

**ORDINANCE NO. 2020-06**

**AN ORDINANCE AUTHORIZING A SPECIAL USE PERMIT TO OPERATE A RECREATIONAL (PUBLIC/PRIVATE) FACILITIES AND COMMERCIAL ENTERTAINMENT ESTABLISHMENTS AT 410 JOHN STREET, PECATONICA, ILLINOIS, A PROPERTY ZONED COMMERCIAL, CD, UNDER TITLE XV, CHAPTER 153, SECTION 153.40(B)(47) OF THE ZONING CODE OF THE VILLAGE OF PECATONICA, COUNTY OF WINNEBAGO, STATE OF ILLINOIS**

**WHEREAS**, the Village of Pecatonica (“Village”) is a municipality legally formed pursuant to statute, and has more than 500 inhabitants; and

**WHEREAS**, J & J DANCE & TUMBLING COMPANY, is owner of certain real property commonly known as “410 John Street, Pecatonica, Illinois”, P.I.N. 09-29-255-029, and legally described as follows:

**\*\*\*\*SEE EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE\*\*\*\***

**WHEREAS**, said property is located within the village limits of the Village, and is thereby subject to regulation by all applicable ordinances of the Village, including, but not limited to, the zoning ordinances of the Village as codified under Title XV, Chapter 153 of its Village Code; and

**WHEREAS**, said property is zoned Commercial, CD, under the zoning ordinances of the Village; and

**WHEREAS**, said property owner has filed an Application for Special Use Permit to operate a “recreational (public/private) facilities for commercial entertainment establishments” at said property, which proposed use is a special, use under Title XV, Chapter 153, Section 153.40(B)(47), of the zoning ordinances of the Village; and

**WHEREAS**, a hearing before the Village Planning and Zoning Commission (“Commission”) of the Village was scheduled for January 30, 2020 for the purpose of hearing and taking testimony and exhibits in favor of and against Application for Special Use Permit, and notice of said hearing as required by applicable provisions of 65 ILCS 5/11-13-1 *et seq.* and the Village Code was given; and

**WHEREAS**, on January 30, 2020, the Commission did convene and conduct a hearing on the Application for Special Use Permit with 5 of 6 members present; and after all testimony was taken, said Commission did discuss, consider and deliberate the required findings of fact, and a motion having been made and seconded to recommend approval of a special use permit for a “recreational (public/private) facilities and commercial entertainment establishments” at the property to the Board of Trustees, a vote was then taken with 5 for said recommendation, 0 against, and 1 absent, said recommendation, and the motion having received the minimum required 4 votes in favor, the Commission did report to the Board of Trustees that said special use was

recommended by the Commission, and has now referred said question to the Board of Trustees for further consideration.

BE IT ORDAINED by the President and the Board of Trustees of the Village of Pecatonica, Illinois.

**SECTION 1:** The recitals as stated above are fully incorporated herein by reference.

**SECTION 2:** That a Special Use Permit to operate a “Recreational (public/private) facilities and commercial entertainment establishments” at the property commonly known as “410 John Street, Pecatonica, Illinois” is hereby approved subject to the following conditions:

(1) The applicant and/or owner shall follow the plans as submitted to the Village as part of its Application or submitted during the Application process. The Special Use Permit shall terminate upon a failure to follow said plans or upon a modification of the footprint of the building; and

(2) The owner shall comply with all applicable Village ordinances and regulations. The Special Use Permit shall terminate should the owner fail to comply with all applicable Village ordinances and regulations.

**SECTION 3:** That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ADOPTED by the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED by the Village President of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

BY: \_\_\_\_\_  
WILLIAM SMULL, Village President  
Village of Pecatonica, Illinois

ATTEST:

\_\_\_\_\_  
GWENN SHIRLEY, Village Clerk  
Village of Pecatonica, Illinois