

ORDINANCE 2010-14

AN ORDINANCE AMENDING ARTICLE 13, CHAPTER 11, SECTION 1 OF THE VILLAGE ZONING CODE, DESIGNATING ASSISTED LIVING FACILITY AND SKILLED NURSING CARE FACILITY AS PERMITTED USES IN A COMMERCIAL DISTRICT

WHEREAS, the Village of Pecatonica (hereafter "Village") is a duly-organized Illinois Municipal Corporation located in Winnebago County, Illinois, operating under the provisions of the Illinois Municipal Code (65 ILCS 5/1-1, et.seq.);

WHEREAS, as such, the Village has the statutory authority to enact rules and regulations relating to zoning within the boundaries of the Village;

WHEREAS, the Village has previously enacted certain rules and regulations intended to establish zoning districts and to control use of properties within specific zoning districts inside the Village, and said rules and regulations have been codified by the Village as Article 13 of the Village Code entitled, "Zoning." (Hereafter "Zoning Code");

WHEREAS, Chapter 11 of the Zoning Code, entitled "Permitted Uses," at Section 1(a), designates the various permitted uses within the specific zoning districts of the Village;

WHEREAS, as it currently exists, the Zoning Code, as drafted, did not contemplate or deal with business or facilities engaged in providing assisted living and/or skilled nursing care;

WHEREAS, there has been filed with the Village a Petition for Annexation, as a part of which it has been indicated that the Petitioner is seeking to construct and operate an assisted living facility/skilled nursing care facility;

WHEREAS, on July 8, 2009, at its regularly scheduled meeting, the Village of Pecatonica Planning Commission considered and approved annexation of the property covered by the Petition for Annexation, re-zoning of all property to Commercial District (CD), and the operation of an assisted living/skilled nursing facility as a permitted use in a Commercial District (CD);

WHEREAS, on October 15, 2009, at 7:00 p.m. at the Pecatonica Village Hall, the Village of Pecatonica Zoning Board of Appeals conducted a public hearing, at which, among other items, it addressed the propriety of designating "Assisted Living Facility" and "Skilled Nursing Care Facility" as permitted uses in a Commercial District (CD);

WHEREAS, after the public hearing on October 15, 2009, the Village of Pecatonica Zoning Board of Appeals unanimously approved amending the Zoning Code to add "Assisted Living Facility" and "Skilled Nursing Care Facility" as permitted uses in a Commercial District (CD);

WHEREAS, amending the Zoning Code to add Assisted Living Facility and Skilled Nursing Care Facility as permitted uses within a Commercial District (CD) is deemed to be in the best interests of the Village;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PECATONICA, COUNTY OF WINNEBAGO, STATE OF ILLINOIS, as follows:

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

Section 2. Article 13, Chapter 11, Section 1(A) shall be amended as follows:

“Assisted Living Facility” shall be added as a permitted use in a Commercial District (CD).

“Skilled Nursing Care Facility” shall be added as a permitted use in a Commercial District (CD).

Section 3. That the Village Clerk is hereby directed to file with the County Clerk a certified copy of this Ordinance.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

ADOPTED AND APPROVED this 16th day of March, 2010.

Shawn Connors
Shawn Connors
President of the Board of Trustees of
the Village of Pecatonica, IL

ATTEST:

Ginger Binger
Ginger Binger, Village Clerk

Ayes: 6 Nays: 0 Absent: 0

Tarbert: Aye Howard: Aye Eytalis: Aye
Moyer: Aye Doty: Aye Sager: Aye