

ORDINANCE NO. 2021-05

**NEW ORDINANCE TO EFFECT A ZONING MAP
AMENDMENT TO DESIGNATE ZONING WITH A
SPECIAL USE PERMIT FOR THE ACKERMAN
PROPERTY LOCATED AT THE SOUTHEAST CORNER
OF SWIFT STREET AND MAIN STREET IN THE
VILLAGE OF WINNEBAGO, ILLINOIS NOW AFTER
SPECIAL PERMITTED USE ADDED UNDER DISTRICT
NO. 3—GENERAL BUSINESS DISTRICT AND TO
REPEAL ORDINANCE NO. 2020-12**

PREPARED BY:

Attorney Mary J. Gaziano
One Court Place, Suite 200
Rockford, IL 61101
(815) 962-6800
E-Mail: MJGaziano@aol.com
Attorney for the Village of Winnebago

RETURN TO:

Attorney Mary J. Gaziano (box)

ORDINANCE NO. 2021- 05

NEW ORDINANCE TO EFFECT A ZONING MAP AMENDMENT TO DESIGNATE ZONING WITH A SPECIAL USE PERMIT FOR THE ACKERMAN PROPERTY LOCATED AT THE SOUTHEAST CORNER OF SWIFT STREET AND MAIN STREET IN THE VILLAGE OF WINNEBAGO, ILLINOIS NOW AFTER SPECIAL PERMITTED USE ADDED UNDER DISTRICT NO. 3—GENERAL BUSINESS DISTRICT AND TO REPEAL ORDINANCE NO. 2020-12

WHEREAS, Ordinance No. 2020-12 was previously passed by the Village Board on October 12, 2020, to effect the same map amendment with Special Use Permit as contained in this ordinance, but after passage it was realized that at the time of passage there was no Special Use for a storage unit facility provided for in District No. 3—General Business District under the Village’s Unified Development Ordinance; and

WHEREAS, on March 8, 2021, Ordinance No. 2021-01 was passed by the Board of Trustees which provided for a self-storage warehouse/mini-warehouse to be a Special Permitted Use under District No. 3—General Business District; and

WHEREAS, with the Special Use Permit availability then in place, the process was again begun for rezoning of the below-described property with a Special Use Permit for a self-storage facility, and all the requisite newspaper publications, notifications, and public hearings occurred.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnebago, Illinois:

SECTION I

The request to effect a zoning map amendment to designate the vacant lot property located at the southeast corner of Swift Street and Main Street in the corporate limits of the Village of Winnebago, IL, has been approved by the Planning and Zoning Commission of the Village of Winnebago, Illinois. which property is identified as legally described as follows, to-wit:

Part of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section 8, Township 26 North. Range 11 East of the Fourth Principal Meridian, bounded and described as follows, to-wit: Beginning at the Northwest corner of Block Three (3) as designated upon the Plat of the Town of Winnebago, the Plat of which is recorded in Book 30 of Deeds on page 1 in the Recorder's Office of Winnebago County, Illinois; thence South, along the West Line of said Block Three (3), 165 feet; thence West, parallel with the North line of said Block Three (3), extended West, 128.2 feet; thence North, parallel with the West line of said Block Three (3), 165 feet to the North line of said Block Three (3) extended West; thence East, along the North line of said Block Three (3) so extended West, 128.2 feet to the point of beginning; EXCEPTING THEREFROM that part described as follows, to-wit: Beginning at the Northwest corner of Block Three (3) aforesaid; thence South, along the West Line of said Block Three (3), 132 feet to the Southwest corner of Lot Two (2) in said Block Three (3); thence Westerly, along the Southerly line of said lot Two (2) extended Westerly, 15 feet; thence Northerly, parallel with the West line of said Block Three (3), 132 feet, more or less, to the North line of said Block Three (3) extended Westerly; thence Easterly, along the North line of said Block Three (3) so extended Westerly, 15 feet to the point of beginning; situated in the County of Winnebago and State of Illinois.

Common Address: Southeast corner of Swift Street and Main Street,
Winnebago, Illinois 61088

Owner(s) of Record: Jason D. Ackerman and Teresa N. Ackerman

P.I.N.: 14-08-431-001

Further, the report of recommendation made by said Planning and Zoning Commission to the Village of Winnebago Board of Trustees to change the zoning designation of the property located at the southeast corner of Swift Street and Main Street, Winnebago, IL, from the current District No. 2—Two-Family Residential District Agricultural zoning designation of the property to District No. 3—General Business District in the Village of Winnebago, with a Special Use Permit being issued for a storage unit facility on the property pursuant to, and conditioned upon, compliance by the owner with the terms of the Special Use Permit as referenced in the attached Exhibit “A”, which is attached hereto, incorporated herein, and made a part hereof. shall be, and hereby is, in all respects approved and confirmed.

SECTION II

The zoning of the property located at the southeast corner of Swift Street and Main Street in the Village of Winnebago, legally described above, and depicted in the copy of the attached Layout Plan marked as

Exhibit "B", shall be and hereby is changed from the District No. 2—Two-Family Residential zoning designation that said property currently holds to the zoning designation of District No. 3—General Business District with a Special Use Permit being issued for a storage facility on the property pursuant to and conditioned upon, compliance with the terms of the Special Use Permit attached as Exhibit "A" to this ordinance, which exhibit is also incorporated herein and made a part hereof.

SECTION III

The zoning Map of the Village of Winnebago, Illinois, shall be and the same is hereby amended and changed to purposely reflect the change in zoning for the premises herein described and provided for by this ordinance, subject to the provisions as described in the Special Use Permit attached as Exhibit "A".

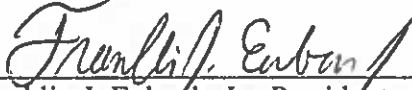
SECTION IV

Ordinance No. 2020-12 shall be and hereby is repealed in its entirety due to erroneous passage.

SECTION V

This ordinance shall take effect immediately upon its passage and approval, and the original of the same shall be recorded with the Winnebago County Recorder's Office.

APPROVED:



Franklin J. Eubank, Jr., President of the
Board of Trustees of the Village of Winnebago,
Illinois, a municipal corporation

ATTEST:



Sally Jo Huggins, Village Clerk

PASSED: 8-9-2021

APPROVED: 8-9-2021

RECORDED: _____

SPECIAL USE PERMIT FOR ACKERMAN STORAGE FACILITY WITH THE FOLLOWING RESTRICTIONS:

1. A fence shall be constructed and maintained along and parallel to the entire length of the southern lot line of the lot in question.
2. The fence constructed and maintained along the southern lot line of the lot in question shall be at least 6 feet in height, but no more than the maximum allowing under a District No. 3--General Business Zoning classification, and made of impervious material so that light cannot shine through the fence. Any fence over 6 feet in height must meet code wind loads such that it must be of sufficient material and construction to sustain a 110 m.p.h. wind for 90 seconds.
3. Any light fixtures used to illuminate the outside storage unit area must be constructed and mounted such that the light emitted therefrom does not project to the side, but rather projects downward.
4. The light fixtures used must be mounted at a height at least 12 inches lower than the height of the fence constructed and maintained along the southern lot line of the lot in question, and at a position so as to ensure the light emitted therefrom is not visible from the parcel adjacent to the southern lot line of the lot in question.
5. There shall be not be more than fourteen (14) lights on each building, spread equally on both sides of the building, with lights on the corners of each building, but none on the roof. The lights are to be illuminated from dusk to dawn, and are not to be motion activated.
6. Provided the area between the fence constructed and maintained along the southern lot line of the lot in question and the neighboring yard is sodded or seeded for grass, no additional landscaping shall be required in this area.
7. The development must follow the Village's Unified Development Ordinance (UDO) since it is a new site development and storm water drainage must be addressed, to include, but not be limited to, installation of a new storm water inlet on Swift Street, unless a specific requirement is exempted or amended via a variance granted by the Village Zoning Board.
8. A one way traffic pattern must be maintained on the subject site, such that traffic shall enter the site from Swift Street, travel north, and exit on Main Street to protect the neighboring property from undue interference with the peaceable enjoyment of their property from headlights. The property owner must place appropriate signage and traffic markings at the points of ingress and egress only on the property, such that such markings would be reflected on the concrete aprons rather than throughout the property, which meet, as near as practical, all size and structural requirements of similar signage and traffic markings as described in the Illinois Vehicle Code. The property owner shall also incorporate language into all leases signed with storage unit facility tenants that failure to comply with such traffic pattern rules is a violation of the lease. These traffic pattern restrictions regulating one way entrance onto the subject property from Swift Street and exit from the property on Main Street shall apply to all tenants, vendors, and other guests or invitees of the subject property, but the property owner shall not be bound to such one-way travel restrictions. Compliance with such travel restrictions by the tenant shall be a required term of the lease between the property owner and the tenant.
9. The only type of structure that shall be allowed to be built or placed on the premises shall be storage unit facilities, and any business office associated with the same. If any other type of structure is built or placed upon the property, this Special Use Permit shall be canceled and terminated, and the zoning of the property shall revert back to its prior zoning designation of

District No. 2—Two-Family Residential, or such other zoning designation as determined by the Village to be in the best interests of its citizenry, with the Village following the applicable statutory steps for such zoning reversion or change.

10. The hours of operation of the storage unit facility shall not extend beyond the hours of 7:00 a.m. until 10:00 p.m. Monday through Sunday. Compliance with use during only the allowed hours shall be a required provision of the terms of the lease of the facility owner with its tenants.

AIRC DESIGN RESOURCES INC.
 1000 W. 10th Street, Suite 100
 Fargo, ND 58103
 Phone: 701.785.1234
 Fax: 701.785.1235
 Email: info@aircdesign.com

WINNEBAGO STORAGE BUILDINGS
 1000 W. 10th Street, Suite 100
 Fargo, ND 58103
 Phone: 701.785.1234
 Fax: 701.785.1235
 Email: info@aircdesign.com

PROJECT DATA

NO.	DESCRIPTION	DATE
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LAYOUT PLAN

PROJECT DATA

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 Sheet No: C03

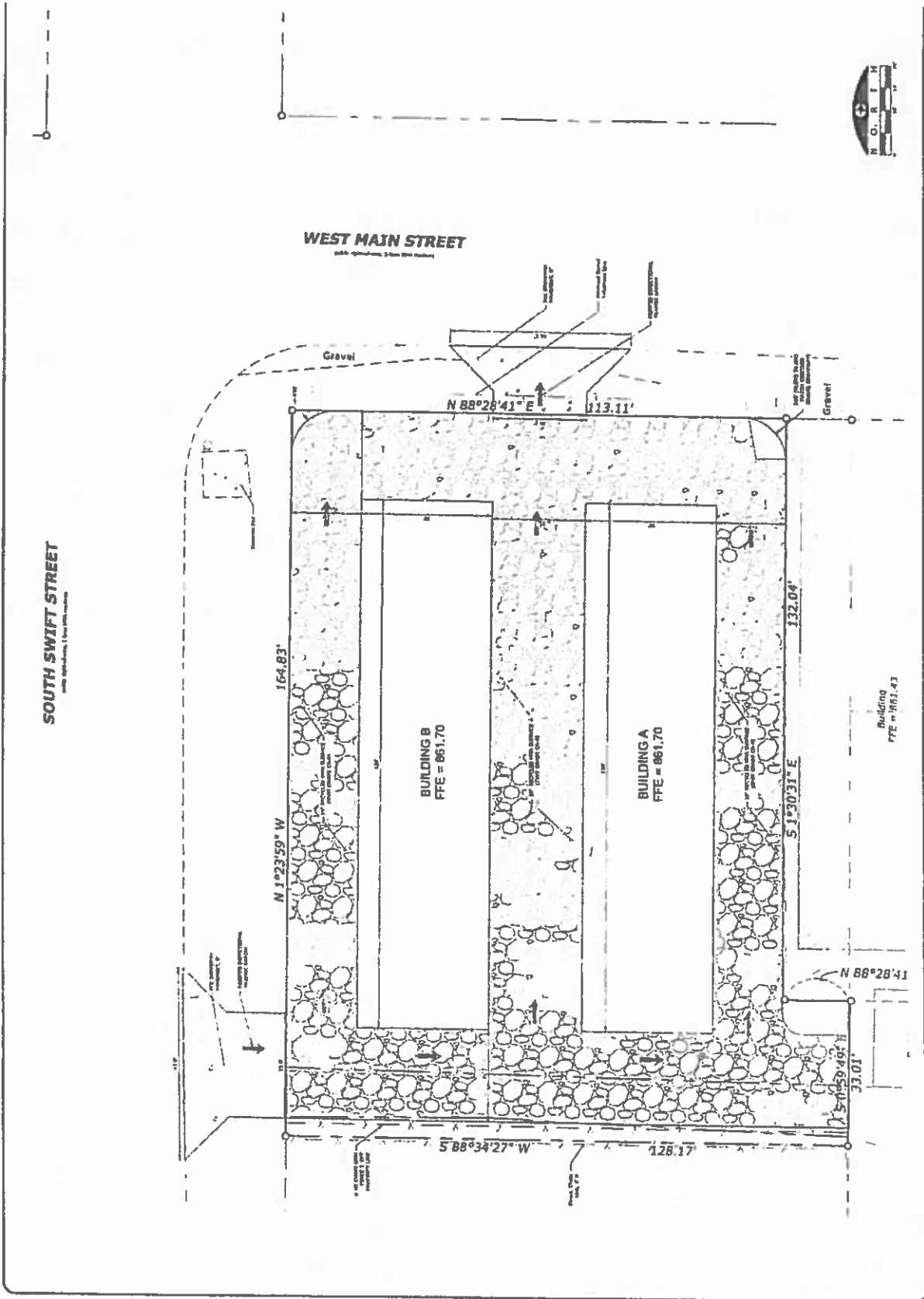


Exhibit "B"
(P. 1 of 1)