
THE VILLAGE OF COAL CITY

GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 16-02

**AN ORDINANCE GRANTING A CONDITIONAL USE FOR THE OPERATION OF A
PARKING LOT AS A PRINCIPAL USE AND A VARIANCE TO CONSTRUCT AN
EIGHT-FOOT HIGH FENCE WITHIN A COMMERCIAL ZONED PROPERTY AT
790 S. BROADWAY IN THE VILLAGE OF COAL CITY**

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AN ORDINANCE GRANTING A CONDITIONAL USE FOR THE OPERATION OF A PARKING LOT AS A PRINCIPAL USE AND A VARIANCE TO CONSTRUCT AN EIGHT-FOOT HIGH FENCE WITHIN A COMMERCIAL ZONED PROPERTY AT 790 S. BROADWAY IN THE VILLAGE OF COAL CITY

WHEREAS, an application for variance to Section 156.171 and a conditional use relating to Section 156.093 of the Village of Coal City Zoning Code (“Zoning Code”) was filed by Robert Davis, Jr. (“applicant”) on December 1, 2015 for the operation of a parking lot as a principal use within a C-4 zoned property as well as an eight-foot high fence to be constructed on the property boundaries; and

WHEREAS, a public hearing regarding the conditional use and variance consideration was held on January 4, 2016; and

WHEREAS, the Village of Coal City Planning and Zoning Board met on January 4, 2016 to consider passage of the conditional use and variance requests to the Board of Trustees; and

WHEREAS, Section 156.230 permits the Village Board to approve certain uses on a conditional basis from the Zoning Code; and

WHEREAS, the Village Board of Trustees and the President of the Village of Coal City believe it is in the best interests of the Village to grant conditional uses.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Coal City, Grundy and Will Counties, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Findings of Fact. The Board of Trustees find the following concerning the granting of a conditional use:

- A. **Traffic.** There shall not be an adverse amount of traffic utilizing the offstreet parking lot that shall be established for the long-term storage of vehicles.
- B. **Environmental Nuisance.** The parking lot shall store vehicles only. No mechanic’s work or maintenance shall be performed on the vehicles, which means there shall be no maintenance or utilization of fluids or chemicals requiring special disposal within the vehicle maintenance business. This property shall not be utilized for the accumulation of tires.
- C. **Neighborhood Character.** The use of the property in this manner shall fit harmoniously into the neighborhood. Previously, the property had been utilized as a car wash; this use shall result in less traffic accessing the property.

- D. **Public Services and Facilities.** Using the lot as a parking lot will lessen the need for public services. Formerly utilized as a car wash, the new use will not utilize as many public utilities or services. A fence surrounding the property is provided to alleviate any security concerns due to the long-term storage of vehicles.
- E. **Public Safety and Health.** The proposed use will not be detrimental to the health and safety of the employees or general public within the vicinity of this parking lot.
- F. **Other Factors.** The ability to support an existing auto repair facility at 60 E. Chestnut shall provide greater viability of the success of an existing business located within Coal City and result in proper storage of vehicles utilizing offstreet parking rather than the utilization of existing parking provided and maintained for other commercial businesses.

Section 3. Findings of Fact. The Board of Trustees find the following concerning the granting of a variance:

- A. **Special Circumstances Not Found Elsewhere.** The Core Area provides the greatest density of businesses within the Village. In order to facilitate the growth of an existing auto repair facility at 60 E. Chestnut the owner must provide additional offstreet parking to accommodate the total number of vehicles being maintained by the facility.
- B. **Preserves Rights Conferred by the District.** The location of the fence within the corner side yard and front yard of the offstreet parking lot shall allow the property owner to utilize all of the C-4 Core Area property as is enjoyed by all of the adjacent property owners.
- C. **Necessary for Use of the Property.** Fencing surrounding the property is necessary to secure the vehicles and maintain the aesthetic character of the Core Area. Managing the vehicle inventory in this manner, behind a screened area is preferred to existing storage that can be seen by passers-by.
- D. **Consistency with the Local Area and Comprehensive Plan.** This facility shall accommodate a conditional use and has adequate facilities due to the improvements within this area including and alley and curb cuts along both Broadway and Walnut Street.
- E. **Minimum Variance Recommended.** The utilization of a fence that provides screening and security upwards to height of 8' is recommended as opposed to utilizing barbed wire atop a shorter fence to ensure the long-term storage of vehicles is secure.

Section 4. Description of the Property. The property is located at 790 South Broadway in the Village of Coal City within a C-4 District.

Section 5. Public Hearings. A public hearing concerning the consideration of a conditional use and variance was advertised on December 9, 2015 in the Coal City Courant and held by the Planning and Zoning Board on January 4, 2016 at which time a majority of the Planning and Zoning Board members recommended passage of the Conditional Use and Variance to the Board of Trustees.

Section 6. Conditional Use. The conditional use requested in the December 1, 2015 Conditional Use Application is granted as follows:

- A. A conditional use in conjunction with Section 156.093 is hereby granted to allow the operation of a parking lot as a principal use within a C-4 commercially-zoned district.

Section 7. Variances. The variances necessary for the operation of this retail location is granted as follows:

- A. A variance regarding the maximum height of a fence within a commercial area shall be exceed by two feet to allow an eight-foot high fence instead of the maximum allowable height of six feet according to Section 156.171.

Section 8. Conditions. The conditional use granted herein is contingent and subject to the following conditions:

- A. An eight-foot high PVC fence shall be constructed and maintained so as to provide a visual barrier from the long-term storage of vehicles within the property.
- B. The parking lot shall be improved and operated in a manner consistent with the presentation to the Planning & Zoning Board and the Board of Trustees and comply with all other Village code requirements.

Section 9. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 10. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Coal City prior to the effective date of this ordinance.

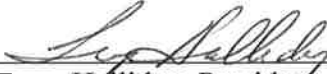
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Section 11. Effectiveness. This ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 13 day of January, 2016, at Coal City, Grundy & Will Counties, Illinois.

AYES: 4
NAYS: 0
ABSENT: 2
ABSTAIN: 0

VILLAGE OF COAL CITY


Terry Halliday, President

Attest:


Pamela M. Noffsinger, Clerk