

CITY OF BELVIDERE, ILLINOIS

ORDINANCE #610H

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW DAYCARE CENTER (3+ CHILDREN) WITHIN THE PO,  
PLANNED OFFICE DISTRICT  
(2170 Pearl Street)

PASSED AND ADOPTED

BY THE CITY COUNCIL

OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 6<sup>TH</sup> DAY OF FEBRUARY 2023.

APPROVED BY THE

MAYOR OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 13<sup>TH</sup> DAY OF FEBRUARY 2023.

Published in Pamphlet Form this 13<sup>th</sup> day of February 2023.

**ORDINANCE NO. 610H**

**AN ORDINANCE GRANTING A SPECIAL USE  
TO ALLOW DAYCARE CENTER (3+ CHILDREN)  
WITHIN THE PO, PLANNED OFFICE DISTRICT  
(2170 Pearl Street)**

**WHEREAS**, The City of Belvidere has adopted Chapter 150, Zoning Ordinance in accordance with the provisions of Illinois Compiled Statutes to regulate the use of land and to specify the minimum requirements for improvements on land in the City of Belvidere; and

**WHEREAS**, Special Uses are certain municipal or private uses that due to their physical or operational characteristics may pose a threat to the value, use and enjoyment of adjoining property; are reviewed on a case by case basis; and are permitted only by permission of the Belvidere City Council; and,

**WHEREAS**, The applicant, Orland Kids Academy, LLC, 555 W. Kinzie Street #4002, Chicago, IL 60654 on behalf of the property owner, The Board of Trustees of the University of Illinois, PO Box 4595, Oakbrook, IL 60522 is requesting a special use to allow a daycare center at 2170 Pearl Street; and

**WHEREAS**, after due notice by publication pursuant to the Illinois State Statutes, the City of Belvidere Planning and Zoning Commission held a public hearing on January 10, 2023 concerning the proposed Special Use; and,

**WHEREAS**, the City of Belvidere Planning and Zoning Commission having examined the application and having considered the evidence, both oral and documentary and being fully advised about the premises did make findings of fact and a recommendation; and,

**WHEREAS**, the corporate authorities of the City considered the findings of fact and concur with the recommendation of the Planning and Zoning Commission,

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELVIDERE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:**

**Section 1.** The foregoing recitals are incorporated herein by this reference.

**Section 2.** That a Special Use in the PO, Planned Office District to allow for a daycare center on the property depicted in Attachment A and legally described as:

PART OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 43 NORTH,  
RANGE 3, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE COUNTY OF  
BOONE, STATE OF ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS, TO  
WIT:

COMMENCING AT THE NORTHWEST CORNER SAID QUARTER SECTION; THENCE SOUTH 00°00'00" EAST, ALONG THE WEST LINE OF SAID QUARTER SECTION, 1,218.72 FEET TO THE NORTHWEST CORNER OF THE PERMANENT EASEMENT CONVEYED BY HENRY AND MADELINE BARTHOLOMEW, HUSBAND AND WIFE, TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION DATED JULY 17, 1957 AND RECORDED IN BOOK 115 OF DEEDS ON PAGE 323 IN THE RECORDER'S OFFICE OF BOONE COUNTY, ILLINOIS, SAID POINT BEING THE POINT OF BEGINNING FOR THE FOLLOWING DESCRIBED PARCEL; THENCE SOUTH 89°48'46" EAST, ALONG THE NORTH LINE OF SAID PERMANENT EASEMENT, 59.73 FEET TO THE NORTHEAST CORNER OF SAID PERMANENT EASEMENT; THENCE SOUTH 90°00'00" EAST, ALONG THE NORTH LINE OF PREMISES CONVEYED BY LEROY F. FITZ AND RUTH M. FITZ TO THE BELVIDERE NATIONAL BANK AND TRUST CO., AS TRUSTEE UNDER TRUST NO. 306 BY WARRANTY DEED DATED MAY 14, 1970, AND RECORDED MAY 25, 1970, AS DOCUMENT NO. 16665 IN SAID RECORDER'S OFFICE, 334.57 FEET TO THE NORTHEAST CORNER OF SAID PREMISES SO CONVEYED BY LEROY F. FITZ AND RUTH M. FITZ TO THE BELVIDERE NATIONAL BANK AND TRUST CO. AS AFORESAID; THENCE NORTH 00°00'00" WEST, PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION, 245.89 FEET; THENCE NORTH 90°00'00" WEST, PARALLEL WITH THE NORTH LINE OF SAID PREMISES SO CONVEYED BY LEROY F. FITZ AND RUTH M. FITZ TO THE BELVIDERE NATIONAL BANK AND TRUST CO. AS AFORESAID, 394.30 FEET TO THE WEST LINE OF SAID QUARTER SECTION; THENCE SOUTH 00°00'00" EAST ALONG THE WEST LINE OF SAID QUARTER SECTION, 245.69 FEET TO THE POINT OF BEGINNING. PIN: 07-01-102-004

is hereby approved, subject to the following conditions:

1. Substantial compliance with the site plan submitted. (Attachment B).
2. The outdoor play area shall be separated from all vehicle traffic circulation areas by fence.
3. A fire alarm that includes an emergency voice/alarm communication system shall be installed.

**Section 3.** That the premises shall be used in accordance with and subject to the applicable provisions of the Zoning Ordinance of the City of Belvidere and shall not be used except as may otherwise be expressly authorized by the applicable law and the special use.

**Section 4.** That acceptance of any of the benefits of this Special Use shall be deemed acceptance of all the terms and conditions set forth herein.



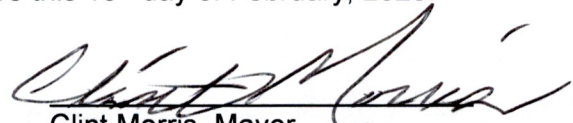
**Section 5.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6.** 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.

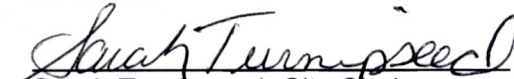
**Section 7.** This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

**PASSED** by the City Council of the City of Belvidere this 6<sup>th</sup> day of February, 2023.

**APPROVED** by the Mayor of the City of Belvidere this 13<sup>th</sup> day of February, 2023.

  
Clint Morris, Mayor

**ATTEST:**

  
Sarah Turnipseed, City Clerk

Ayes: 8   Nays: 0   Absent: 2

City Council Members Voting Aye: McGee, Mulhall, Porter, Prather, Brereton, Fleury, Frank and Freeman.

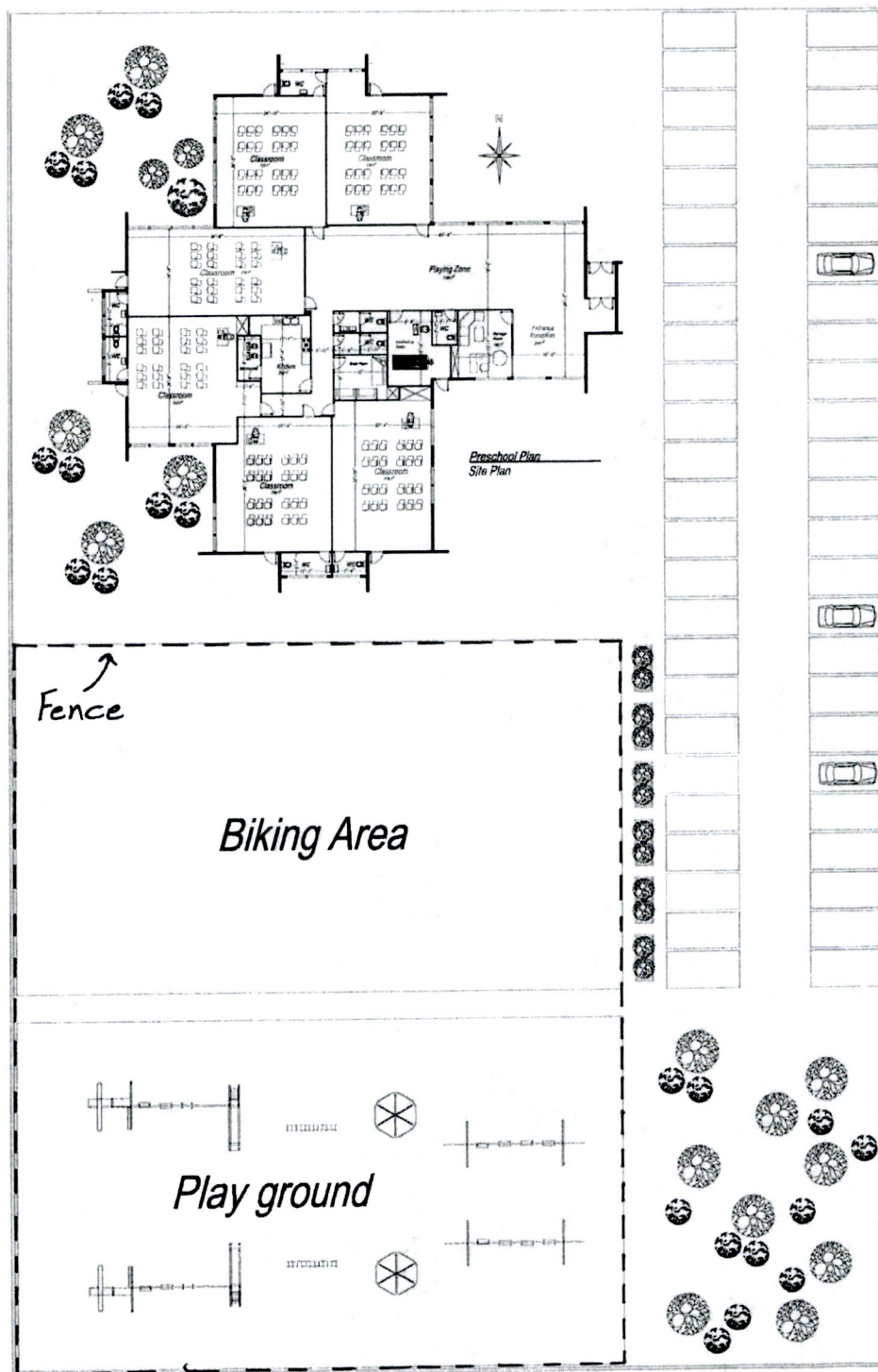
City Council Members Voting Nay: None.

Date Published: February 13, 2023

Sponsor: Ald. Prather



## ATTACHMENT B



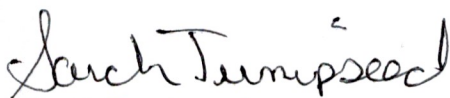


**AFFIDVAIT**

STATE OF ILLINOIS     )  
                                      )  
COUNTY OF BOONE     )

Sarah Turnipseed, first being duly sworn on oath deposes and says as follows:

By authority of the City Council of the City of Belvidere, Illinois, I published Ordinance #610H of the City of Belvidere, Illinois, in pamphlet form on February 13, 2023, and as a convenience for the public; I posted the pamphlet form of Ordinance #610H on the bulletin board in the lobby at 401 Whitney Blvd., Belvidere, Illinois; said location being readily accessible to the public during business hours of the City Clerk's Office.



Sarah Turnipseed  
City Clerk

SUBSCRIBED AND SWORN TO BEFORE ME  
this 13<sup>th</sup> day of February, 2023.

  
\_\_\_\_\_  
Notary Public

