yard shall extend the entire frontage of the lot and along both streets in the case of a corner lot.

(I) Drainage. No land shall be developed and no use shall be permitted that results in water run-off, flooding or erosion on adjacent properties. The run-off shall be properly channeled into a storm drain, water course, ponding area or other public facilities.

(J) Construction within the floodplain. Construction in areas subject to flooding shall conform to regulations set forth in § 155.052.

(K) Junk motor vehicles or equipment. Parking of junk motor vehicles or equipment is prohibited in all areas, except Industrial Districts. All contractor's equipment or tools or junk motor vehicles shall be parked or stored in a completely enclosed structure on any residential premises, except when making a delivery or rendering a service at the premises. Contractor's equipment shall not be construed to include pickup or paneled trucks.

(L) Medical cannabis cultivation centers and dispensaries - compliance with state regulations and rules. Each cultivation center and all dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (Ch. 410, Act 130, §§ 1 et seq.) and all rules and regulations adopted in accordance thereto.

#### § 155.082 OFF-STREET PARKING REQUIREMENTS.

(A) Minimum number of parking spaces required:

- (1) None required in General Commercial District (to be provided in common area);
- (2) Single-family dwellings: two per dwelling unit;
- (3) Multi-family units: 1.2 per dwelling unit, except elderly housing projects which shall have one-half space per dwelling unit;
- (4) Churches, auditoriums, mortuaries and other similar places of assembly; one for every four seats;
- (5) Sanitariums, convalescent homes: one for four beds;
- (6) Retail commerce other than in General Commercial District:
  - (a) Restaurant: one for every three seats; and
  - (b) Other retail: one for every 100 square feet of retail floor space, but in no case less than one and one-half square feet (gross parking area) to one square foot (gross building floor area).
- (7) Service commerce other than General Commercial District:
  - (a) Motels: one per unit;



(b) Personal and professional offices: one for every 150 square feet of office floor space; and

(c) Other service commerce: one for 2,000 square feet of gross floor space.

(8) Industrial including wholesale: one for every 1.3 persons of maximum employment during any work period; and

(9) Mobile home parks: two spaces per lot.

(B) Minimum size of parking spaces: 250 square feet of standing and maneuvering space.

(C) Location of parking spaces.

(1) Spaces for dwelling on the same lot as the dwelling unit;

(2) Spaces for commercial uses not in the General Commercial District or for public or semi-public uses within 300 feet of the main entrance of the building served; and

(3) No off-street parking spaces to be located within five feet of any street right-of-way.

(D) Surfacing and drainage off-street parking areas and access ways other than those for one- and two-family dwellings shall be surfaced with a durable material to control dust and shall be graded so as to dispose of all surface water.

#### § 155.083 OFF-STREET LOADING AND UNLOADING REQUIREMENTS.

(A) Minimum number of off-street loading spaces required. An adequate number of off-street loading spaces shall be provided for all structures which require the receipt and distribution of materials or merchandise by trucks or similar vehicles so as to assure unrestricted movement of both pedestrians and motor vehicles throughout the entire active areas of the municipality.

(B) Minimum size of off-street loading berths.

(1) Width: ten feet;

(2) Length: 50 feet; and

(3) Vertical clearance: 14 feet.

(C) Location of off-street loading berths. No closer than 25 feet from the intersection of two street rights-of-way.

(D) Surfacing and drainage. Surfacing and drainage of off-street loading berths and accessways shall be hard surfaced to control dust and shall be graded to dispose of all surface water.

#### § 155.084 SIGNS.

(A) Permit required. Except those specified in division (B) of this section, no signs shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without being in conformity with the provisions of this chapter. The sign shall also meet all structural requirements of other applicable codes and ordinances of the city and state statutes.

(B) Signs excepted. All signs must have a building permit, except the following:

(1) Signs over show windows or doors of a non-conforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length;

(2) Real estate signs not to exceed eight square feet in area which advertise the sale, rental or lease of the premises upon which the signs are temporarily located;

(3) Name, occupation and warning signs not to exceed two square feet located on the premises;

(4) Bulletin boards for public, charitable or religious institutions not to exceed 32 square feet in area located on the premises;

(5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure;

(6) Official signs such as traffic control, parking restrictions, information and notices; and

(7) Temporary signs when authorized by the Administrator for a period not to exceed 30 days.

(C) Signs permitted. Signs are permitted for all commercial and industrial uses subject to the following restrictions.

(1) Wall signs placed against the exterior walls of buildings shall not extend more than six inches outside of building's wall surface, shall not exceed 300 square feet in area for any one premises, and shall not exceed 20 feet in height above the main centerline street grade.

(2) Projecting signs fastened to, suspended from or supported by structures shall not exceed 300 square feet in area for any one premises; shall not extend more than six feet into any required yard; shall not extend more than three feet into any public right-of-way; shall not be less than ten feet above the sidewalk nor 15 feet above a driveway or an alley.

(3) Ground signs shall not exceed 20 feet in height above the main centerline street grade, shall meet all yard requirements for the district in which they are located and shall not exceed 300 square feet on all sides for any one premises.

(4) Roof signs shall not exceed ten feet in height above the roof, shall meet all yard and height requirements for the district in which they are located and shall not exceed 300 square feet on all sides for any one premises.

(5) Combinations of any of the above signs shall meet all the requirements for the individual sign.

(D) Signs specifically prohibited.

(1) Signs that display the words "Stop" or "Danger"; and

(2) Signs utilizing flashing lights.

(E) Facing. No sign except those permitted in division (B) of this section shall be permitted to face a residential use within 100 feet of the lot line.

(F) Traffic. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs shall not obstruct or interfere with the effect of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed as to obstruct or interfere with traffic visibility.

(G) Existing signs.

(1) Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size or location does not conform with the provisions of this chapter.

(2) However, it shall be deemed a non-conforming use or structure and the provisions of §§ 155.110 through 155.113 shall apply.

(H) Miscellaneous requirements.

(1) The owner, lessee or manager of any ground sign or owner of the land on which the same is located shall keep grass or weeds and other growth cut, and debris and rubbish cleaned up and removed from the lot on which the sign is located.

(2) Any sign or sign structure which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the licensee, owner or manager of the property upon which the sign stands upon written notice of the Administrator or police officer.

#### § 155.085 KENNELS; VETERINARY ESTABLISHMENTS.

(A) They shall be located no closer than 100 feet to any residential district, restaurant, hotel or motel in any district and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor.

(B) No incineration of refuse shall be permitted on the premises.

#### § 155.086 COUNTRY CLUB; GOLF COURSE.

(A) No building shall be located within 100 feet of any property line.

(B) Facilities such as restaurants and bars may be permitted when conducted and entered from within the building.

(C) Swimming pools, tennis courts and the like shall be located no less than 25 feet from any property line and adjoining property in any residence or commercial district shall be effectively protected by a wall hedge and/or screen planting.

#### § 155.087 GOLF DRIVING RANGES AND AMUSEMENT PARKS.

Golf driving ranges and amusement parks shall be located on major or secondary thoroughfares or non-residential streets. Flood lights used to illuminate the premises are so directed and shielded as not to be an annoyance to any developed residential property. Golf driving platforms shall not be less than 200 feet from any adjacent Residence District or existing dwelling. A temporary certificate may be granted to be in force for one year only which certificate may be renewed for a period of one year at the expiration of the certificate; provided, all requirements of this chapter have been and can continue to be complied with.

#### § 155.088 CEMETERIES; CREMATORIES; COLUMBARIUMS.

Cemeteries, crematories, mausoleums and columbariums shall provide entrance on a major street or road with ingress and egress so designated as to minimize traffic congestion, shall provide required off-street parking space and shall provide a minimum six-foot high wall or minimum three-foot thick, six-foot high evergreen hedge or provide a minimum 20 feet of permanently maintained planting strip on all property lines abutting any residential district or residential street.

#### § 155.089 HOSPITALS, CHURCHES OR OTHER RELIGIOUS OR ELEEMOSYNARY INSTITUTIONS.

Hospital, church or other religious or eleemosynary institutions shall be located on a major street on a minimum parcel of one-half acre and shall maintain a ten-foot wide minimum landscaped strip on all property lines abutting residential districts and on all residential streets.

#### § 155.090 SHOOTING CLUB.

A shooting club shall not be located within one mile of any developed residential, commercial or industrial area, or place of public assembly. A temporary certificate will be granted, to be in force for one year only, which certificate may be renewed for a period of

one year at the expiration of each temporary certificate; provided, the above requirements are met.

§ 155.091 AMUSEMENT CENTERS, BOWLING ALLEYS, DANCE HALLS AND SIMILAR PLACES OF AMUSEMENT.

Amusement centers, bowling alleys, dance halls and similar places of amusement shall provide parking with ingress and egress designed so as to minimize traffic congestions, shall not be less than 20 feet from any property lines, provide a minimum six-foot solid board fence or masonry wall separating parking areas from abutting residential property and shall show that adequate controls or measures will be taken to prevent offensive noise and vibration.

§ 155.092 APARTMENTS; MULTI-FAMILY DWELLINGS.

(A) The RECREATION SPACE RATIO, defined as the minimum square footage of recreation space required for each square foot of floor area, is not less than 0.16.

(B) The FLOOR AREA RATIO, defined as the maximum square footage or total floor area permitted for each foot of land, is not more than 0.32.

(C) The OPEN SPACE RATIO, defined as the minimum square footage of open space required for each square foot of floor area, is not less than 2.0.

(D) The LIVING SPACE RATIO, defined as the minimum square footage of non-vehicular outdoor space required for each square foot of floor area, is not less than 1.2.

(E) The OCCUPANT CAR RATIO, defined as the minimum number of off-street parking spaces without parking time limits required for each living unit is not less than 1.2; except that, in housing development projects for the elderly, this ratio shall not be less than 0.5.

§ 155.093 STANDARDS FOR HOME OCCUPATION.

(A) General. It is the intent of this section to prohibit as home occupations all uses except those that conform to the standards as set forth in this section. In general, a home occupation is an accessory use, so located and conducted, that the average citizen, under normal circumstances, would not be aware of its existence other than for a nameplate as permitted elsewhere in this section. The standards for home occupations in this section are intended to help ensure compatibility with other permitted uses and with the residential character of the area, plus a clearly secondary or incidental status in relation to the

residential use of the property as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

(B) Authorization. Home occupations are permitted in any dwelling unit subject to the provisions of this section.

(C) Permitted home occupations. The following are examples of uses which often can be conducted within the limits of the provisions of this section, as a home occupation. Uses which qualify as home occupations are not necessarily limited to those named in this section, nor does the listing of a use in this section automatically qualify that use as a permitted home occupation:

- (1) Artists and sculptors;
- (2) Authors and composers;
- (3) Dressmakers, seamstresses and tailors;
- (4) Family day care home, limited to no more than twelve children or less with child care assistants ; provided that, all state and local rules and regulations are met;
- (5) Home crafts, such as model making, rug weaving, lapidary work and woodworking;
- (6) Office facility for a minister, pastor, priest or rabbi;
- (7) Office facility for a salesperson, sales representative or manufacturer's representative; provided that, any transaction which may occur does not include the exchange or delivery of goods, products or materials to the customer other than small parcels which may be easily carried by the average citizen;
- (8) Office facility for an architect, artists, broker, dentist, physician, engineer, instructor in arts and crafts, insurance agent, land surveyor, lawyer, musician or real estate agent;
- (9) School of special education whose class size does not exceed two pupils at any given time;
- (10) Antique shop, except the stripping and refinishing of furniture and the storage of chemicals used in the stripping and refinishing of furniture shall not be permitted;
- (11) Barbershop and beauty shop;
- (12) Photography studio;
- (13) Music or dance lessons, provided class size does not exceed two pupils at any one time; and, provided that, the use of amplified instruments is not involved;
- (14) Upholstering;
- (15) Repair shop or service establishments; provided that, the repairs shall be limited to the repair of small electrical appliances, cameras and similar items; and
- (16) Gun smithing.

(D) Home occupations prohibited. The following uses by their nature, investment or operation have a substantial tendency to be out of character, offensive or potentially injurious to the public'

- (1) Animal hospitals;
- (2) Clinics or hospitals;
- (3) Restaurants;
- (4) Stables or kennels;
- (5) Day care centers (except family day care homes for twelve children or less with child care assistants);
- (6) Mortuaries;
- (7) Private clubs;
- (8) Renting equipment, vehicles, trailers and other similar items;
- (9) Apartments and boarding rooms;
- (10) Automobile, truck, boat and similar repairs, minor or major;
- (11) Dental and medical offices;
- (12) Private schools with organized classes;
- (13) Ammunition reloading;
- (14) Body shop;
- (15) Painting shop for cars, trucks, trailers and the like;
- (16) Retail sales and display establishments;
- (17) Commercial storage or warehousing; and
- (18) Carpentry shop.

(E) Use limitations. In addition to the provisions of the particular zoning districts in which located, all home occupations shall be subject to the following additional use limitations.

(1) A home occupation must be conducted entirely within a dwelling unit which is the bona fide residence of the principal practitioner, or in an accessory building thereto, which is normally associated with a residential use.

(2) Except for items or articles produced on the premises, no stock in trade shall be displayed or sold on the premises.

(3) The home occupation shall be incidental and subordinate to the principal residential use.

(4) Not more than one employee, other than members of the family residing on the premises, may be engaged in the occupation.

(5) In no way shall the appearance of the structure be altered or changed, or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, entrances and exits, lighting, signs or the emission of sounds, noises or vibration.

(6) No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met off the street and other than in a required front yard.

(7) No commercial vehicle type shall be used in connection with the home occupation or parked on the premises.

(8) There shall be no outside storage of any kind related to the home occupation.

(9) Only one nameplate shall be allowed. It may display the name of the occupant and/or the name of the home occupation (such as, Joe Doe, Accountant). It shall not exceed one square foot in area, shall be non-illuminated and shall be attached to the main structure, visible through a window or attached to a single pole not more than six feet high, and located on the premises, not upon any public way. The limitation to one nameplate is intended to apply to all lots, including corner lots.

(10) All delivery of goods and materials used in the home occupation shall be made by ordinary and common parcel delivery vans, not to include large motor freight carrier vehicles.

(F) Permit required. Any person desiring to establish a home occupation is required to submit a permit application and secure the required permit, prior to the establishment of the proposed home occupation, on forms provided by the Administrator.

#### § 155.095 MOBILE HOME RULES AND REGULATIONS. (Match with City Code)

(A) Manufactured and mobile homes may be placed only in the R-4 Mobile Home Residential District or in areas approved and licensed as mobile home parks by the State Department of Public Health (IDPH).

(B) (1) In areas located in the R-4 District, the minimum lot requirements contained in this chapter shall be met.

(2) Lot sizes within mobile home parks shall be regulated by the IDPH.



(C) Manufactured and mobile homes shall comply with the provisions of the Mobile Home Owners Tiedown Act, being ILCS Ch. 210, Act 120, as administered by the IDPH.

(D) Manufactured and mobile homes shall have impervious materials, commonly referred to as "skirting", completely surrounding the perimeter of the dwelling between the floor and the ground surface.

#### § 155.096 MODIFICATIONS AND EXCEPTIONS.

(A) Height. The district height limitations stipulated elsewhere in this chapter may be exceeded, but the modification shall be in accord with the following:

(1) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter;

(2) Special structures, such as elevator penthouses, gas tanks, grain elevators, electric generating stations, lightening rods, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, smoke stacks and flag poles are exempt from the height limitations of this chapter;

(3) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter;

(4) Communication structures, such as radio and television transmission relay towers, aerials and observation towers, shall not exceed in height three times their distance from the nearest lot line; and

(5) Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of 60 feet; provided, all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirements.

(B) Yards. Residential accessory uses and detached, residential garages, storage sheds and other similar buildings are permitted in the rear yard only, shall comply with all minimum front yard requirements of this code, but may be constructed five feet from the rear lot line and three feet to an interior lot line. They shall not exceed more than 25 feet in height. However, a detached residential garage proposed to be constructed having its vehicular access doors facing toward the front lot line shall not be closer than 25 feet from the front property line. These restrictions do not apply to structures used only for agricultural purposes.

(1) Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six feet and not closer than three feet to any lot line.

(2) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard; but the projection shall not exceed two feet.

(3) Residential fences are permitted to be erected on the property line; provided that, in any required front yard, they shall be no higher than four feet in height and shall be of an open type (such as, chain link or wrought iron) which does not limit, inhibit or restrict reasonable visibility through it by pedestrians, cyclists or motorists. Fences erected along interior lot lines or the rear property line may be solid and shall not exceed eight feet in height.

(4) Security fences for commercial, industrial or governmental uses are permitted to be erected on property lines; provided that, they shall be no higher than ten feet in height, shall be of an open type such as chain link or wrought iron and not in conflict with § 155.081.

(5) Accessory uses and detached accessory structures may be permitted, provided that they are not proposed to be constructed or erected in the front yard and comply with the remaining provisions of this chapter.

(6) Essential services, utilities, electrical power and communication transmission lines are exempt from the yard and distance requirements of this chapter.

(7) Landscaping and vegetation may be planted and maintained on property lines. Landscaping planted in the front shall be of the type and variety that it does not limit, inhibit or restrict reasonable visibility through it by either pedestrians, cyclists or the motorists. It shall be the responsibility of the property owner to maintain, trim or otherwise ensure that landscaping and vegetation do not encroach upon any public way or cause visibility problems.

(C) Additions. Additions in the front yards of existing structures shall not project beyond the average of the existing front yards on the abutting lot or parcels.

(D) Average front yards. The required front yards may be decreased to the average of the existing front yards of the abutting structures on each side.

(E) Noise. Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are not to be enjoined under the performance standards section of this chapter.

(F) General filling. Filling of low areas with earth or gravel or with earth covered bricks, blocks, broken concrete or broken paving material, all free from refuse, as may be permitted by the State Environmental Protection Agency and the County Health Department; provided that, the areas are not located in the special flood hazard area. This provision shall not relieve any property owner from compliance with any other applicable laws, regulations or agreements.

#### § 155.097 SINGLE-FAMILY DWELLINGS.

On a property of four acres or more, two single-family dwellings will be permitted if the property conforms completely to the following.

(A) Single-family dwellings are permitted in the zoned district.

(B) If the property is divided, it will consist of two lots, each having a single-family dwelling and each lot fully conforming to all the requirements of the zoned districts.

(C) Both dwellings are served by separate sanitary facilities.

#### § 155.098 LANDSCAPE WASTE COMPOSTING FACILITY.

All applications for permit for the establishment, construction and operation of a landscape waste composting facility shall be subject to the following exhibits, rules and standards.

(A) Required exhibits shall include the following:

(1) A boundary survey at a scale of one inch equals 100 feet together with the complete legal description of the proposed property;

(2) A boundary map depicting the existing topography at no less than two-foot contours, showing the ownership of all adjacent property and the existence of any 100-year floodplains;

(3) A detailed site plan showing the existing and proposed drainage on and adjacent to the proposed site, plans for ingress and egress, internal access ways, existing and proposed buildings, structures, parking and landscape waste storage areas on the site, the location of all buildings within 500 feet of the proposed site boundary, the location of all wells within 500 feet of the proposed site boundary;

(4) Written plans for dust and odor control, fire protection and emergency response plan, a statement as to the depth of and the planned methods to be used to ensure that compost and/or leachate does not penetrate the water table, and the plans for collection and treatment of the leachate;

(5) A statement as to the landscape waste intended to be accepted, methods of handling, machinery and equipment requirements, materials anticipated to be produced at the site, handling and disposal plans for non-compostable landscape waste, site security, lighting and procedures for drop-off control;

(6) A list of all permits that have previously been issued on the site; and

(7) The intended hours of operation.

(B) Landscape waste composting facilities shall comply with the following rules and standards.

(1) Landscape waste composting facilities shall be located on a site containing at least ten acres.

(2) Landscape waste composting facilities shall be located outside the 100-year floodplain.

(3) Landscape waste composting facilities shall be prohibited from accepting, collecting, storing, or in any way placing on the site any municipal solid waste, garbage, junk, unlicensed and/or inoperative vehicles, building demolition waste or other debris.

(4) Landscape waste composting facilities shall be located no closer than 500 feet to any residential district, , 660 feet from a building used and intended to be used for residential purposes, 200 feet from any property line, and 500 feet from any potable water well.

(6) All operators of landscape waste composting facilities shall make semiannual reports upon the total tons of landscape waste accepted and total tons of landscape waste marketed during the previous six months. This semi-annual report is due on July 15 and January 15 for the period covering the previous six months. This report shall be submitted to and shall be in the form prescribed by the Administrator.

## NON-CONFORMING USES AND STRUCTURES

### § 155.110 EXISTING NON-CONFORMING LAND OR BUILDING.

The lawful use of any land or building existing at the time of the adoption of this chapter may be continued, even if it does not conform to the regulations of this chapter, except as provided in this subchapter.

### § 155.111 NON-CONFORMING BUILDINGS.

(A) Alterations. A non-conforming building or structure shall not be reconstructed or altered to an extent exceeding its assessed valuation for real estate tax purposes, unless the building or structure is changed to conform with the regulations of this chapter.

(B) Enlargement. A non-conforming building or structure shall not be added to or enlarged in any manner unless the additions or enlargements are made so as to bring the building or structure into conformity with the regulations of this chapter.

(C) Restoration. A non-conforming building or structure which is damaged by fire or other cause to the extent of more than 50% of its assessed value shall not be restored, except in conformity with the regulations of this chapter.

(D) Abandonment. A non-conforming use of a building which has been discontinued for a period of 30 days shall not be re-established and any future use shall be in conformity with the regulations of this chapter.

(E) Extension. A non-conforming use of a building may be extended throughout the building; provided, no structural alterations are made therein.

(F) Relocation. A non-conforming building shall not be moved to any other part of the parcel of land upon which it is located unless every portion of the building is made to conform to all requirements of the district in which it is located.

(G) Use change.

(1) If no structural alterations are made, a non-conforming use of the building may be changed to another non-conforming use of the same or of a more restricted classification.

(2) Whenever a non-conforming use had been changed to a more restricted use or to a conforming use, the use shall not thereafter be changed to a less restricted use.

(H) Placement. A manufactured or mobile home may be placed; provided that, the replacement home is moved onto the property and is located on its pad within five days (120 hours) of the removal of the original home and that the home being moved onto the property is not more than five years old at the time of replacement.

#### § 155.112 NON-CONFORMING USE OF LAND.

(A) Expansion. A non-conforming use of land shall not be expanded or extended beyond the area it occupies.

(B) Relocation. A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage of this chapter, except by expressed authority of the city council.

(C) Discontinuance. If a non-conforming use of land is discontinued for a period of 30 days, it shall not be re-established and any future use shall be in conformity with the regulations of this chapter.

#### § 155.113 EXCEPTIONS.

(A) Single-family and two-family residences established at the time of adoption of this chapter in non-residential districts are exempt from this section.

(B) These residences may be expanded and accessory structures may be permitted; provided, all other requirements are met.

### ADMINISTRATION AND ENFORCEMENT

#### § 155.125 ZONING ADMINISTRATOR

(A) The Administrator shall be the same person serving as City Manager of the City or his/her designee.

(B) The specific duties of the Administrator shall include:

(1) Providing zoning information upon request;

(2) Receiving applications for building and occupancy permits, reviewing the applications to determine if they comply with ordinance provisions, and issuing or denying permits;

(3) Receiving applications for special use permits, variances, amendments and appeals, referring the applications to the appropriate public body, notifying affected property owners of the required public hearings and publishing notice of the hearings;

(4) Conducting inspections;

(5) Investigating violations; and

(6) Keeping the zoning map and text up to date.

(C) The Administrator shall maintain on file the following documents:

(1) Copies of variation application papers and variation decisions as they pertain to special flood hazard areas;

(2) Copies of elevation or floodproofing certificates and other documents necessary to ensure that a project is constructed in compliance with a variation resolution;

(3) Copies of annual reports and other correspondence with the Federal Emergency Management Agency;

(4) All records pertaining to the lowest floor elevation; and

(5) Issue all permits for development as defined in this chapter in any special flood hazard area after all other federal and state permits have been received by the applicant and presented to the City Manager.

#### § 155.126 PERMITS REQUIRED.

(A) Permits. Hereafter, no building or structure shall be erected, constructed, reconstructed or structurally altered, nor shall work begin upon same until the required permit has been issued by the Administrator; except that, no permit shall be required for the following:

(1) Exterior remodeling such as new siding, windows or roofing, painting, installation of or removal of interior walls, new kitchens, baths and carpeting, rearrangement of offices, manufacturing lines, warehouse space and other similar remodeling activities;

(2) Exterior construction, reconstruction or alteration of a building or structure which does not alter the size, shape, dimension or height of the building or structure;

(3) Public utility structures and installations such as sanitary sewers, laterals, vaults, electric lines, water lines, utility poles, cables, tiles or other similar distribution components; and

(4) Buildings, structures or uses in a public federal, state or local park; provided that, the uses are located at least 100 feet from any residential property line, comply with the minimum yard requirements and are a permitted use in the district which they are to be located.

(B) Occupancy permit.

(1) Hereafter, no change in the occupancy of land, or any change of use or occupancy in a new or existing building other than for single-family dwelling shall be made until an occupancy permit has been issued by the Administrator. Every permit shall state that the new occupancy complies with all provisions of this chapter.

(2) Except that, no occupancy permit will be required for land used or to be used for agricultural purposes, storm sewers, farm tiles, sanitary sewers, pipe lines and poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility as defined in an act entitled An Act Concerning Public Utilities.

(C) Permit fees.

(1) Fees for the various permit and zoning applications are non-refundable and are as follows:

(a) Single-family residential uses (including attached, detached garages, carports, decks and porches): \$100;

(b) Multiple-family residential uses (including attached/detached garages, carports, decks and porches): \$75, plus \$30 per dwelling unit;

(c) Mobile homes: \$35;

(d) Residential accessory buildings:

1. Forty dollars, if 500 feet squared or less;
2. Sixty dollars, if 501 to 750 feet squared;
3. Eighty dollars, if 751 to 1,000 feet squared;
4. Ninety dollars, if 1,001 to 1,500 feet squared; and
5. One hundred dollars, if 1,501 or more feet squared.

(e) Commercial or industrial building (includes principal and accessory buildings and additions to either principal or accessory buildings): \$0.03 per foot squared of gross floor area; \$50 minimum; plus review and inspection fee after 7-1-2011;

(f) Special use applications:

1. Two hundred dollars if two acres or less;
2. Two hundred fifty dollars if greater than two acres, but less than ten acres;
3. Three hundred dollars if greater than ten acres, but less than 26 acres; and
4. Twenty-six acres and over \$100 plus \$10 per acre.

(g) Re zoning applications:

1. Two hundred dollars if two acres or less;
2. Two hundred fifty dollars if 2.01 to ten acres; and
3. Three hundred dollars if 10.01 acres or more.

(h) Variance applications: \$150;

(i) Appeal applications: \$100;

(j) Text amendments: \$125;

(k) Occupancy permits (for changes in land use other than agricultural, one-/two-family residence, public utility or government purposes): \$25; and

(l) Structures other than buildings: \$0.001 x total estimated cost/min: \$25.

(2) By state law, no fees are charged for permits for buildings intended to be used for agricultural purposes or for accessory buildings located on an operating farm.

(3) Make checks payable to: City of Farmer City.

(4) Legal notice publication fees are to be paid by the applicant.

(D) Exhibits. Each application for a building permit and for an occupancy permit for the use of land shall be accompanied by the following exhibits unless waived by the Administrator.

(1) Boundary survey of an area including the property in question and 100 feet beyond its outer boundaries showing existing utilities, lot boundaries and dimensions, buildings and easements, foliage, topography, waterways and soil boring to be included if pertinent.

(2) Plot plan indicating location, size and placement of proposed structure and yards, parking and loading facilities, vehicular access and egress and utility plan including surface drainage.

(E) Permit application procedure. The procedure for applying for a building permit and an occupancy permit shall be as follows.

(1) The property owner or his or her agent shall meet with the Administrator to explain his or her situation, learn the procedure and obtain an application form.



(2) The applicant shall file the completed application form together with required exhibits with the Administrator.

(3) The Administrator shall issue a building permit and collect the required fee if the proposed project complies with the provisions of this chapter and other relevant city ordinances.

(F) Expiration of zoning use permits.

(1) At 90 days, the footings and foundation shall be in place and crawlspace and/or basement shall be covered.

(2) At 150 days (an additional 60 days after issuance of permit), the structure shall be framed, roofed and enclosed with materials intended for permanent use.

(3) If the work described on any zoning use permit shall not have been completed within 730 consecutive days from issuance thereof, the permit shall expire and be cancelled by the Administrator, and written notice therefore shall be given to the applicant together with notice that further work as described on the cancelled permit shall not proceed until a new permit shall have been issued.

#### § 155.127 BOARD OF ZONING APPEALS.

(A) Establishment.

(1) A Board of Zoning Appeals, hereinbefore and hereafter referred to by the term "Zoning Board", is hereby authorized to be established.

(2) The Zoning Board shall consist of seven members appointed by the Mayor and confirmed by the City Council. The seven members of the first Zoning Board appointed shall serve terms as follows: one for one year, one for two years, one for three years, one for four years and three for five years, the successor to each member so appointed to serve for a term of five years. Vacancies shall be filled by the Mayor for the unexpired terms only, subject to confirmation by the City Council. The City Council shall have the power to remove any member of the Zoning Board for cause, after a public hearing upon giving ten days notice thereof. The Mayor shall name one of the members of the Zoning Board as Chairperson upon his or her appointment, and in case of vacancy, shall name the Chairperson.

(B) Meetings.

(1) Regular meetings of the Zoning Board shall be held at the time and place within the City as the Zoning Board may determine. Special meetings may be held at the call of the Chairperson, or as determined by the Board. The Chairperson or, in his or her absence, the acting Chairperson may administer oaths and compel attendance of witnesses. All meetings of the Zoning Board shall be open to the public.

(2) The Zoning Board shall keep minutes of its proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating the facts and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or appeal thereof, and every order, requirement, decision or determination of the Zoning Board shall immediately be filed in the office of the Board and shall be a public record. Four members of the Zoning Board shall constitute a quorum, and the concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrator in any matter upon which it is required to pass under this chapter, or to effect any variation or modification in this chapter to the City Council. In the performance of its duties, the Zoning Board may incur expenditures as shall be authorized by the City Council. The Zoning Board shall adopt its own rules of procedures not in conflict with the state or this chapter.

(3) The Zoning Board shall have a recording secretary at each Zoning Board meeting, to record the proceedings of the public hearing. The secretary shall be the City Clerk.

(C) Jurisdiction.

(1) The Zoning Board shall hear and decide appeals from any order, requirement, decision or determination made by the Administrator. It shall also hear and decide all matters referred to it or upon which it is required to pass under this chapter.

(2) The Zoning Board may reverse or affirm wholly or partly or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the Zoning Board may decide to be fitting and proper in the premises and, to that end, the Zoning Board shall also have all the powers of the officer from whom the appeal is taken.

(3) When a property owner shows that a strict application of the terms of this chapter relating to the use, construction or alteration of buildings or structures, or to the use of land, imposes upon him or her practical difficulties or particular hardship, then the Zoning Board may in the following instances only make the variations of the strict application of the terms of this chapter, as are in harmony with its general purpose and intent when the Zoning Board is satisfied, under the evidence heard before it, that a granting of the variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship so great as to warrant a variance:

(a) To permit the reconstruction of a non-conforming building (but excluding residences and farm buildings) which has been destroyed or damaged to an extent of more than 50% of its assessed value by fire or act of God, or the public enemy, where the Zoning Board shall find some compelling public necessity requiring a continuance of the non-conforming use, but in no case shall a permit be issued if its primary function is for financial gain.

(b) To permit the remodeling or expansion of a non-conforming use where the Board finds public necessity and convenience in the continuance or expansion of the non-conforming use and that the remodeling or expansion does not materially affect the other uses in the neighborhood.

(4) Nothing herein contained shall be construed to give or grant to the Zoning Board the power or authority to alter or change this chapter, the power and authority being reserved to the City Council.

(5) The Zoning Board may impose conditions and restrictions upon the use of the premises benefitted by a variance, as it may deem necessary.

(D) Appeals, how taken.

(1) Any person aggrieved or any officer, department, board or bureau of the county may appeal to the Zoning Board to review any order, requirement, decision or recommendation made by the Administrator. Any notice of appeal shall be accompanied by the required filing fee as established by the City Council.

(2) The appeal shall be made within 45 days after the date of written notice of the decision or order to the City Manager and a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Zoning Board all papers constituting the record upon which the action appealed from was taken and a public hearing scheduled.

(3) An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Zoning Board, after the notice of appeal has been filed with him or her, that by reason of facts stated in the permit, a stay would in his or her opinion, cause imminent peril to life or property. In this case, proceedings shall not be stayed otherwise than a restraining order which may be granted by the Zoning Board, or by a court of record on application, on notice to the Administrator, and on due cause shown.

(4) The Zoning Board shall fix a reasonable time for hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon hearing, any party may appear in person, by agent or by attorney.

§ 155.128 Intentionally left blank

§ 155.129 VARIANCES.

(A) Variations from the provisions of this chapter may be granted by the Zoning Board where practical difficulties and unusual hardships in complying with those provisions are determined to exist, but only after a public hearing has been duly advertised and held by the Board. The Zoning Board may impose the restrictions and conditions upon the premises benefitted by a variance as it considers necessary so that the public health, safety and general welfare may be secured and substantial justice done.

(B) Applications for variance shall be accompanied by a plot plan as required for permit applications, and a certified listing, by complete name address, of all property owners within 250 feet of the property in question.

(C) The procedure for applying for a variance from the regulations of this chapter is as follows.

(1) The property owner or his or her agent shall meet with the Administrator to explain his or her situation, learn the procedures and obtain an application form.

(2) The applicant shall file the completed application along with the required exhibits with the Administrator. Any application for a variance shall be accompanied by the required filing fee as established by the City Council.

(3) The Administrator shall transmit the application to the Chairperson of the Zoning Board and shall determine with the Chairperson the time and place of the required public hearing.

(4) The Administrator may provide courtesy notices to those owners of property within 250 feet of the property in question.

(5) The Administrator shall have notice of the scheduled public hearings published in a newspaper of general circulation in the city at least 15 days before the hearing in conformity with the state statutes.

(6) The Zoning Board shall hold the public hearing within 45 days of filing and shall take one of three actions - approval, denial or conditional approval.

(D) Standards for granting variances. The Zoning Board may vary the regulations of this chapter when supporting evidence in each specific case indicates that:

(1) Because of the particular physical surroundings, shape or topographic conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;

(2) The conditions upon which the petition for a variance are based are unique to the parcel of land for which the variance is sought and not applicable generally to other property with the same zoning classification;

(3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land;

(4) The alleged difficulty or hardship is caused by the provisions of this chapter and has not been created by any person presently or formerly having an interest in the parcel of land;

(5) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the parcel of land is located;

(6) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, increase

the danger of fire or endanger the public safety or substantially diminish or impair property values within the vicinity; and/or

(7) Decisions of the Zoning Board may be appealed to the City Council for a final decision by any interested party. The appeal must be filed in writing to the City Clerk within ten days following the Zoning Board decision.

(E) Flood variances. In addition, no variation to the special flood hazard area regulations contained in this chapter shall be granted by the Zoning Board, or by the City Council if appealed, unless the applicant conclusively demonstrates that:

(1) The development activity cannot be located outside the special flood hazard area;

(2) An exceptional hardship would result if the variation were not granted;

(3) The relief requested is the minimum necessary;

(4) There will be no additional threat to public health or safety or creation of a nuisance;

(5) There will be no additional public expense for flood protection, rescue or relief operations, policing or repairs to roads, utilities or other public facilities;

(6) Any and all other local, state and federal permits that may be required for this type of development activity have been obtained;

(7) The Administrator has reviewed the plans and states, in writing, that the project is in conformance with the "General Provisions" and "Criteria for Land Management and Use" of the National Flood Insurance Program (44 C.F.R. parts 59 and 60, as published by the Federal Emergency Management Agency, 5-31-1979); and

(8) The applicant shall be notified that the granting of a variance for construction and/or development in the special flood hazard area will result in an increase in the flood insurance rates according to the risk as assigned.

#### § 155.130 SPECIAL USE PERMITS.

(A) Before a building or premises is devoted to any use classified hereunder, a special permit must be granted by the City Council following recommendation by the Planning Commission and a public hearing before the Zoning Board.

(B) The following exhibits shall be required unless waived by the Planning Commission:

(1) The boundary survey and plot plan as required for building permit application; and

(2) Certified listing, by complete name and address, of all owners of property within 250 feet of the property in question.

(C) The procedure for obtaining a special use permit is as follows.

(1) In applying for a special use permit, the applicant shall follow all applicable procedures set forth in this subchapter.

(2) The applicant shall file the completed application along with the required exhibits with the Administrator. Any application for a special use shall be accompanied by the required filing fee as established by the City Council.

(3) The Administrator shall refer the application to the Zoning Board.

(5) The Administrator shall cause notice of a public hearing in accordance with state statutes and may provide courtesy notice to those owners of property within 250 feet of the property in question.

(6) The Zoning Board, after holding a public hearing in accordance with state statutes, shall make a recommendation independent of that submitted by the Planning Commission within 30 days of the concluded public hearing, forwarding the recommendation directly to the City Council.

(7) The City Council may approve, deny or give conditional approval to the application. In cases of approval or conditional approval, the City Council shall issue written authorization to the Administrator to issue a zoning permit in full conformance with this subchapter. This authorization shall remain on permanent file with the application.

(8) The City Council may attach special conditions, including specified period of time for the permit, to ensure conformance with the intent of all comprehensive plan elements and to preserve the integrity of the zoning district in question.

(D) A special use permit may be granted by the City Council after demonstration by evidence that:

(1) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

(2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

(3) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

(4) Adequate utilities, access roads, drainage and necessary facilities have been or will be provided;

(5) Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets or roads; and

(6) The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

(E) Where a special use permit has been issued pursuant to the provisions of this chapter, the permit may become null and void by action of the City Council upon

recommendation of the Planning Commission unless work thereon commences within one year of the date of granting the special use. A special use permit shall be deemed to authorize only one particular use and may be canceled by the City Council upon recommendation of the Planning Commission if that use ceases for more than 12 consecutive months.

§ 155.131 AMENDMENTS.

(A) Authority. The City Council may from time to time amend, supplement or change by ordinance the boundaries of districts, or regulations herein established.

(B) Kinds of amendments.

(1) An amendment to this chapter may be one of the following:

- (a) A change in a district's boundary (re-zoning);
- (b) A change in a district's regulations; and
- (c) A change in any other provision of this chapter.

(C) Initiation of proceedings. Proceedings for amending this chapter shall be initiated by at least one of the following three methods:

(1) By application of an owner or owners of property which is proposed to be rezoned, or for which zoning district rule and regulation changes are proposed. Any application for a rezoning or for a text amendment shall be accompanied by the required filing fee as established by the City Council;

(3) By action of the City Council.

(D) Exhibits. Required exhibits for rezoning or district regulation changes initiated by property owners:

- (1) The boundary survey and plot plan as required for building permit application; and
- (2) A certified listing, by complete name and address, of all property owners within 250 feet of the property in question.

(E) Procedures.

(1) Upon any application for a proposed amendment, supplement or change being properly filed with the Administrator, the Administrator shall immediately cause a copy of same to be forwarded to the members of the Zoning Board.

(5) The Zoning Board shall forward its report and decision, setting forth the reasons therefor, to the Mayor within a reasonable time after the public hearing.

(F) Notice of public hearing for amendments.

(1) The Zoning Board shall cause notice of a public hearing to be duly published, as prescribed by state statute.

(2) Hearings on text amendments shall be held in the city. Hearings on map amendments shall be held in the city.

(3) The published notice of a hearing shall be published in a newspaper qualified to accept legal notices, in general circulation in the City.

(4) In addition, for all map amendments, the Administrator shall mail courtesy notices to all owners of property within 250 feet of the property in question.

(G) Passage of amendments.

(1) Text and map amendments may be passed by the City Council by a simple majority of the Mayor and City Council; except that, in the following instances, no amendment shall be approved, except by the favorable vote of three-fourths of the Mayor and City Council:

(a) Written protests against a proposed text amendment are signed by at least 5% of the land owners of the city;

(b) left blank on purpose; and

(c) Written protests against any proposed map amendment, signed by the owner or owners of 20% of the land to be rezoned, or signed by the owner or owners of land immediately touching, or immediately across a street, alley or public right-of-way from at least 20% of the perimeter of the land to be rezoned.

(2) In all instances involving protest of a proposed amendment, the protests shall be in writing and shall be filed with the City Clerk not less than five days before final action on the proposed amendment is scheduled to be taken. Additionally, a copy of the written protest shall be served by the protestors on the application for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of the applicant and attorney not less than five days before final action is scheduled to be taken.

#### § 155.132 FEES.

All fees are subject to revision by action of the City Council.

#### § 155.999 PENALTY.

Any person who shall violate or refuse to comply with any of the provisions of this chapter shall be subject, upon conviction thereof, to a fine of not more than \$200, or



imprisonment of not more than six months for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

RESOLUTION 2024-117

RESOLUTION AMENDING 2025 MEETING DATES AS REQUIRED BY LAW

WHEREAS, the City of Farmer City is required by Illinois law to prepare a schedule of all regular meetings for 2025, and

WHEREAS, the City of Farmer city is required by Illinois law to post the schedule listing the time and place of all regular meetings, and

WHEREAS, the City of Farmer city is required by Illinois law to supply the schedule of all regular meetings to the news media requesting such notice,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMER CITY, DEWITT COUNTY, ILLINOIS:

FIRST: that the City Council of the City of Farmer City approves the 2025 meeting dates as listed on the attached schedule.

SECOND; that the City Clerk is hereby directed to post the schedule at city hall and email to any news media requesting such notice.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMER CITY, COUNTY OF DEWITT, ILLINOIS THIS 4<sup>th</sup> DAY OF NOVEMBER 2024.

AYES: \_\_\_\_\_ NAYS: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Scott Testory, Mayor

\_\_\_\_\_  
Angie Wanserski, City Clerk

ATTACHMENT TO RESOLUTION 2024-117

CITY OF FARMER CITY, ILLINOIS 2025 MEETING AND HOLIDAY SCHEDULE

1. The following dates are scheduled as regular 2025 meeting dates of the Farmer City, City Council (regular time 6 p.m.) **The 2nd meeting of the month may be cancelled if no pressing matters exist – please check city website for confirmation.**

January 6	July 7 and 21
February 3	August 4 and 18
March 3 and 17	September 2 and 15
April 7 and 21	October 6 and 20
May 5 and 19	November 3 and 17
June 2 and 16	December 1

2. The Farmer City city hall will be closed in observance of the following holidays:

New Year's Holiday	January 1, 2025
Martin Luther King Jr. Day	January 20, 2025
President's Day	February 17, 2025
Good Friday	April 18, 2025
Memorial Day	May 26, 2025
Juneteenth	June 19, 2025
Independence Day	July 4, 2025
Labor Day	September 1, 2025
Columbus Day	October 13, 2025
Veteran's Day	November 11, 2025
Thanksgiving	November 27 and 28, 2025
Christmas Eve	December 24, 2025
Christmas Day	December 25, 2025

The Farmer City council meetings will be held at city hall, 105 S Main St, Farmer City, IL in the council chambers. Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk's office at (309) 928-2842, 48 hours before the meeting. Staff will be pleased to make the necessary arrangements.



**EXHIBIT A - EMPLOYMENT AGREEMENT**

EMPLOYEE: Austin Edmondson

EFFECTIVE DATE OF EMPLOYMENT AGREEMENT: August 12, 2024

POSITION/ASSIGNMENT: Interim City Manager

Farmer City, IL

TERM OF POSITION: August 12, 2024 – November 15, 2024.

Upon mutual agreement of both parties, the agreement may be extended up to February 14, 2025. Either party may terminate the agreement at any time by providing two weeks advance written notice.

**SALARY / HOURLY RATE:** \$3,000/week (based on a 40/hour work week at a rate \$75.00/hour)  
Compensation assumes assigned employee will be paid for holidays on the same schedule client provides to its employees. Specific hours of work will be determined between the client and the employee and may include pre-approved work on a remote basis.

**OTHER COMPENSATION- PTO:** Client will provide forty (40) hours of personal time off (PTO) to the employee in a Time Bank for use in the position term. Time off for leave shall be approved in advance by the Mayor and shall not be paid out if not used.

**OTHER – Lodging and Travel:** Client will directly arrange or reimburse employee for temporary lodging and reimburse employee for one round trip from his primary residence to the City.

BENEFITS: NA

Employee acknowledges and agrees that eligibility and participation in any benefit plan or program provided by Company will be regulated by the plan documents for such benefit plan or program.

Executed this \_\_\_\_\_.

EMPLOYEE:

Austin Edmondson

RESOLUTION NO 2024- 118

**RESOLUTION AUTHORIZING EXTENSION OF AN EMPLOYEE LEASING AGREEMENT WITH GOVTEMPSUSA**

WHEREAS, the city of Farmer City, Illinois has adopted the managerial form of government;

WHEREAS, the employment of a municipal manager is a matter pertaining to the local government and affairs of the city of Farmer City;

WHEREAS, the city of Farmer City has authority pursuant to the Illinois Municipal Code (65 ILCS 5/5-3-7 et. seq.) to appoint a municipal manager;

WHEREAS, GovTempsUSA has been providing an Interim Municipal Manager during the transition to a new city manager; and

WHEREAS, the initial term ends November 15, 2024; and

WHEREAS, the agreement allows, by mutual agreement, an extension to February 14, 2025, which allows for a two-week termination notice be provided; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of Farmer City to extend the Agreement with GovTempsUSA to provide an interim Municipal Manager during the permanent recruitment process;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMER CITY, DEWITT COUNTY, ILLINOIS:

FIRST: that the mayor be authorized to execute for and on behalf of the City of Farmer City an extension to Employee Leasing Agreement with GovTempsUSA, a division of MGT of AMERICA CONSULTING LLC A copy of said Agreement, marked Exhibit A, is attached hereto and incorporated herein by reference.

SECOND: that the city clerk be and she is hereby authorized and directed to attest to the signature of the mayor on said agreement and retain in the city clerk's office a fully executed original of said agreement for public inspection.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMER CITY, DEWITT COUNTY, ILLINOIS THIS 4<sup>th</sup> DAY OF November 2024.

AYES:

NAYS:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Scott Testory, Mayor

ATTEST:

\_\_\_\_\_  
Angie Wanserski, City Clerk

**RESOLUTION NO 2024-120**

**RESOLUTION AUTHORIZING EXTENSION OF THE CONSULTING AGREEMENT WITH SUE McLAUGHIN**

WHEREAS, the City of Farmer City, Illinois has adopted the managerial form of government; and

WHEREAS, the employment of a municipal manager is a matter pertaining to the local government and affairs of the City of Farmer City;

WHEREAS, the City of Farmer City has authority pursuant to the Illinois Municipal Code (65 ILCS 5/5-3-7 et. seq.) to appoint a municipal manager;

WHEREAS, the City has entered into an agreement with Sue McLaughin for consulting services; and

WHEREAS, the initial term ends November 19, 2024; and

WHEREAS, the agreement allows, by mutual agreement, an extension to February 19, 2025; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of Farmer City to extend the Agreement with Sue McLaughin during the transition to a new city manager;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMER CITY, DEWITT COUNTY, ILLINOIS: The City and Ms. McLaughin may extend those services an additional 3 months through February 19, 2025, if needed, at which time, this agreement will be reevaluated.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMER CITY, DEWITT COUNTY, ILLINOIS THIS 4<sup>th</sup> DAY OF November 2024.

AYES:

NAYS:

ABSTAIN:

ABSENT:

---

Scott Testory, Mayor

ATTEST:

---

Angie Wanserski, City Clerk

**City of Farmer City**  
**CLOSED MEETINGS**  
**As of April 1, 2024**

Date	Subject	Confidential	Released
January 21, 2013	Personnel, water and sewer	X	
February 4, 2013	Personnel, contract years	X	
March 4, 2013	Property,	X	
April 15, 2013	Personnel, mayor	X	
August 2, 2013	Property,	X	
Sept 3, 2013	Personnel, water superintendent	X	
Oct 7, 2013	Personnel, water superintendent	X	
Nov 14, 2013	Personnel, water superintendent	X	
Dec 16, 2013	Personnel, water superintendent	X	
February 2, 2014	Personnel, water superintendent	X	
February 3, 2014	Review closed session	X	
April 7, 2014	Personnel, specific employee matter	X	
April 21, 2014	Personnel, specific employee matter	X	
May 19, 2014	Personnel, manager evaluation	X	
August 4, 2014	Personnel/sale or lease of land	X	
October 6, 2014	Personnel, specific employee matter	X	
January 5, 2015	Personnel, specific employee matter	X	
March 2, 2015	Personnel, specific employee matter	X	
April 20, 2015	Sale or lease of property	X	
June 1, 2015	Personnel, specific employee matter	X	
June 15, 2015	Pending litigation	X	
July 6, 2015	Sale or lease of property	X	
July 20, 2015	Sale or lease of property	X	
August 3, 2015	Sale or lease of property/pending litigation	X	
Dec 7, 2015	Personnel, specific employee matter	X	
January 25, 2016	Personnel, specific employee matter	X	
February 25, 2016	Personnel, specific employee matter	X	
April 6, 2016	Property,	X	
April 18, 2016	Property,	X	
June 6, 2016	Pending litigation	X	
July 18, 2016	Personnel, specific employee matter	X	
October 31, 2016	Property,	X	

Nov 21, 2016	Personnel, specific employee matter	X	
Dec 5, 2016	Personnel, specific employee matter	X	
January 9, 2017	Pending litigation	X	
January 23, 2017	Pending litigation	X	
February 6, 2017	Personnel, specific employee matter	X	
April 3, 2017	Personnel, specific employee matter	X	
April 17, 2017	Pending litigation	X	
May 15, 2017	Personnel, specific employee matter	X	
May 19, 2017	Personnel, specific employee matter	X	
June 19, 2017	Personnel, specific employee matters	X	
June 22, 2017	Personnel, specific employee matter	X	
June 26, 2017	Personnel, specific employee matter	X	
August 21, 2017	Personnel, specific employee matter	X	
August 25, 2017`	Personnel, specific employee matter	X	
October 2, 2017	Personnel, specific employee matter	X	
January 2, 2018	Setting price for sale or lease of property	X	
February 5, 2018	Property	X	
February 19, 2018	Setting price for sale or lease of property	X	
March 5, 2018	Property	X	
April 2, 2018	Setting price for sale or lease of property	X	
April 16, 2018	Pending litigation	X	
Oct 15, 2018	Personnel, manager evaluation	X	
Nov 5, 2018	Personnel, manager evaluation	X	
Dec 3, 2018	Setting price for sale or lease of property	X	
January 7, 2019	Personnel, appointment	X	
May 6, 2019	Personnel, contract renewal	X	
May 20, 2019	Personnel, contract renewal	X	
June 30, 2019	Personnel, contract renewal	X	
July 15, 2019	Property,	X	
July 15, 2019	Setting price for sale or lease of property	X	
Sept 3, 2019	Setting price for sale or lease of property	X	
Nov 4, 2019	Property	X	
Dec 9, 2019	Property	X	
Dec 9, 2019	Review closed sessions	X	
February 3, 2020	Review closed sessions	X	
March 2, 2020	Property	X	
March 2, 2020	Review closed sessions	X	
March 2, 2020	Pending litigation	X	
March 2, 2020	FOP bargaining	X	
May 4, 2020	Setting price for sale or lease of property	X	
May 4, 2020	Property	X	
July 6, 2020	Personnel, specific employee matters	X	
Dec 7, 2020	Collective bargaining	X	
Dec 7, 2020	Audit review	X	





**RESOLUTION NO. 2024-119**

**A RESOLUTION  
DETERMINING WHETHER THE NEED FOR  
CONFIDENTIALITY STILL EXISTS OR IS NO LONGER REQUIRED  
AS TO ALL OR PART OF MINUTES OF ALL CONFIDENTIAL CLOSED MEETINGS**

**WHEREAS**, Section 2.06 of the Open Meetings Act (5 ILCS 120/2.06) requires each public body to periodically, but no less frequently than semi-annually, to meet to review minutes of all closed meetings and to make a determination, reported in open session, that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection; and

**WHEREAS**, the Mayor and Council Members (the “**Corporate Authorities**”) of the City of Farmer City, DeWitt County, Illinois (the “**City**”) have met to review the minutes of all closed meetings which remain confidential as of the date hereof as detailed on the attached list (the “**Confidential Closed Meeting Minutes**”) in order to make such determination.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FARMER CITY, DEWITT COUNTY, ILLINOIS**, as follows:

**Section 1.** That the Corporate Authorities of the City hereby expressly find and determine that: (1) confidentiality still exists in connection with those Confidential Closed Meeting Minutes designated by an “X” in the column under the heading “Confidential”, and (2) confidential treatment is no longer required in connection with those Confidential Closed Meeting Minutes designated by an “X” in the column “Released” in that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential.

**Section 2.** That the City Clerk shall make those Confidential Closed Meeting Minutes so designated by an “X” in the column “Released”, if any, available for public inspection.

This Resolution is hereby passed, the “ayes” and “nays” being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a meeting on the date set forth below.

**PASSED** this 4<sup>th</sup> day of November 2024.

---

City Clerk

**APPROVED** this 4<sup>th</sup> day of November 2024.

---

Mayor