

VILLAGE OF OGDEN
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 24-0905

AN ORDINANCE AMENDING THE VILLAGE OF OGDEN ZONING
ORDINANCE TO AMEND SETBACK FROM ROADWAY REQUIREMENTS
TO ADD DEFINITIONS AND TO PROVIDE FOR OTHER CHANGES

ADOPTED THIS
5TH DAY OF SEPTEMBER, 2024

Published by authority of the President and Board of Trustees of the Village of Ogden
this 5th day of September, 2024.

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CHAMPAIGN COUNTY, ILLINOIS**

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**AN ORDINANCE AMENDING THE VILLAGE OF OGDEN ZONING
ORDINANCE TO AMEND SETBACK FROM ROADWAY REQUIREMENTS
TO ADD DEFINITIONS AND TO PROVIDE FOR OTHER CHANGES**

WHEREAS, the Village of Ogden, Champaign County, State of Illinois (the "Village") is duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code and all laws amendatory thereof and supplementary thereto, including, but not limited to full powers to enact Zoning Ordinances pursuant to 65ILCS 5/11 and other applicable provisions for the benefit of the residents of the Village, and the Village previously enacted its Zoning Ordinance as subsequently amended; and

WHEREAS, the Village has recognized a need to adjust setback from the roadway requirements and to provide for other updates to the zoning requirements in the Village; and

WHEREAS, the Village Planning Commission duly held a public meeting to review the within proposed amendments having presented its findings to the Board of Trustees, and

WHEREAS, on this date the Board of Trustees duly held a public hearing on the within proposed amendments, finding that notice of all public hearings was duly made; and

WHEREAS, the Village Board considered the recommendations of the Commission, the input from the public, and all other matters and has determined it in the best interests of the Village and its residents to adopt the within ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OGDEN, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. Incorporation Clause. The President and Board of Trustees of the Village of Ogden, Illinois hereby find that all of the recitals hereinbefore stated as contained in the preambles of this Ordinance are full, true and correct and do hereby, by reference incorporate and make them part of this Ordinance.

Section 2. Purpose. This Ordinance is to amend the Ogden Zoning Ordinance regarding setback from the roadway requirements, to provide additional definitions and to make other adjustments to the requirements.

Section 3. Ordinance Amendment. The following specified portions of the Ogden Zoning Ordinance are hereby amended with all other portion not being amended remaining in full force and effect:

Section 2.2 shall be amended to add the following definitions:

Deck: An above-grade flat, floored, roofless attached or detached structure or platform which is not glassed-in or otherwise walled or enclosed above a height of two and one-half (2-1/2) feet. Open guardrails shall not be construed as a violation of the enclosed height limitations.

Hotel: An establishment in which lodging or lodging and meals are provided for transient guests, having a lobby for the common use from which individual rooms or suites are accessible.

Manufactured Home: A prefabricated building manufactured in whole or in part off the site and transported to the site and which must be provided with and placed upon a permanent fixed foundation as a part of its installation at the site.

Micro-Brewery: A licensed commercial establishment manufacturing beer in quantities not exceeding 50,000 gallons (all beverages combined) per year.

Mobile Home or Trailer: A vehicle equipped to function as a dwelling unit and designed to be hauled or transported along a highway, anchored in a semi-permanent manner and provided with utility connections, but not including camping trailers, house trailers or tent trailers.

Occupancy: The residing of an individual overnight in a dwelling unit, or the use of equipment, merchandise or machinery in any public, agricultural, commercial or industrial building, or the utilization of a parcel or structure for any permitted or special use set forth in this Ordinance.

Open Space: The portion of the total land area of a parcel excluding area set aside or used for living units, buildings, enclosed structures, storage, maintenance and mechanical buildings, parking, loading and driveways. Land and accessory buildings devoted exclusively to recreation purposes to include swimming pools, tennis courts and similar recreation uses shall be considered Open Space.

Porch: A ground-level or first story above-grade enclosed, roofed platform structure, supported from the ground and extending out from the main part of the building.

Salvage or Junk Yard: Any land or building, or other structure used for the storage, collection, processing or conversion of any worn out, cast off or discarded metal, paper, glass or other material which is ready for destruction, or has been collected or stored for salvage, recycling or conversion to some use. This includes, but is not limited to such things as automobiles, machinery, farm implements, household appliances and construction material.

Shopping Center: A single tract of land or lot containing four (4) or more independent commercial establishments and a total enclosed business space of more than 5,000 square feet that is planned, constructed and administered as a total entity with shared parking for customers and employees provided on-site.

Section 3.11 shall be amended to add a Table 3.11-2, which shall read as follows:

Table 3.11-2 Side and Rear Yards

FEATURES	MAXIMUM INTRUSIONS ALLOWABLE INTO A YARD
Cornices, chimneys, planters or similar architectural features	2 feet
Fire escapes	4 feet
Patios	10 feet
Porches and stoops, if unenclosed, unroofed, and at no higher than two (2) steps above ground level	10 feet
Balconies, decks, porches	8 feet
Canopies, roof overhangs	8 feet

Add a new Section 3.5.1:

3.5.1 COMPLIANCE WITH REGULATIONS

(A) Except as hereinafter provided, no building or land shall hereinafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

(B) No building shall hereinafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which the building is located.

(C) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

Amend Table 3.15-1 Notes which shall now read in entirety as follows:

1. In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street.
2. A building in the Community Business District located in the area bounded by West Avenue, Main Street, Leney Avenue and Broadway Street shall be exempted from providing required yard areas except in the case where Notes 1 and 3 apply.
3. A building on any lot in the Community Business District abutting or adjacent to the Residential District shall maintain the same side and rear yard as required in the adjacent Residential District.

Amend Table 3.11-1 which shall read in its entirety as follows:

Table 3.11-1 Front Yards

FEATURES	MAXIMUM INTRUSIONS ALLOWABLE INTO A YARD
Cornices, chimneys, planters or similar architectural features	2 feet
Fire escapes	4 feet
Patios	6 feet
Porches and stoops, if unenclosed, unroofed, and at no higher than two (2) steps above ground level	6 feet
Balconies, decks, porches	4 feet
Canopies, roof overhangs	4 feet

Amend Section 3.14 Authorized Accessory Uses to add a new paragraph D, which shall read in its entirety as follows:

- D. No accessory structures or combination of accessory structures shall exceed seven hundred twenty (720) square feet in area or forty percent (40%) of the area contained within the rear yard, measured from the rear of the principal building to the rear lot line, whichever is less.

Amend Section 3.9 Access Required to read in its entirety as follows:

3.9 Access Required

No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to a public street.

Amend Section 4.1.3 D(1) to read as follows:

1. From front lot line: 35 feet from a Major Street, 30 feet from a Collector Street, and 25 feet from a Minor Street. In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street.

Amend Section 4.2.3 C(1) to read as follows:

1. From front lot line: 35 feet from a Major Street, 30 feet from a Collector Street, and 25 feet from a Minor Street. In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street.

Amend Section 4.3.2 A to read as follows:

- A. A building in the Community Business District (C) located in the area bounded by West Avenue, Main Street, Leney Avenue and Broadway Street shall be exempted from providing required yard areas except:
 1. In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street; and
 2. A building on any lot in the Community Business District abutting or adjacent to the Residential District shall maintain the same side and rear yard as required in the adjacent Residential District.

Amend Section 4.3.3 C(1) to read as follows:

1. From front lot line: 35 feet from a Major Street, 30 feet from a Collector Street, and 25 feet from a Minor Street. In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street.

Amend Section 4.4.3 C(1) to read as follows:

- 1) From front lot line: 35 feet from a Major Street, 30 feet from a Collector Street, and 25 feet from a Minor Street. In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street.

Amend Section 4.5.3 C(1) to read as follows:

- 1) From front lot line: 35 feet from a Major Street, 30 feet from a Collector Street, and 25 feet from a Minor Street. In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street.

Amend Section 4.6.3 C(1) to read as follows:

- 1) From front lot line: 35 feet from a Major Street, 30 feet from a Collector Street, and 25 feet from a Minor Street. In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street.

Amend Article 4 to add a new Section 4.7, which shall read as follows:

4.7 Authorized Uses by District

Appendix A, The Table of Authorized Uses by District, shall govern the determination of the types of uses allowed in each District.

Section 4. State Law Adopted. All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this ordinance are hereby incorporated herein by reference.

Section 5. Approval and Execution of Documents. The President and Village Clerk are hereby authorized and directed to execute and / or publish documents necessary to carry out and give effect to the purpose and intent of this Ordinance.

Section 6. Other Actions Authorized. That the President, Village Clerk and Village Employees are hereby authorized and directed to do all things necessary, essential or convenient to carry out and give effect to the purpose and intent of this Ordinance.

Section 7. Acts of Village Officials. That all acts and doings of the officials of the Village, past, present and future which are in conformity with the purpose and intent of this Ordinance, are hereby in all respects ratified, approved, authorized and confirmed.

Section 8. Headings. The headings for the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and of construction of any substantive provisions of this Ordinance.

Section 9. Severability. The provisions of this Ordinance are hereby declared to be severable and should any provisions, clause, sentence, paragraph, subparagraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is

hereby declared to be the legislative intent of the Board of Trustees that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, subparagraph, section, or part thereof had not been included.

Section 10. Superseder and Publication. All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

Section 11. Effective Date. This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

AYE VOTES:

Cooper, Wright, Lewis, Esposito, Nelson

NAY VOTES:

ABSTAIN:


ABSENT:

Smith

SO PASSED, ADOPTED, APPROVED AND ENACTED BY ROLL CALL VOTE IN AND AT THE VILLAGE OF OGDEN, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, THIS 5TH DAY OF SEPTEMBER, 2024.


James Acklin, Village President

ATTEST:


Jennifer Bowman, Village Clerk
(SEAL)

Recorded in the Municipal Records: September 5, 2024

Published in pamphlet form: September 5, 2024