

CITY OF GENOA
DEKALB COUNTY, ILLINOIS

ORDINANCE NO. 2017 - 10

ADOPTED BY
THE MAYOR AND
CITY COUNCIL
OF THE
CITY OF GENOA

AN ORDINANCE APPROVING ISSUING A SPECIAL USE PERMIT TO
ALLOW A REAR DECK OUTDOOR SEATING AREA FOR
MINNIHAN'S AT 209 WEST MAIN STREET

Adopted April 18, 2017, by the Mayor and City Council of the City of Genoa,
DeKalb County, Illinois, and approved and published in pamphlet form
this 19th day of April 2017.

ORDINANCE NO. 2017 - 10

An Ordinance Approving Issuing a Special Use Permit to allow a rear deck outdoor seating area for Minnihan's at 209 West Main Street

WHEREAS, Minnihan's, Inc., a corporation doing business as Minnihan's and Thomas Minnihan, as property owner, have petitioned the City of Genoa for issuance of a special use permit, for 209 West Main Street (the "Subject Property") described as follows:

The West 1/2 of Lot 7 in Block 2 in Merriman's Addition to Genoa, now City of Genoa, in DeKalb County, Illinois

PPI # 03-19-454-014

and commonly known as 209 West Main Street; and

WHEREAS, a public hearing was held by the City of Genoa Plan Commission, after due notice in the manner provided by law; and

WHEREAS, the Plan Commission, after deliberation, has made a report and recommended approval of the Special Use Permit to allow an outdoor seating area for 209 West Main Street; and

WHEREAS, the City Council has considered the findings of fact based upon the evidence presented at the public hearing, presented to the City of Genoa Plan Commission by the petitioners,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the CITY OF GENOA, DeKalb County, Illinois, as follows:

SECTION 1: That a Special Use Permit for 209 West Main Street is hereby issued for the Subject Property is hereby approved subject to the following conditions:

1. Live music shall not be audible off the premises at decibel levels greater than normal background noise after 11:00 p.m. on Friday and Saturday and 10 p.m. on Sunday through Thursday evenings.
2. If speakers are placed on the deck or deck area, no music live or otherwise shall be permitted from the deck area audible off the premises at decibel levels greater than normal background noise after 11:00 p.m. on Friday and Saturday and 10 p.m. on Sunday through Thursday evenings.
3. The Deck setback from the rear property line shall be a minimum of 15 feet.
4. The Deck shall not exceed 10% of the lot area (2,500 sf parcel equals 250 sf maximum deck area).

5. The Outdoor Seating use is specifically restricted to only the deck at the rear.
6. 2 parking spaces are required to be maintained at the rear of the property. No tables or outdoor use may occur beyond the deck.
7. A new liquor license will be required.
8. If the liquor license is discontinued or revoked, the Special Use will terminate.
9. No access is permitted for customers/patrons to the deck directly from outside. all access must be through the existing building. A suitable railing shall be constructed as part of the deck to meet this condition. Any gate for delivery access shall be equipped with suitable hardware to meet this condition.
10. All other City codes and ordinances will be complied with.
11. No smoking is permitted on the deck and suitable signs shall be posted.

SECTION 2: That all requirements set forth in the Unified Development Ordinance of the City of Genoa, as would be required by any owner of property zoned in the same manner as the Subject Property, shall be complied with, except as otherwise provided in this Ordinance.

SECTION 3: That the findings of fact on the petition to issue the special use permit for the Subject Property are hereby accepted.

SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: 6 - Wesner, Carroll, Curley, Stevenson, Cravatta, Lang

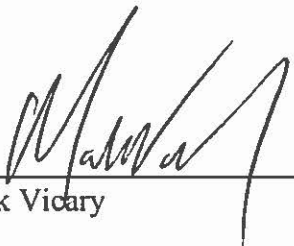
Voting Nay: 0

Absent: 2 - Watson, Brust

Abstain: 0

APPROVED:





Mayor Mark Vicary

(SEAL)

ATTEST: 

City Clerk Dennis Di Guido

Passed: April 18, 2017

Approved: April 18, 2017

Published: April 19, 2017