

AGENDA
REGULAR MEETING OF THE PLANNING & ZONING COMMISSION OF THE
VILLAGE OF FORSYTH, ILLINOIS
5:30 P.M.
THURSDAY, January 25, 2024
VILLAGE HALL, 301 SOUTH ROUTE 51, FORSYTH, IL

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

PUBLIC HEARINGS

- SC Forsyth, LLC's Petition for approval of Final Plat for a planned unit development for the property located at 994 US Route 51 Forsyth, Illinois and legally described as: A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID PART MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF THE SAID SOUTHWEST QUARTER (SW 1/4) OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID POINT BEING 52.26 FEET EAST OF THE SOUTHWEST CORNER OF THE SAID SOUTHWEST QUARTER (SW 1/4) OF SECTION 14, SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF F.A. ROUTE 52 (U.S. ROUTE 51); THENCE NORTH 00 DEGREES 42 MINUTES 38 SECONDS WEST, (ASSUMED BEARING)[N 00-42-23 W MEASURED], 412.64 FEET ALONG THE SAID EAST RIGHT OF WAY LINE OF F.A. ROUTE 52; THENCE NORTH 89 DEGREES 16 MINUTES 55 SECONDS EAST[N 89-17-10 E MEASURED], 192.49 FEET; THENCE SOUTH 68 DEGREES 12 MINUTES 59 SECONDS EAST [S 68-12-44 E MEASURED], 41.33 FEET; THENCE SOUTH 27 DEGREES 32 MINUTES 45 SECONDS EAST[S 27-32-30 E MEASURED], 42.79 FEET; THENCE SOUTH 00 DEGREES 42 MINUTES 39 SECONDS EAST[S 00-42-24 E MEASURED], 355.31 FEET TO A POINT ON THE SOUTH LINE OF THE SAID SOUTHWEST QUARTER (SW 1/4) OF SECTION 14; THENCE SOUTH 88 DEGREES 31 MINUTES 17 SECONDS WEST[S 88-31-24 W MEASURED], 250.02 FEET ALONG THE SAID SOUTH LINE OF THE SAID SOUTHWEST QUARTER (SW 1/4) OF SECTION 14 TO THE POINT OF BEGINNING. SITUATED IN MACON COUNTY, AND THE STATE OF ILLINOIS. EXCEPTING THEREFROM A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID PART MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 14 AND THE WEST RIGHT OF WAY LINE OF COMMERCE PLACE AS RECORDED IN BOOK 2633 ON PAGE 194 OF THE RECORDS IN THE RECORDER'S OFFICE OF

MACON COUNTY, ILLINOIS; THENCE NORTHERLY ALONG THE WEST RIGHT OF WAY LINE ON A BEARING OF NORTH 1 DEGREE 04 MINUTES 17 SECONDS EAST[N 00-42-24 W MEASURED]FOR 81.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE LAST DESCRIBED LINE FOR 106.60 FEET; THENCE WESTERLY ON A BEARING OF SOUTH 88 DEGREES 58 MINUTES 06 SECONDS WEST[S 89-19-59 W MEASURED]FOR 14.90 FEET; THENCE SOUTHERLY ON A BEARING OF SOUTH 1 DEGREE 01 MINUTES 54 SECONDS EAST[S 00-40-01 E MEASURED]FOR 15.71 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 283.34 FEET[283.33 FEET MEASURED], AN ARC DISTANCE OF 92.52 FEET[92.53 FEET MEASURED], A CHORD DISTANCE OF 92.11 FEET[92.12 FEET MEASURED]AND A CHORD BEARING OF SOUTH 10 DEGREES 23 MINUTES 12 SECONDS EAST[S 10-01-20 E MEASURED]TO THE POINT OF BEGINNING. SITUATED IN MACON COUNTY, AND THE STATE OF ILLINOIS. PIN: 07-07-14-351-006. The Final Plat to include Lots 1, 2, and 3 of SC FORSYTH, LC, Planned Unit Development C-1 Commercial.

OLD BUSINESS

- Review and discussion of Forsyth Development Ordinances-This will be an ongoing discussion

NEW BUSINESS

- Swearing-in of Steve Ragan and Cathy Mitter.

ADJOURNMENT



**MINUTES OF A REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION
FOR THE VILLAGE OF FORSYTH, ILLINOIS,
HELD AT 5:30 P.M. ON THURSDAY, OCTOBER 26, 2023
AT FORSYTH VILLAGE HALL**

CALL TO ORDER

Planning and Zoning Chairman R. C. Campbell called the meeting to order at 5:30 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Upon call of the roll, the following Commissioners were physically present:

Regular Commissioners: Chairman R. C. Campbell, Cathy Mitteer, Dan Doerfler, Larry Perkins, Steve Ragan, Matt May, Vice Chair Dennis Downey

Alternate Commissioners: Colleen Brinkoetter, Tom Cantwell

Other Staff Present: Village Administrator Jill Applebee, Village Clerk Cheryl Marty, Building Inspector Dustin Pruitt, Stephanie Brown (Chastain & Associates Engineer representative)

Staff on Telephone: Village Attorney Andrew Jarmer

Others Present: Reed Sullivan, Leo Johnson, Jeff Holmes, Dan Curley

APPROVAL OF MINUTES

MOTION: Vice Chair Downey made a Motion to approve the minutes of September 28, 2023 as presented and Commissioner Doefer seconded the motion.

Upon a call of the roll, the vote was as follows:

Yeas: 8 – Campbell, Mitteer, Doerfler, Perkins, Ragan, Brinkoetter, May, Downey
Nays: 0 – None
Abstain: 1 – Cantwell

Motion declared carried.

PUBLIC HEARING #1

- **Request submitted by Maroa Forsyth CUSD #2 to vary the requirements of the Development Ordinance Section 3.18 to allow free-standing solar panels on the real property located at 642 E. Shafer, Forsyth, IL and legally described as Section 14, Township 17N, Range 3E., Prairie Winds, Lot 2. (PIN: 07-07-14-200-006).**

Administrator Applebee explained the school district's need for free standing solar panels to be placed on middle school property to the east. Jeff Holmes, Interim Superintendent for Maroa/Forsyth School District outlined the project details. The project has been in the planning for 2-3 years as a means to secure cost savings. Installation of the solar panels will result in an estimated \$100,000 annual savings to the district each year and eventually no cost will be had once the panels are paid off in 13 years. Life expectancy of the black panels is estimated to be 25-30+ years. Roof placement was considered but is not viable.

After a lengthy discussion, the Commissions agreed the following conditions should be included in any agreement the Board of Trustees would engage with: a solid fence at 8 feet which exceeds the height of the panels (which are 92"), with the fence being no farther north than the north side of the existing building, and the south fence being at least 150 feet from the south property line, with external landscaping on the north, east and south sides of the fence, and a note that this has to do with basically being allowed for school curriculum. The final legal wording will be refined by Village Attorney Jarmer for the purposes of this variance request.

MOTION: Vice Chairman Downey made a Motion to recommend approval of this request as presented including the additional points required by the Commissioners and Commissioner Brinkoetter seconded the motion.

Upon a call of the roll, the vote was as follows:

Yeas: 6 – Mitteer, Doerfler, Perkins, Brinkoetter, May, Downey
Nays: 2 – Campbell, Ragan
Abstain: 1 – Cantwell

Motion declared carried.

OLD BUSINESS

- **Review and discussion of Forsyth Code of Ordinances**
Administrator Applebee cancelled discussion due to lengthy discussion above.

Village of Forsyth
Planning and Zoning Commission Meeting Minutes
October 26, 2023

NEW BUSINESS

- **Re-appoint Steve Ragan and Cathy Mitteer (terms end in October 2023)**

Administrator Applebee asked Commissioners Ragan and Mitteer if they desired to be reappointed to the Planning and Zoning Commission and both replied yes. The recommendation will now be made to the Board of Trustees for approval.

ADJOURNMENT

Commissioner Perkins made a Motion to adjourn, no second was made, and Chairman Campbell asked for a voice vote which was then unanimously approved. The meeting was adjourned at 6:55 P.M.

By: Cheryl Marty
Village Clerk

AFFIDAVIT OF PUBLICATION

State of Florida, County of Charlotte, ss:

Emily Meffert, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Herald & Review, a newspaper printed and published in the City of Decatur, County of Macon, State of Illinois, and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

Jan. 9, 2024

NOTICE ID: JSRMK83AUn6cjrOWdAhX

PUBLISHER ID: COL-9000129

NOTICE NAME: Planning & Zoning Meeting 1-25-24

Publication Fee: 203.48

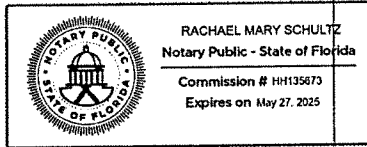
Under penalties as provided by Illinois law, the undersigned certifies that the statements set forth in this instrument are true and correct.

Emily Marie Meffert

(Signed) _____

VERIFICATION

State of Florida
County of Charlotte



Subscribed in my presence and sworn to before me on this: 01/09/2024

Rachael Mary Schultz

Notary Public
Notarized online using audio-video communication

NOTICE OF PUBLIC HEARING

The Village of Forsyth Planning and Zoning Commission will hold public hearings at 5:30 p.m., Thursday, January 25, 2024, at the Village Hall, 301 S. Route 51, Forsyth, IL. The Planning and Zoning Commission will meet to hold a public hearing and discuss the following items:

SC Forsyth, LLC's Petition for approval of Final Plat for a planned unit development for the property located at 994 US Route 51 Forsyth, Illinois and legally described as: A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID PART MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF THE SAID SOUTHWEST QUARTER (SW 1/4) OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID POINT BEING 52.26 FEET EAST OF THE SOUTHWEST CORNER OF THE SAID SOUTHWEST QUARTER (SW 1/4) OF SECTION 14, SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF F.A. ROUTE 52 (U.S. ROUTE 51); THENCE NORTH 00 DEGREES 42 MINUTES 38 SECONDS WEST, (ASSUMED BEARING) [N 00-42-23 W MEASURED], 412.64 FEET ALONG THE SAID EAST RIGHT OF WAY LINE OF F.A. ROUTE 52; THENCE NORTH 89 DEGREES 16 MINUTES 55 SECONDS EAST [N 89-17-10 E MEASURED], 192.49 FEET; THENCE SOUTH 68 DEGREES 12 MINUTES 59 SECONDS EAST [S 68-12-44 E MEASURED], 41.33 FEET; THENCE SOUTH 27 DEGREES 32 MINUTES 45 SECONDS EAST [S 27-32-30 E MEASURED], 42.79 FEET; THENCE SOUTH 00 DEGREES 42 MINUTES 39 SECONDS EAST [S 00-42-24 E MEASURED], 355.31 FEET TO A POINT ON THE SOUTH LINE OF THE SAID SOUTHWEST QUARTER (SW 1/4) OF SECTION 14; THENCE SOUTH 88 DEGREES 31 MINUTES 17 SECONDS WEST [S 88-31-24 W MEASURED], 250.02 FEET ALONG THE SAID SOUTH LINE OF THE SAID SOUTHWEST QUARTER (SW 1/4) OF SECTION 14 TO THE POINT OF BEGINNING. SITUATED IN MACON COUNTY, AND THE STATE OF ILLINOIS. EXCEPTING THEREFROM A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID PART MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 14 AND THE WEST RIGHT OF WAY LINE OF COMMERCE PLACE AS RECORDED IN BOOK 2633 ON PAGE 194 OF THE RECORDS IN THE RECORDER'S OFFICE OF MACON COUNTY, ILLINOIS; THENCE NORTHERLY ALONG THE WEST RIGHT OF WAY LINE ON A BEARING OF NORTH 1 DEGREE 04 MINUTES 17 SECONDS EAST [N 00-42-24 W MEASURED] FOR 81.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE LAST DESCRIBED LINE FOR 106.60 FEET; THENCE WESTERLY ON A BEARING OF SOUTH 88 DEGREES 58 MINUTES 06 SECONDS WEST [S 89-19-59 W MEASURED] FOR 14.90 FEET; THENCE SOUTHERLY ON A BEARING OF SOUTH 1 DEGREE 01 MINUTES 54 SECONDS EAST [S 00-40-01 E MEASURED] FOR 15.71 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 283.34 FEET [283.33 FEET MEASURED], AN ARC DISTANCE OF 92.52 FEET [92.53 FEET MEASURED], A CHORD DISTANCE OF 92.11 FEET [92.12 FEET MEASURED] AND A CHORD BEARING OF SOUTH 10 DEGREES 23 MINUTES 12 SECONDS EAST [S 10-01-20 E MEASURED] TO THE POINT OF BEGINNING. SITUATED IN MACON COUNTY, AND THE STATE OF ILLINOIS. PIN: 07-07-14-351-006. The Final Plat to include Lots 1, 2, and 3 of SC FORSYTH, LC, Planned Unit Development C-1 Commercial.

Any questions concerning this public hearing should be directed to Village Administrator, Jill Applebee, at 217-877-9445. All persons interested may appear and speak at the hearing.

1/9 COL-9000129

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MEMORANDUM

To: The Honorable President and Board of Trustees
From: Jill Applebee, Village Administrator
Date: December 28, 2023
Subject: SC FORSYTH LLC PETITION FOR FINAL PLAT

Starbucks has submitted the paperwork and has worked with appropriate reviewers for the approval of their final plat for a planned unit development. Their certificates are being signed and will be submitted prior to the meeting.

As always, if you are in need of anything further regarding this or any other matter, please do not hesitate to contact me.

ARTICLE III

GENERAL PROVISIONS

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3.1 INTERPRETATION OF REGULATIONS:

Minimum requirements. The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

Conflict with other Village regulations. If a provision of this ordinance is inconsistent with another provision of this ordinance, or is inconsistent with another municipal code provision, the provision that imposes greater control on development shall apply.

Conflict with private agreements or easements. This Ordinance is not intended to supersede any easement, covenant or other private agreement; provided that where the regulations of this Ordinance are more restrictive, or impose higher standards the requirements of this Ordinance shall govern.

3.2 SCOPE OF REGULATIONS:

No building or other structure shall be erected, altered or enlarged and no use of land shall be established or enlarged for any use except a use that is named in the list of permitted uses for the zoning district in which the building, structure or land is, or will be located. There shall be two (2) exceptions to this requirement:

- (1) Uses lawfully established prior to the effective date of this Ordinance may be continued, subject to the conditions and restrictions contained in Article VIII, NON-CONFORMITIES, of this Ordinance.
- (2) Special uses may be allowed, but only in accordance with this ordinance.

The uses permitted in each zoning district are listed in Article IV, **DISTRICT REGULATIONS**.

3.3 SPECIAL USES:

In each zoning district, certain listed uses may be permitted only if a special use permit is secured in accordance with the provisions and procedures of Article IX. The special uses which may be allowed in each zoning district are set out in Article IV, **DISTRICT REGULATIONS**. No listed special use shall be considered an accessory use to any other permitted or special use, and a permit shall be required for each separate special use.

3.4 AGRICULTURE AS A PERMITTED USE:

Farming shall be permitted in any zoning district, although the raising or keeping of livestock or poultry shall not be permitted in Residential Districts R-1, R-2 and R-3. Dwelling units which are accessory to the farming uses shall also be permitted provided, however, that the occupants of the dwellings are engaged in agricultural activities on the premises as their principal means of livelihood, or are for the immediate family (such as parents, children, grandchildren) of the owners of the farm when such owner's principle residence is on the farm, provided, however, that the original farm residence can be rented to non-farm workers if the owners have moved from the property.

3.5 ACCESSORY STRUCTURES AND USES:

All accessory uses shall comply with the standards of the district in which they are located. No accessory use or structure shall be established or erected prior to the establishment or erection of the principal use to which it is accessory. No existing accessory use may be expanded or extended except in compliance with all of the regulations of this Ordinance.

Where an accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the principal building.

Permitted accessory uses are listed for each district in Article IV, 4.8 Permitted and Special Use Chart. (Am. Ord. 946, passed 6-1-2015)

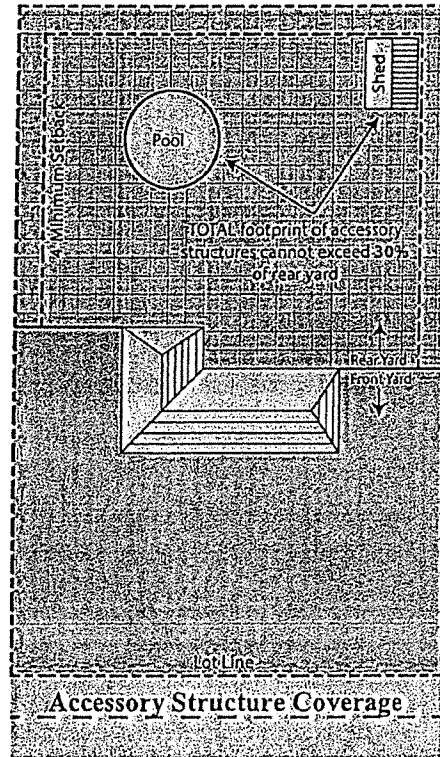
No accessory building or structure shall encroach upon that side yard of a corner lot which is adjacent to the street, nor upon the rear yard of a through lot, nor upon the front yard of any lot.

No accessory building or structure shall exceed the height of one (1) story or fifteen (15) feet.

All accessory buildings or structures shall be at least four (4) feet from any property line. However, accessory buildings and structures constructed prior to March 1, 2012, may be within two (2) feet from any property line, except in the OT: Original Town District, where they may be placed at the property line. (Am. Ord. 945, passed 6-1-2015)

Detached garages and carports accessory to single-family dwellings shall not exceed thirty percent (30%) of the rear yard area. All other detached accessory uses except in-ground swimming pools shall not exceed ten percent (10%) of the rear yard area. The total of all accessory buildings (including in-ground swimming pools) shall not exceed thirty percent (30%) of the rear yard area. Exceptions to these standards shall be permitted pursuant to the issuance of a Special Use Permit. (Am. Ord. 946, passed 6-1-2015)

Driveways in residential zoning districts may be located no closer than 3' from a side property line. However, in cul-de-sac locations the Zoning Official may allow for a reduced driveway setback based on the lot, adjacent development, and site layout. (Am. Ord. 946, passed 6-1-2015)



3.6 TEMPORARY BUILDINGS, STRUCTURES, AND USES OF LAND:

The Village Board may authorize the temporary use of a building, structure or parcel of land in any zoning district for a building, structure or use of land that does not conform to regulations prescribed elsewhere in this Ordinance for the zoning district in which it is located, provided however, that such use is of a temporary nature.

Such uses shall be granted for a specified period of time and shall be subject to such conditions as the Village Board determines to be necessary for the safeguarding of the public health, safety, and general welfare.

3.7 CONTROL OVER USE:

No building or premises shall hereafter be used or occupied, and no building or structure, or part thereof, shall be erected, raised, moved, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located.

3.8 BUILDING HEIGHT:

Height limitations shall be as set forth under each zoning district for all buildings, structures and uses of land.

Chimneys, ornamental towers, scenery lofts, monuments, cupolas, domes, spires, steeples, parapet walls, water towers and similar structures and necessary mechanical appurtenances may be erected to their customary height. However, any appurtenance extension above 1.5 times the permitted height allowed in the zoning district shall require a variance (as an example, a church steeple in an R-1 zone could be up to 52.5' by right).

3.9 YARDS:

General – No lot shall be reduced in area so that the yards or other open spaces become less than required by this Ordinance.

Front Yard – Where the street is curved the line shall follow the curve of the street rather than to be a straight line.

Double-Frontage Lots – Double frontage lots shall not be allowed, except where lots back up to a major roadway. In such instances, vehicular access between the lots and the primary thoroughfare shall be prohibited.

3.10 PERMITTED OBSTRUCTIONS, YARDS:

For the purpose of this Ordinance, the following in addition to permitted accessory structures, shall be considered permitted obstructions in the required yards. No obstructions are allowed in any easements unless specifically permitted by the easement provisions.

Projection, Obstruction, or Accessory Use with Limitations (* indicates a permit is not required)	Yard			
	Front	Rear	Side	Corner Side
Air conditioners (Window units), which project not more than eighteen (18) inches into the required yard (*)	X	X	X	X
Air conditioners which extend less than five (5) feet into the required yard		X	X	
Arbors and trellises	X		X	
Awnings and Canopies	X	X	X	X
Basketball goal provided at least five (5) feet from all property lines (*)	X	X	X	X
Balconies		X		
Bay windows (one-story) which project three (3) feet or less into the yard	X	X		X
Chimneys that project twenty-four (24) inches or less into the yard	X	X	X	X
Dish antennas - greater than thirty (30) inch diameter		X		
Dish antennas - less than thirty (30) inch diameter (*)		X	X	
Dog runs, enclosed, provided a minimum ten (10) feet to any property line		X		

Protection, Installation of Accessory Use and Variations (Excludes all other accessory uses)	Yard			
	Front	Rear	Side	Other Side
Eaves and gutters which project three (3) feet or less into the yard	X	X	X	X
Fences or freestanding walls, subject to applicable height restrictions	X	X	X	X
Flagpoles (*)	X	X	X	X
Generators		X	X	
Laundry drying equipment (clothes lines) (*)		X		
Off-street parking spaces, subject to standards and setbacks set forth in Article VI - Off-Street Parking and Loading	X	X	X	X
Ramps for use by disabled persons (*)	X	X	X	X
Signs, approved freestanding	X	X	X	X
Sheds and storage buildings		X	X	
Steps four (4) feet or less above grade	X	X	X	X
Swimming pools, private		X		
Tennis courts provided not less than ten (10) feet from any property line		X		
Terraces (open), patios or decks not over three (3) feet above the average level of the adjoining ground, provided they do not extend more than five (5) feet into the minimum yard	X	X		X
Terraces (open), patios or decks not over three (3) feet above the average level of the adjoining ground, provided they do not extend more than fifteen (15) feet into the minimum yard		X		
Trash dumpsters and/or garbage receptacles, provided not less than ten (10) feet from any property line		X	X	

3.11 NUMBER OF BUILDINGS ON A LOT:

Except as approved as a variance or as a part of a planned unit development, no more than one principal building shall be located on a zoning lot.

3.12 HOME OCCUPATIONS:

General – The standards for home occupations are intended to insure compatibility with other permitted uses and the residential character of the neighborhood and to maintain the subordinate and incidental status of the home occupation.

Performance Requirements – A home occupation or profession, where permitted in a zoning district, shall meet the following performance requirements in addition to those standards applicable to the district in which they are located:

- (3) Not more than one (1) person other than members of the immediate family occupying such dwelling shall be employed on the premises.

- (4) No alteration of the principal building shall be made which changes the residential appearance of the dwelling.
- (5) No more than twenty-five percent (25%) of the net floor area of the residential dwelling unit shall be devoted to any home occupation.
- (6) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Article VI of this Ordinance, and shall not be located in a required front yard.
- (7) Signage shall be in conformance with Article VII of this Ordinance.
- (8) No equipment or material used shall constitute a hazard, create a nuisance or interfere with the reception of broadcast signals.
- (9) The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling.
- (10) All material equipment, merchandise or work in process shall be wholly enclosed within the dwelling or an accessory building.
- (11) Any home occupation which is not listed under Section C: Permitted Home Occupations below shall require Board of Trustee approval before being allowed as a permitted home occupation. (Am. Ord. 951, passed 7-6-2015)
- (12) Before the Board of Trustees review the home occupation request, the Village shall notify all property owners within 250 feet in all directions of the petitioner's property as disclosed by the records of the Macon County Recorder of Deeds or the tax records maintained by the Macon County Clerk. (Am. Ord. 2016-9, passed 5-2-2016)
- (13) The Village shall cause notice of the home occupation request to the Board of Trustees to be mailed to property owners at the addresses identified not less than (10) days before the Board of Trustee Meeting. (Am. Ord. 2016-9, passed 5-2-2016)

Permitted Home Occupations:

- (14) Day Care Homes licensed by the State of Illinois.
- (15) Dressmakers, seamstresses, or tailors.
- (16) Music or dancing teachers, provided that the instruction shall be limited to one pupil at a time, except for occasional groups.
- (17) Educational teacher or tutor, provided that the instruction shall be limited to five or less pupils at a time. (Am. Ord. 951, passed 7-6-2015)
- (18) Artists, photographers, sculptors, or authors.
- (19) Planners, architects, attorneys, engineers, realtors, insurance agents, brokers, and members of similar professions.
- (20)(20)
- (21) Offices for salespersons, sales representatives or manufacturers' representatives; provided that no retail transactions shall be made on the premises except through

telephone, facsimile or mail communication and no wholesale transactions shall include the acceptance or delivery of merchandise on the premises.

- (22) Beauty Parlor, Barber Shop, or Hair Salon. (Am. Ord. 951, passed 7-6-2015)

Prohibited Home Occupations:

- (23) Animal hospitals.
- (24) Clinics or hospitals including physicians, dentists, or other licensed medical practitioners. (Am. Ord. 2016-9, passed 5-2-2016)
- (25) Commercial boarding stables or kennels.
- (26) Dancing schools, except where permitted above.
- (27) General Retail Sales. (Am. Ord. 951, passed 7-6-2015)
- (28) Mortuaries.
- (29) Nursery schools.
- (30) Private clubs.
- (31) Renting of trailers.
- (32) Repair shops or service establishments, except the repair of small electrical appliances and other similar items.
- (33) Restaurants.
- (34) Vehicle body repair, or rebuilding or dismantling of vehicles. (Am. Ord. 951, passed 7-6-2015)
- (35) Welding. (Am. Ord. 951, passed 7-6-2015)

3.13 FENCES:

Fences are a permitted accessory use in all yards subject to the following:

No fence in excess of three (3) feet in height nor a chain-link fence shall be permitted in any required front yard.

No fence in a residential district shall exceed 6'6" in height.

Fences along rear lot line, when adjacent to a major roadway or collector street, shall be dark vinyl clad chain link fences not to exceed seven (7) feet in height.

Where there are exposed structural elements on a fence adjacent to a residentially zoned property, the supports shall be exposed on the side of the fence of the property on which it is located.

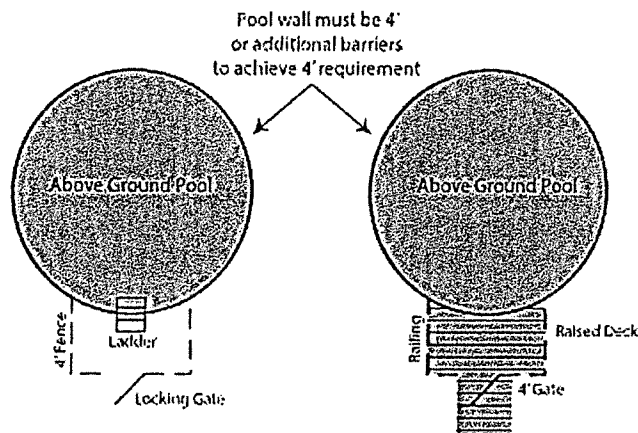
No barbed wire fence will be permitted in a residential zoning district except by permission of the Village Board.

3.14 SWIMMING POOLS & HOT TUBS:

No private swimming pool or hot tub shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with all other applicable Village regulations. Private swimming pools or hot tubs shall not be located in a required front yard.

Enclosure. Every person owning land within the Village of Forsyth on which there is presently

ABOVE GROUND SWIMMING POOL ENCLOSURE



situated an above or below ground swimming pool or hot tub, or who contracts such a swimming pool or hot tub which is designed to contain 24 inches or more of water in depth at any point, shall erect and maintain thereon as adequate enclosure either surrounding the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, shall be not less than 4 feet above the underlying ground. All gates shall be self-closing and self-latching with latches placed 4 feet above the underlying ground and otherwise made inaccessible from the outside to small children. When an above ground pool is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a fixed or removable ladder or steps, the ladder or steps shall be surrounded by a four (4') foot fence with self-latching gate as noted above. A removable ladder shall not constitute an acceptable alternative to enclosure requirements. (65 ILCS 5/11-30-9 and 2006 International Residential Code).

Substitution.

- (36) **Swimming Pools.** For swimming pools a natural barrier, hedge, pool cover or other protective device approved by the Zoning Official shall be an acceptable enclosure so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, gate and latch described herein. The substitution with such a natural barrier, hedge, pool cover or other protective device shall be considered an administrative deviation from the provisions of SECTION 3.14 A, hereof and a written request for such deviation shall be submitted to the Zoning Official. (Am. Ord. 946, passed 6-1-2015)
- (37) **Hot Tubs.** A safety cover that complies with ASTM F1346 may be used in lieu of an enclosure per provisions of SECTION 3.14 A above. (Am. Ord. 946, passed 6-1-2015)

Permit Required. No swimming pool as herein defined shall be constructed after the effective date of this ordinance without first having obtained an approved construction permit from the Village.

3.15 ACCESS TO PUBLICSTREETS:

Each zoning lot shall have direct access to a public or private street or roadway in accordance with the following regulations:

General:

- (38) The access control standards contained in this section are intended to promote safe and efficient operation of driveway approaches and to minimize vehicular delays and accidents.
- (39) Each required off-street parking space shall open directly upon an all-weather, hard surfaced aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. Such driveway and driveway approach must be maintained as an all-weather hard surface material.

Corner Clearance:

- (40) Minimum separation of a driveway approach from an adjacent intersecting street shall be forty (40) feet from the centerline of the driveway approach to the nearest right-of-way line of the intersecting street.
- (41) Minimum separation of a driveway from an intersection of a major street with a collector shall be the greater of:
- (42) Two hundred (200) feet on the major street, and one-hundred fifty (150) feet on the collector unless a shorter distance has specifically been authorized by IDOT along U.S. Route 51; or
- (43) The length of a full left-turn storage and taper, whichever is greater.

Property Line Clearance – Driveway approaches shall be located so that the required curb-return lies entirely within the property lines (extended) of the zoning lot served by the driveway approach unless the driveway is being shared with the adjacent zoning lot.

Vision Clearance, Corner Lots – No obstruction to the vision of persons using streets, sidewalks or driveways, and no building or structure hereafter erected, other than fences meeting the requirements of this Ordinance shall be located in any of the following areas:

- (44) In any residence district, within a triangular area formed by the street property lines and a line connecting points on the street property lines located 35 feet from the street property line intersections.
- (45) In any business district within ten (10) feet of the intersecting right-of-way lines bordering a corner lot.
- (46)(46)

3.16 BUFFERING/SCREEN PLANTINGS:

These provisions apply when a use is established in a more intensive zoning district adjacent to a pre-existing residential district. When this occurs, the more intensive use shall provide a buffer yard and screening subject to the provisions stated below. Such screening may be accomplished

through the provision of landscaped berms, evergreen trees or similarly approved trees, fences, walls, or a combination of these methods, as approved by the Village during the site plan review process or preliminary and final plan and/or plat review process.

A minimum twenty-five (25) foot wide buffer yard is required around the side and/or rear property lines of a more intensive use which abuts a pre-existing less intensive use. The various screening methods listed above shall be the only items allowed to be placed within this required buffer yard with the exception of other landscaping items that serve as aesthetic purposes for a site.

Required screening shall be a minimum of five (5) feet in height at installation.

The placement of a screen shall not impair the safety of pedestrian or vehicular traffic.

Screening shall maintain a year round opacity not less than seventy-five (75) percent.

Where screening is required, a landscape plan shall be submitted with the site plan or preliminary and final plan and/or plat of subdivision, and shall show:

- (47) Location, design, and dimensions of proposed fencing, if any.
- (48) Location, species, size and quantity, of proposed tree plantings.
- (49) Contours of proposed berms, if any.
- (50) Limits of seed or sod, and identification of groundcovers, if any.

Landscape plantings shall be kept alive and in good condition, or replaced. Any property owner that does not maintain required screening in accordance with approved plans shall be subject to fines as described in Article IX, Section 9.16 of this Ordinance.

Screening shall be incorporated into a landscape plan prepared for the project, and shall require review and recommendation of approval by the Village.

(Am. Ord. 951, passed 7-6-2015)

3.17 SMALL WIND ENERGY SYSTEMS:

Special Use Required. Any small wind energy system shall require a special use permit (see Section 9.12 for Special Use procedures). (Am. Ord. 946, passed 6-1-2015)

Standards. Any small wind energy system shall meet the following standards unless modified through a condition(s) attached to the ordinance approving the special use.

- (51) **Roof-mounted** small wind energy systems shall not exceed fifteen (15) feet in height above the elevation of the roof installation point, measured from the point of attachment to the top of the turbine blade at its highest point. Small wind energy systems shall be located no closer than ten (10) feet from an adjacent property line.
- (52) **Freestanding** small wind energy system shall be set back a distance equal to one hundred ten (110) percent of the combined height of the tower plus the length to the tip of the blade from all adjacent property lines. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet to the property line. The wind energy system shall maintain a circular clear zone that has a radius which is equivalent to one hundred and ten (110) percent of the combined distance of the tower height plus the length to the tip of the blade. This clear zone shall be maintained free of any occupied structures, tanks containing combustible/ flammable liquids, and above ground utility/electrical lines.

- (53) Small wind energy systems shall have a non-reflective finish and shall be neutral in color. Small wind energy systems shall not be artificially lighted.
- (54) A building permit shall be required prior to erecting any small wind energy system. Mounting for such systems shall be in conformance with all electrical codes and building codes to ensure wind and weight loading requirements are met. Plans shall be stamped by a licensed structural engineer, and inspected by a qualified inspector for such installations.
- (55) An emergency direct current disconnect switch shall be provided in an accessible location near the electric meter to shut off such system in the event of an emergency.
- (56) Small wind energy systems shall have a governor installed to regulate and limit the speed of the turbine in high wind events.
- (57) Small wind energy systems not in service for a period of one hundred eighty (180) days shall be removed and the property on which it is located restored to its original condition within thirty (30) days.
- (58) Small wind energy systems shall be primarily used to generate energy for the property where it is located.

3.18 SOLAR ENERGY SYSTEMS:

Solar panels shall be permitted on any roof in any zoning district as permitted accessory uses. No freestanding panels shall be allowed in any residential zoning district.

Solar panels shall be flush with the roof line when possible, and shall not be elevated more than thirty (30) degrees off the roof pitch where it is attached or no more than five (5) feet, whichever is less. Solar panels shall not extend beyond the roof line and shall be located no closer than ten (10) feet from an adjacent property line. Solar panels shall not cover more than twenty five (25) percent of the total roof surface of a structure, and solar panels shall not be located on a roof face that faces the front yard of a lot, except as provided in Section C below. Solar panels may cover one hundred (100) percent of the roof of non-residential buildings provided that they are fully screened from view on all sides of the building as viewed from ground level. (Am. Ord. 946, passed 6-1-2015)

Solar shingles shall be permitted to cover any amount of a roof without the location limitation in Section B above provided that they are incorporated into and made to appear as part of the roof, continuous in area without gaps, rectangular in shape and do not cause glare to reflect on to neighboring properties. (Am. Ord. 946, passed 6-1-2015)

All frame and visible structural parts of a solar panel shall match the roof color. No solar panel shall be artificially lighted.

A building permit shall be required prior to erecting any solar panel. Mounting for such systems shall be in conformance with all electrical codes and building codes to ensure wind and weight loading requirements are met. Plans shall be stamped by a licensed structural engineer and by a qualified inspector for such installation.

Solar panels shall not be permitted in any location other than the surface of the roof of the structure, unless otherwise specified in the subject zoning district.

Solar panels not in service for a period of one hundred eighty (180) days shall be removed and the property on which it is located restored to its original condition within thirty (30) days.

Solar panels shall be primarily used to generate energy for the property where it is located.

3.19 MEDICAL CANNABIS CULTIVATION AND DISPENSARIES:

Purpose and Applicability. It is the intent and purpose of this Section to provide regulations regarding the cultivation and dispensing of medical cannabis occurring within the corporate limits of the Village of Forsyth.

Procedure. Medical Cannabis Dispensing Organizations shall be a special use in the "B", "C-1", and "C-2" Zoning Districts and processed in accordance with the provisions of Section 9.12 of the Development Ordinance and this article. No Medical Cannabis Dispensing Organization shall be opened or operated unless specifically authorized under and pursuant of the Act and this Development Ordinance.

Medical Cannabis Dispensing Organization Components. In determining compliance with Section 9.12 of this Development Ordinance, the following components of the Medical Cannabis Dispensing Organization shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of other properties in the vicinity:

- (59) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- (60) Proposed structure in which the facility will be located, total square footage, security installations/security plan, and building code compliance.
- (61) Hours of operation and anticipated number of customers/employees.
- (62) Anticipated parking demand based and available private parking supply.
- (63) Traffic generation and adjacent roadway capacity.
- (64) Site design, including access points, internal site circulation, and commercial vehicle loading, unloading, and parking.
- (65) Proposed signage plan.
- (66) Compliance with all requirements provided in Section 3.19 D (Medical Cannabis Dispensing Organization).
- (67) Other criteria determined to be necessary to assess compliance with Section 9.12 of the Development Ordinance.
- (68)(68)

Medical Cannabis Dispensing Organization. In those zoning districts in which a Medical Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

- (69) The Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, or public park.
- (70) The Facility may not be located in a house, apartment, condominium, or an area zoned exclusively for a residential use.

- (71) The Facility may not have drive-thru service.
- (72) The Facility must be a free standing structure not occupied by any other business or tenant, or used for any other purpose other than a Medical Cannabis Dispensing Organization.
- (73) Retail sales occurring within said facility shall be accessory to the facility's intended use as a dispensing organization and shall not occupy greater than: 10% of the total square footage of the facility. For purposes of calculating the total square footage dedicated to retail sales, that portion of the floor area dedicated to the distribution of medical cannabis or medical cannabis infused products shall be excluded from this calculation; all floor area dedicated to the sale of other medical cannabis products and/or paraphernalia shall be included.
- (74) For purposes of determining required parking, said facilities shall be classified as a "Medical Office/Clinic" per Section 6.5 of the Development Ordinance except that the number shall be calculated based on Medical Cannabis Dispensing Organization Agents working on the property, provided, however, that the Village may require the additional parking be provided as a result of the analysis completed as provided by the Development Ordinance.

Additional Requirements for Dispensing Organizations. Petitioner shall install building enhancements, such as security cameras, lighting, or other improvements, as needed or at the request of the Village, to ensure the safety of employees and customers of the Medical Cannabis Dispensing Organization. Said improvements may be required by the Village in excess of those security measures required by the Act.

Medical Cannabis Cultivation Center. A Medical Cannabis Cultivation Center may only be located within an "I-1" or "I-2" Zoning District and processed in accordance with the provisions of Section 9.12 of the Development Ordinance and this article. No Medical cannabis Cultivation Center shall be opened or operated unless specifically authorized under and pursuant to the Act and this Development Ordinance.

Medical Cannabis Cultivation Center Components. In determining compliance with Section 9.12 of this Development Ordinance, the following components of the Medical Cannabis Cultivation Center shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of other properties in the vicinity:

- (75) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- (76) Proposed structure in which the facility will be located, total square footage, security installations/security plan, and building code compliance.
- (77) Hours of operation and anticipated number of employees.
- (78) Anticipated parking demand based and available private parking supply.
- (79) Traffic generation and adjacent roadway capacity.
- (80) Site design, including access points, internal site circulation, and commercial vehicle loading, unloading, and parking.
- (81) Proposed signage plan.
- (82) Other criteria determined to be necessary to assess compliance with Section 9.12 of the Development Ordinance.

Additional Requirements for Cultivation Centers. Petitioner shall install building enhancements, such as security cameras, lighting, or other improvements, as needed or at the request of the Village, to ensure the safety of employees of the Medical Cannabis Cultivation center. Said improvements may be required by the Village in excess of those security measures required by the Act. It shall be unlawful to locate or operate a Medical Cannabis Cultivation Center within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned exclusively for residential use or in any residential, commercial, business, cemetery, or open space recreation zoning district in the Village of Forsyth.

(Ord. 933, passed 12-1-2014)

3.20 LARGE WIND ENERGY SYSTEMS:

Large Wind Energy Systems. No Large Wind Energy System shall be permitted within the Village's corporate limits or within the one and one-half (1 ½) mile radius surrounding the Village's corporate limits. (Ord. 2018-06, 1/2/18)