

**VILLAGE OF PECATONICA
ORDINANCE NO. 2024-01**

**AN ORDINANCE OF THE VILLAGE OF PECATONICA AMENDING CHAPTER 153,
ZONING, OF THE VILLAGE’S CODE OF ORDINANCES**

WHEREAS, the Village of Pecatonica, Illinois (“Village”), has enacted a Code of Ordinances (“Code”) for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

WHEREAS, Chapter 153 of the Code regulates Zoning within the Village; and

WHEREAS, the Village desires to amend various provisions of Chapter 153 to provide for “theater operation” as a special use in the CD, commercial zoning district; and

WHEREAS, the Village duly held and conducted a hearing before the Village Zoning Board of Appeals on November 9, 2023, to consider a text amendment to the Village Zoning Code to provide for this additional use within the Village as set forth herein; and

WHEREAS, the Village Zoning Board of Appeals recommended the approval of said text amendments; and

WHEREAS, the Village has determined it is in the best interest of the Village and its citizens to make such amendments.

NOW THEREFORE, be it ordained by the Village President and Village Board of Trustees of the Village of Pecatonica, Illinois as follows:

Section 1. The above recitals are incorporated herein and made a part hereof.

Section 2. That Section “§153.051 - Definitions and Restrictions” of the Village Zoning Code is hereby amended to add the definition of “Theater” which shall read as follows (additions shown as **underlined and bolded** and deletions as ~~strikethroughs~~):

§153.051 - Definitions and Restrictions

“Theater [new].

A place kept, used, maintained, advertised or held out to the public as a place within the CD Commercial District regularly used for showing motion pictures/films or conducting theatrical, musical or live performances.”

Section 3. That Section “153.040(B) –Special Use Chart” of the Village Zoning Code delineating the allowable special land uses is hereby amended to add “Auditoriums, theaters, and convention halls” which shall read as follows (additions shown as **underlined and bolded** and deletions as ~~striketroughs~~):

	<i>Special Use Chart</i>	R1	R2	R3	MH	CD	ID	AD
<u>59</u>	<u>Auditoriums, theaters, and convention halls</u>					<u>X</u>		

Section 4. That Section 153.026(D) of the Village Zoning Code, relating to off-street parking requirements for uses within the CD – Commercial District, is hereby amended to add off-street parking requirements for assembly uses including auditoriums, theaters, and convention halls, which shall read as follows (additions shown as **underlined and bolded** and deletions as ~~striketroughs~~):

153.026(D)(3) [new]

“D(3) For assembly uses located within the Commercial District, including auditoriums, theaters, and convention halls, the required surfaced off-the-street and public parking combined shall be 1 space for each 5 seats.”

Section 5. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 6. All other ordinances of the Village shall remain in effect as previously enacted except that those ordinances, or parts thereof, in conflict are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall be in full force and effect from after its passage, approval, and publication in pamphlet form as provided by law.

Passed and adopted by roll call vote by the Village Board of the Village of Pecatonica this 4th day of January 2024.

ADOPTED this 4th day of January 2024.

AYES: 5 _____

NAYS: 0 _____

ABSENT: 1 _____

ABSTENTIONS: _____

APPROVED:

Thomas Heister, Village President

ATTEST:

Gwenn Shirley, Village Clerk

Passed: 5-0-1