

NOV 07 2011

  
City Clerk

**ORDINANCE NO. 2905**

**AN ORDINANCE TO GRANT A SPECIAL USE PERMIT FOR REAL ESTATE HAVING THE ASSIGNED ADDRESS OF 310 BB ROAD, IN THE CITY OF COLUMBIA, ILLINOIS FOR JOSEPH A. CAITO, JR. AND SUSAN CREECH TO ALLOW FOR THE OPERATION OF AN INDOOR SHOOTING RANGE IN AN A-1 (AGRICULTURAL) ZONED DISTRICT IN THE CITY OF COLUMBIA, ILLINOIS.**

WHEREAS, Joseph A. Caito, Jr. and Susan Creech (the "Applicant") own property in the City of Columbia, Illinois (the "City") having the assigned address of 310 BB Road, intend to construct and operate an indoor shooting range, which property is zoned A-1 (Agricultural) Zoned District and for the uses and purposes therein allowed;

WHEREAS, Section 17.28.010 and Section 17.40.010 of the City's Zoning Code allows an indoor shooting range to be operated in an A-1 (Agricultural) Zoned District by Special Use Permit provided: the facility complies with such of the following Figure 1 requirements as the City Council shall reasonably require, to wit: b (15) – minimum lot area of two (2) acres and, u (3) – National Rifle Association (NRA) standards or similar standards approved by the City Council;

WHEREAS, the Applicant has applied for a Special Use Permit to operate the indoor shooting range aforesaid;

WHEREAS, Section 17.40.010 of the City's Zoning Code requires that an applicant for a Special Use Permit notify the owners of all property located within two hundred fifty (250) feet of the out-boundary of the property for which the special use permit is requested before their application for Special Use Permit is filed, advising said property owners, among other things, of the special use they are requesting permission to build and the applicants application is required to be referred to the City's Plan Commission for the Plan Commission's recommendation and a public hearing is required to be held before the City's Zoning Board of Appeals following the publication of the required hearing notice in a newspaper published in the City;

WHEREAS, the Applicant has given the required notice to affected property owners; on October 10, 2011 the Plan Commission recommended the granting of the special use permit requested by the Applicant; and on October 12, 2011 a public hearing with regard to the granting of the requested special use permit was held before the City's Zoning Board of Appeals, following publication of the required notice of hearing in compliance with the City's Zoning Code requirement and on October 12, 2011 the City's Zoning Board of Appeals recommended that the special use permit requested by the Applicant be allowed by the City's City Council;

WHEREAS, Subsection 17.40.010 (pertaining to issuance of special use permits) of the City's Zoning Code provides and requires that the concurring vote of a majority of

the Mayor and the City Aldermen shall be required for the authorization of the Special Use Permit; and, approval of the special use permit application shall require the affirmative finding of the City's City Council that:

(a) the proposed special use is to be located in a district wherein such use may be permitted; and,

(b) the requirements set forth in Figure 1 of Section 17.40.010 of the City's Zoning Code for such special use exception will be met; and,

(c) the special use exception is consistent with the spirit, purpose and intent of the Comprehensive Community Plan, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare;

WHEREAS, Section 17.40.010 of the City's Zoning Code further provides, if the Special Use Permit application is approved, the City Council shall enact an ordinance to order the Building Inspector to issue a zoning certificate for the special use exception; and,

WHEREAS, the City Council of the City has found and determined and does hereby declare that the affirmative findings of the City Council required by Section 17.40.010 of the City's Zoning Code and described above have been established by the Applicant and have been found to exist; and, that it is necessary and appropriate that the Special Use Permit requested by the Applicant be authorized as is made and provided for in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

**Section 1.** The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

**Section 2.** The City Council of the City of Columbia, Illinois does hereby find, determine and declare:

(A) That the proposed Special Use Exception is to be located in a zoned district where such use may be permitted by Special Use Permit;

(B) That the special use requirements as set forth in Figure 1 of Section 17.40.010 of the City's Zoning Code, which are hereinafter described in the next Section of this Ordinance, shall be required to be complied with after issuance of the Special Use Permit and shall be required to be specified in the Special Use Permit upon the issuance of the Special Use Permit; and,

(C) That the Special Use Exception is consistent with the spirit, purpose and intent of the Comprehensive Community Plan of the City, will not substantially or permanently injure the appropriate use of the neighboring property, and will serve the public convenience and welfare.

**Section 3.** As a condition for the issuance of the Special Use Permit involved herein, the Applicant will be required to comply with the following Figure 1 Special Use Exceptions and Requirements of Section 17.40.010 (Special use exceptions, requirements and procedures) of Chapter 17.40 (SPECIAL USES) of the City of Columbia, Illinois Municipal Code:

(1) b (15). Minimum lot area of two (2) acres.

(2) u (3). National Rifle Association (NRA) standards or similar standards approved by the City Council.

**Section 4.** The Special Use Permit Applicant, Joseph A. Caito, Jr. and Susan Creech, shall be granted the Special Use Permit for operation of the proposed indoor shooting range at 310 BB Road in the City subject to compliance with the requirements set forth in the preceding Section 3 of this Ordinance.

**Section 5.** The City's Building Commissioner is hereby ordered and directed to issue a Zoning Certificate to the Applicant, Joseph A. Caito, Jr. and Susan Creech, for the Special Use Exception aforesaid, which Zoning Certificate shall include the special use designation requirements the Applicant is required to comply with which are specified and described in Section 3 of this Ordinance.

**Section 6.** This Ordinance shall be in full force and effect from and after its passage, as provided by law.

Alderman Ebersohl moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Niemietz, and the roll call vote was as follows:

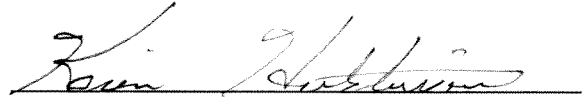
YEAS: Aldermen Ebersohl, Niemietz, Roessler, Huch, Reis and Mayor Hutchinson.

NAYS: None.

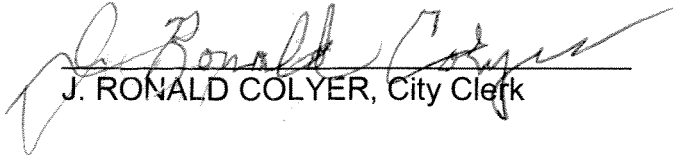
ABSENT: Aldermen Agne, Mathews and Piazza.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 7<sup>th</sup> day of November, 2011.

  
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KEVIN B. HUTCHINSON, Mayor

ATTEST:

  
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J. RONALD COLYER, City Clerk

(SEAL)