

ORDINANCE NO. 2022-23

ORDINANCE AUTHORIZING A SPECIAL USE PERMIT TO OPERATE A CONSTRUCTION BUSINESS WHERE CONSTRUCTION MATERIALS, INCLUDING RAW MATERIALS, AND/OR CONSTRUCTION EQUIPMENT ARE STORED ON SITE" AT LOT 4 OF THE PECATONICA COMMERCIAL SUBDIVISION, A PART OF 3123 NORTH PECATONICA ROAD, PECATONICA, ILLINOIS, PART OF P.I.N. 09-33-151-012

WHEREAS, the Village of Pecatonica ("Village") is a municipality legally formed pursuant to statute, and has more than 500 inhabitants; and

WHEREAS, DPI REALTY, LLC, an Illinois limited liability company, is under contract with the Village of Pecatonica to purchase real property from the Village of Pecatonica, which property is commonly known as "Lot 4 of the Pecatonica Commercial Subdivision", which is part of 3123 N. Pecatonica Road, Pecatonica, Illinois, part of P.I.N. 09-33-151-012, and legally described as follows:

Lot Four (4) as designated upon the Final Plat of the Pecatonica Commercial Subdivision, being a subdivision of part of the Southwest Quarter (1/4) of Section 33, Township 27 North, Range 10 East of the Fourth Principal Meridian, County of Winnebago, State of Illinois, the Plat of which is recorded in Book 49 of Plats on page 149A as Document No. 2022007205 in the Recorder's office of Winnebago County, Illinois

WHEREAS, said property is located within the village limits of the Village, and is thereby subject to regulation by all applicable ordinances of the Village, including, but not limited to, the zoning ordinances of the Village as codified under Article Thirteen of its Village Code; and

WHEREAS, said property is zoned Commercial District (CD), under the zoning ordinances of the Village; and

WHEREAS, said property buyer has filed an Application for Special Use Permit to operate a "construction business where construction materials, including raw materials, and/or construction equipment are stored on site" at said property, which proposed use is a special, use as adopted and approved under Ordinance 2022-17, of the zoning ordinances of the Village; and

WHEREAS, a hearing before the Village Planning and Zoning Commission ("Commission") of the Village was scheduled for July 21, 2022 for the purpose of hearing and taking testimony and exhibits in favor of and against Application for Special Use Permit, and notice of said hearing as required by applicable provisions of 65 ILCS 5/11-13-1 *et seq.* and the Village Code was given; and

WHEREAS, on July 21, 2022 at 6:00 p.m., the Commission did convene and conduct a hearing on the Application for Special Use Permit with 6 of 7 members

present; and after all testimony was taken, said Commission did discuss and consider the required findings of fact, and a motion having been made and seconded to recommend approval of a special use permit for a "construction business where construction materials, including raw materials, and/or construction equipment are stored on site" at the property to the Board of Trustees, a vote was then taken with five (5) for said recommendation, one (1) against said recommendation, and one (1) absent, the motion having passed, the Commission did report to the Board of Trustees that said special use was recommended by the Commission, and has now referred said question to the Board of Trustees for further consideration.

BE IT ORDAINED by the President and the Board of Trustees of the Village of Pecatonica, Illinois.

SECTION 1: The recitals as stated above are fully incorporated herein by reference.

SECTION 2: That a Special Use Permit to operate a "construction business where construction materials, including raw materials, and/or construction equipment are stored on site" at the property commonly known as "Lot 4 of Pecatonica Commercial Subdivision", part of 3123 N. Pecatonica Road, Pecatonica, Illinois, part of P.I.N. 09-33-151-012, shall issue subject to the following conditions:

(1) The site plan provided by the applicant, DPI Realty, LLC, as part of its application for special use permit is attached hereto as Exhibit "A" and incorporated herein by reference, and this special use permit shall require amendment by ordinance should applicant make any modifications to said the site plan; and

(2) The applicant and/or owner shall screen all outside storage areas for materials, and/or equipment, by use of a berm and plants or a berm and wood fencing sufficient to screen all views of said storage areas from surrounding property to the south and west as identified in green on Exhibit "A"; and

(3) This special use permit shall terminate upon conveyance of the subject property from DPI Realty, LLC, and shall not run with the land; and

(4) The owner shall comply with all applicable Village ordinances and regulations. This Special Use Permit shall terminate should the owner fail to comply with this ordinance or applicable Village ordinances and regulations.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Motion by: _____

Second by: _____

AYES: _____

NAYS: _____

ABSENT: _____

ADOPTED by the Board of Trustees this _____ day of _____,
2022.

APPROVED by the Village President of the Board of Trustees this _____ day of
_____, 2022.

BY: _____
WILLIAM SMULL, Village President
Village of Pecatonica, Illinois

ATTEST:

GWENN SHIRLEY, Village Clerk
Village of Pecatonica, Illinois

EXHIBIT "A"

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