

State of Illinois) SS  
Belvidere, Illinois)

BELVIDERE CITY COUNCIL  
REGULAR MEETING  
AGENDA

November 4, 2024

Convened in the Council Chambers, 401 Whitney Blvd, Belvidere, IL at 6:00 p.m.

(1) Roll Call:

(2) Pledge of Allegiance:  
Invocation:

(3) Public Comment: (Please register with the City Clerk):

(4) Approval of Minutes:

(A) Approval of Minutes of the regular meeting of the Belvidere City Council of October 21, 2024; as presented.

(5) Public Hearing:

(A) Annexation Agreement relating to real property generally located at the Northwest corner of Beaver Valley Road and U.S. Bus. Route 20.

(6) Special Messages and Proclamations:

(7) Approval of Expenditures: None.

(8) Committee Reports and Minutes of City Officers:

(A) Approval of Minutes of the regular Committee of the Whole – Public Safety and Finance and Personnel of October 28, 2024; as presented.

(9) Unfinished Business:

(A) Ord. #694H – 2<sup>nd</sup> Reading: An Ordinance Authorizing the Execution of a Settlement Agreement Between the City of Belvidere and Deer Hills LLC and Landmark Development Inc.

(B) Ord. #695H – 2<sup>nd</sup> Reading: An Ordinance Authorizing the Execution of an Annexation Agreement Between the City of Belvidere and Deer Hills LLC.

- (C) Ord. #696H – 2<sup>nd</sup> Reading: An Ordinance Amending Appendix A of the Belvidere Municipal Code to Modify Sewer Rates.
- (D) Ord. #697H – 2<sup>nd</sup> Reading: An Ordinance Amending Section 2-38 Compensation and Expenses of the City of Belvidere Municipal Code.
- (E) Ord. #698H – 2<sup>nd</sup> Reading: An Ordinance Amending Article IX of Chapter 98 Small Wireless Facilities Deployment of the City of Belvidere Municipal Code.
- (F) Ord. #699H – 2<sup>nd</sup> Reading: An Ordinance Amending Section 43-43 Nepotism Prohibited of the City of Belvidere Municipal Code.
- (G) Ord. #700H – 2<sup>nd</sup> Reading: An Ordinance Granting a Zoning District Change from SR-6, Single-Family Residential -6 District to CB, Central Business District (155 E. Hurlbut Avenue).
- (H) Ord. #701H – 2<sup>nd</sup> Reading: An Ordinance Amending Chapter 150, Zoning Ordinance, of the Municipal Code.
- (I) Ord. #702H – 2<sup>nd</sup> Reading: An Ordinance Granting A Special Use to Allow Indoor Commercial Entertainment within the GB, General Business District (1253 Logan Avenue).

(10) New Business:

- (A) Ord. #703H – 1<sup>st</sup> Reading: An Ordinance Amending Sections 22-31, 22-32, 22-33, 22-34, 22-67, 22-500, 22-501, and 22-502 of the Belvidere Municipal Code Adopting and Amending the 2021 International Building Code, the 2021 International Residential Code, the 2021 International Fire Code, the 2021 International Mechanical Code, the 2021 International Fuel Gas Code, Portions of the 2024 International Fire Code, NFPA 855-2023 and the 2021 International Property Maintenance Code.

Motions forwarded from Committee of the Whole – Public Safety, Finance & Personnel of October 28, 2024.

Motions of Public Safety – Chairman Matt Fleury:

- (A) Motion to accept the \$650 donation from Dairy Queen of Belvidere and authorize its use for the Belvidere Fire Department’s public outreach and education initiatives.

Motions of Finance and Personnel – Chairman Wendy Frank:

- (B) Motion to accept and approve the audit as presented by Sikich for the fiscal year ending April 30, 2024.
- (C) Motion to approve the 2025 IML Risk Management Association Annual Renewal in the amount of \$757,910.54.
- (D) Motion to approve the renewal with United Health Care for medical and self-funding dental for CY2025.
- (E) Motion to approve the estimated tax levy of \$6,716,682.00 as announced by the Finance Director.

Motions of Public Works – Chairman Rory Peterson:

- (F) Motion to approve the proposal from Testing Service Corporation, in an amount not-to-exceed \$19,750.00, to complete the geotechnical services for the Well #11 facility. This work will be paid for from the IEPA Public Water Supply Loan Program.
- (G) Motion to approve the low bid from Schroeder Asphalt Services, Inc., in an amount not-to-exceed \$240,000 for the Manhole Adjustment Project per the bid addendum. This work will be paid for from Capital Funds.

(11) Adjournment:

State of Illinois) SS  
Belvidere, Illinois)

BELVIDERE CITY COUNCIL  
REGULAR MEETING  
MINUTES

Date: October 21, 2024

Convened in the Belvidere Council Chambers, 401 Whitney Blvd, Belvidere, Illinois  
at 6:00 p.m.

Call to order by Mayor Morris.

(1) Roll Call: Present: J. Albertini, R. Brereton, M. Fleury, W. Frank, S. Gramkowski,  
M. McGee, N. Mulhall, R. Peterson and C. Stevens.

Absent: M. Freeman.

Other staff members in attendance:

Public Works Director Brent Anderson, Budget and Finance Officer Sarah Turnipseed,  
Director of Buildings Kip Countryman, Community Development Planner Gina DelRose,  
Police Deputy Chief Dan Smaha, Fire Chief Shawn Schadle, City Attorney Mike Drella  
and Deputy City Clerk Erica Bluege.

(2) Pledge of Allegiance:

Invocation: Mayor Morris.

(3) Public Comment: None.

(4) Approval of Minutes:

(A) Approval of minutes of the regular meeting of the Belvidere City Council of  
October 7, 2024 as presented.

Motion by Ald. Peterson, 2<sup>nd</sup> by Ald. Albertini to approve the minutes of the regular  
meeting of the Belvidere City Council of October 7, 2024. Aye voice vote carried.  
Motion carried.

(5) Public Hearing: None.

(6) Special Messages and Proclamations:

(A) Report of IDA Public Library by Board President Brenda Obilade.



(7) Approval of Expenditures: General & Special Fund Expenditures: \$2,743,584.63  
Water & Sewer Fund Expenditures: \$ 904,214.72

Motion by Ald. Stevens, 2<sup>nd</sup> by Ald. McGee to approve the General & Special Fund Expenditures in the amount of \$2,743,584.63. Roll Call Vote: 9/0 in favor. Ayes: Albertini, Brereton, Fleury, Frank, Gramkowski, McGee, Mulhall, Peterson and Stevens. Nays: None. Motion carried.

Motion by Ald. Albertini, 2<sup>nd</sup> by Ald. McGee to approve the Water & Sewer Fund Expenditures in the amount of \$904,214.72. Discussion took place regarding the status of Well #11. Roll Call Vote: 9/0 in favor. Ayes: Brereton, Fleury, Frank, Gramkowski, McGee, Mulhall, Peterson, Stevens and Albertini. Nays: None. Motion carried.

(8) Committee Reports and Minutes of City Officers:

- (A) Monthly Report of Belvidere Police Department Overtime Pay for September 2024.
- (B) Monthly Report of Belvidere Fire Department Overtime Pay for September 2024.
- (C) Monthly Report of Community Development Department/Planning Department for September 2024.
- (D) Monthly Report of Building Department Revenues, Residential Building Permits, Commercial Permits and Case Reports for September 2024.
- (E) Monthly General Fund Report for September 2024.
- (F) Monthly Water/Sewer Fund Report September 2024.
- (G) Monthly CD Investments for September 2024.
- (H) Minutes of Planning and Zoning Commission October 8, 2024.

Let the record show these reports were placed on file.

- (I) Minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of October 14, 2024.

Motion by Ald. Frank, 2<sup>nd</sup> by Ald. Fleury to approve the minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of October 14, 2024. Aye voice vote carried. Motion carried.

(9) Unfinished Business:

- (A) Ord. #693H – 2<sup>nd</sup> Reading: An Ordinance Authorizing the Sale of Certain Personal Property (Police Department Vehicles).

Motion by Ald. Fleury, 2<sup>nd</sup> by Ald. Peterson to pass Ord. #693H. Roll Call Vote: 9/0 in favor. Ayes: Fleury, Frank, Gramkowski, McGee, Mulhall, Peterson, Stevens, Albertini and Brereton. Nays: None. Motion carried.

Belvidere City Council

October 21, 2024

(B) Ord. #694H – 2<sup>nd</sup> Reading: An Ordinance Authorizing the Execution of a Settlement Agreement Between the City of Belvidere and Deer Hills LLC and Landmark Development Inc.

(C) Ord. #695H – 2<sup>nd</sup> Reading: An Ordinance Authorizing the Execution of an Annexation Agreement Between the City of Belvidere and Deer Hills LLC.

Motion by Ald. Frank, 2<sup>nd</sup> by Ald. Albertini to postpone Ord. #694H and Ord. #695H to November 4, 2024 City Council Meeting. Roll Call Vote: 9/0 in favor. Ayes: Frank, Gramkowski, McGee, Mulhall, Peterson, Stevens, Albertini, Brereton and Fleury. Nays: None. Motion carried.

(10) New Business:

(A) Ord. #696H – 1<sup>st</sup> Reading: An Ordinance Amending Appendix A of the Belvidere Municipal Code to Modify Sewer Rates.

(B) Ord. #697H – 1<sup>st</sup> Reading: An Ordinance Amending Section 2-38 Compensation and Expenses of the City of Belvidere Municipal Code.

(C) Ord. #698H – 1<sup>st</sup> Reading: An Ordinance Amending Article IX of Chapter 98 Small Wireless Facilities Deployment of the City of Belvidere Municipal Code.

(D) Ord. #699H – 1<sup>st</sup> Reading: An Ordinance Amending Section 43-43 Nepotism Prohibited of the City of Belvidere Municipal Code.

(E) Ord. #700H – 1<sup>st</sup> Reading: An Ordinance Granting a Zoning District Change from SR-6, Single-Family Residential -6 District to CB, Central Business District (155 E. Hurlbut Avenue).

(F) Ord. #701H – 1<sup>st</sup> Reading: An Ordinance Amending Chapter 150, Zoning Ordinance, of the Municipal Code.

(G) Ord. #702H – 1<sup>st</sup> Reading: An Ordinance Granting A Special Use to Allow Indoor Commercial Entertainment within the GB, General Business District (1253 Logan Avenue).

Let the record show Ordinance #696H, #697H, #698H, #699H, #700H, #701H and #702H were placed on file for first reading.

(H) Res. #2024-12: A Resolution Accepting Certain Public Improvements of Kelly Farms Subdivision (Scannell).

Motion by Ald. Peterson, 2<sup>nd</sup> by Ald. Stevens to adopt Res. #2024-12. Roll Call Vote: 9/0 in favor. Ayes: Gramkowski, McGee, Mulhall, Peterson, Stevens, Albertini, Brereton, Fleury and Frank. Nays: None. Motion carried.

Motions forwarded from Committee of the Whole – Building, Planning and Zoning and Public Works of October 14, 2024.

- (A) Motion to approve Change Order #5 for the WWTP 2018 Improvement Project in the Amount of \$4,724.68. This work will be paid for from the IEPA Loan for this project. Roll Call Vote: 9/0 in favor. Ayes: McGee, Mulhall, Peterson, Stevens, Albertini, Brereton, Fleury, Frank and Gramkowski. Nays: None. Motion carried.
- (B) Motion to approve engineering design proposal from ARC Design Resources, in the amount of \$96,500.00, for the Kishwaukee Riverfront Path Extension. This work will be paid for from grant funds and capital funds. Roll Call Vote: 9/0 in favor. Ayes: Mulhall, Peterson, Stevens, Albertini, Brereton, Fleury, Frank, Gramkowski and McGee. Nays: None. Motion carried.
- (C) Motion to consent to the appointment of Erica Bluege as City Clerk to fill the vacancy created by the resignation of Sarah Turnipseed for the remainder of the term of office. Discussion took place regarding the position being an elected position. Roll Call Vote: 9/0 in favor. Ayes: Peterson, Stevens, Albertini, Brereton, Fleury, Frank, Gramkowski, McGee and Mulhall. Nays: None. Motion carried.

Let the record show Erica Bluege was sworn in as City Clerk by City Attorney Mike Drella.

- (D) Motion to accept donation of \$50.00, check #1344, from the Asa Cottrell Chapter, Daughters of the American Revolution. Roll Call Vote: 9/0 in favor. Ayes: Stevens, Albertini, Brereton, Fleury, Frank, Gramkowski, McGee, Mulhall and Peterson. Nays: None. Motion carried.

(11) Adjournment:

Motion by Ald. Frank, 2<sup>nd</sup> by Ald. Albertini to adjourn meeting at 6:29p.m. Aye voice vote carried. Motion carried.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

**NOTICE OF PUBLIC HEARING  
ON ANNEXATION AGREEMENT  
BELVIDERE CITY COUNCIL  
BELVIDERE, ILLINOIS**

On November 4, 2024 at 6:00 P.M., a public hearing will be held by the Mayor and City Council of the City of Belvidere, in the City Council Chambers, 401 Whitney Boulevard, Belvidere, Illinois, for the purpose of considering and hearing testimony as to an ordinance authorizing an Annexation Agreement relating to real property generally located at the Northwest corner of Beaver Valley Road and U.S. Bus. Route 20 and legally described as follows:

20-44-3 NE 1/4 S OF CL of the Beaver Creek (EX HARBOUR AT BEAVER CREEK SUB) & (EX BEG NW COR LT 1 THE HARBOUR AT BEAVER CREEK, S 210.8', SWLY 131.45', SWLY 421.14', SWLY 621.41', S 479.35', SWLY ALG CUR TO LEFT 80.24', (RAD 500'), W 207.59', N 107.65', NELY 81.23', N 84.27', NWLY 71.39', W 193.92', NWLY 84.95', NWLY 65.19', NELY 73.6', NELY 118.87', NELY 89.07', NELY 97.27', NELY 59.48', NELY 106.81', NELY 86.12', NELY 103.68', NELY 90.58', NELY 58', NELY 72.46', NELY 48.68', E 56.03', SELY 105.12', SELY 102.12', NELY 31.67', NELY 69.69', NELY 68.41', NELY 106.6', NELY 99.55', SELY 69.33', NELY 59.36', NELY 84.67', NELY 45.93', N 101.62', NWLY 66.15', W 55.98', SWLY 86.72', NWLY 36.21', NWLY 40.22', E 307.2' TO POB) & (EX PT FOR ROW).

PIN 05-20-200-013

The proposed Annexation Agreement is available for review in the City Clerk's office 401 Whitney Blvd. Belvidere Illinois.

By order of the Corporate Authorities of the City of Belvidere, Boone County, Illinois.

Dated: October 15, 2024 Erica Bluege, Deputy City Clerk  
Published in the Boone County Journal 10/17/24

Minutes  
Committee of the Whole  
Public Safety and Finance and Personnel  
October 28, 2024  
6:00 p.m.

Date: October 28, 2024

Convened in the Belvidere Council Chambers, 401 Whitney Blvd., Belvidere, Illinois at 6:00p.m.

Call to Order – Mayor Clinton Morris:

Roll Call:

Present: R. Brereton, J. Albertini, M. Fleury, W. Frank, M. Freeman,  
S. Gramkowski, M. McGee, R. Peterson and C. Stevens.

Absent: N. Mulhall.

Other staff members in attendance:

Public Works Director Brent Anderson, Budget and Finance Officer Sarah Turnipseed, Building Director Kip Countryman, Police Chief Shane Woody, Fire Chief Shawn Schadle, City Attorney Mike Drella and City Clerk Erica Bluege.

Public Comment:

(A) Report of Growth Dimensions by Executive Director Pam Lopez-Fettes.

Public Forum:

(A) Presentation of Badges by Police Chief Woody to Police Officers Gerardo Venegas and Matthew Gibson in recognition of completing their probationary period.

Reports of Officers, Boards, and Special Committees:

1. Public Safety, Unfinished Business: None.
2. Public Safety, New Business:

(A) Police Department – Update.

Police Chief Shane Woody presented an update.

(B) Fire Department – Update.

Fire Chief Shawn Schadle presented an update. Discussion took place regarding a recent fire that occurred in the City of Belvidere.

(C) Fire Department – Acceptance of Donation.

Motion by Ald. Fleury, 2<sup>nd</sup> by Ald. Gramkowski to accept the \$650 donation from Dairy Queen of Belvidere and authorize its use for the Belvidere Fire Department’s public outreach and education initiatives. Aye voice vote carried. Motion carried.

3. Finance & Personnel, Unfinished Business: None.

4. Finance & Personnel, New Business:

(A) Finance Department – Update.

Budget and Finance Officer Sarah Turnipseed presented an update.

(B) Sikich LLP Audit Review.

Lindsey Fish, a representative from Sikich, presented an overview of the results of the audit for fiscal year ending April 30, 2024. Sikich gave the City of Belvidere a clean unmodified opinion on the City’s Financial Statements and the Single Audit.

Motion by Ald. Peterson, 2<sup>nd</sup> by Ald. Stevens to accept and approve the audit as presented by Sikich for the fiscal year ending April 30, 2024. Aye voice vote carried. Motion carried.

(C) Actuarial Valuation – Lauterbach & Amen.

For informational purposes only. Kevin Cavanaugh, a representative from Lauterbach & Amen, presented a summary of findings and recommendations for the Belvidere Firefighters’ & Police Pension Fund.

(D) 2025 IML Risk Management Association Annual Review.

Motion by Ald. Peterson, 2<sup>nd</sup> by Ald. Stevens to approve the 2025 Risk Management Association Annual Renewal in the amount of \$757,910.54. Discussion took place regarding the increase. It was noted it is about a 4 percent or \$30,000 increase from the previous year. Aye voice vote carried. Motion carried.

(E) Health Renewal Calendar Year 2025.

Motion by Ald. Gramkowski, 2<sup>nd</sup> by Ald. Peterson to approve the renewal with United Health Care for medical and self-funding dental for CY2025. Discussion took place regarding the renewal. It was noted that it is a 5 percent increase. Aye voice vote carried. Motion carried.

(F) Tax Levy Announcement.

Motion by Ald. Peterson, 2<sup>nd</sup> by Ald. Stevens to approve the estimated tax levy of \$6,716,682.00 as announced by the Finance Director. Discussion took place regarding the announcement. City Attorney Drella explained the announcement is a starting point in the tax levy process and is not the finalized tax levy. Aye voice vote carried. Motion carried.

5. Other, New Business:

(A) Building Code Amendments.

Motion by Ald. Stevens, 2<sup>nd</sup> by Ald. Peterson to adopt the referenced 2021 and 2024 IIC Codes, and amending sections 22-31, 22-32, 22-33, 22-34, 22-67, 22-500, 22-501 and 22-502, as set forth in the attached ordinance. An explanation was given as to the reasons to make the amendments by City Attorney Drella, Building Director Countryman and Fire Chief Schadle. Discussion took place regarding lithium-ion batteries. Discussion took place regarding residential sprinklers. Aye voice vote carried. Motion carried.

(B) Well #11 Geotechnical Engineering Services.

Motion by Ald. Albertini, 2<sup>nd</sup> by Ald. McGee to approve the proposal from Testing Service Corporation, in an amount not-to-exceed \$19,750.00, to complete the geotechnical services for the Well #11 facility. This work will be paid for from the IEPA Public Water Supply Loan Program. Discussion took place regarding the purpose for having the soil and groundwater tested. Director Anderson explained that it is to help with the design of the well. Aye voice vote carried. Motion carried.

(C) Manhole Adjustment Project – Bid Tabulation.

Motion by Ald. Peterson, 2<sup>nd</sup> by Ald. McGee to approve the low bid from Schroeder Asphalt Services, Inc., in an amount not-to-exceed \$240,000.00 for the Manhole Adjustment Project per the bid addendum. This work will be paid for from Capital Funds. Discussion took place regarding the amount being approved. It was noted that the number of manhole adjustments was reduced from 120 to 60 to meet the budgeted amount of \$240,000.00. Aye voice vote carried. Motion carried.

5. Adjournment:

Motion by Ald. Albertini, 2<sup>nd</sup> by Ald. Peterson to adjourn the meeting at 7:31p.m. Aye voice vote carried. Motion carried.

\_\_\_\_\_ Mayor

Attest: \_\_\_\_\_ City Clerk



ORDINANCE #694H

AN ORDINANCE AUTHORIZING THE EXECUTION OF A  
SETTLEMENT AGREEMENT BETWEEN THE  
CITY OF BELVIDERE AND  
DEER HILLS LLC AND LANDMARK DEVELOPMENT Inc.

NOW, THEREFORE, be it ordained by the City Council of the City of Belvidere, Boone County, Illinois, as follows:

Section 1: The Mayor is hereby authorized and directed to execute, and the City Clerk is directed to attest, the Settlement Agreement between the City of Belvidere and Deer Hills LLC and Landmark Development Inc., a copy of which is attached hereto as Exhibit A.

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law.

Passed by the City Council of the City of Belvidere, Illinois this     day of     , 2024

Approved:

\_\_\_\_\_  
Clinton Morris, Mayor

Attest:

\_\_\_\_\_  
City Clerk

Ayes:

Nays:

Absent:

Date Passed:

Date Approved:

Date Published:

This Settlement Agreement is entered into this \_\_\_ day of \_\_\_ between the City of Belvidere (the City), Landmark Development, Inc., and Deer Hills LLC to resolve litigation currently pending in the Circuit Court of the 17th Judicial Circuit, Boone County, Illinois. Deer Hills LLC and Landmark Development Inc. may be jointly referred to herein as Defendants.

Now therefore in consideration of the mutual covenants and requirements contained within this Settlement Agreement, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

- 1) The litigation at issue relates to an annexation agreement entered into between Landmark Development Inc., Chicago Title Land Trust Company as Trustee under Trust #1065970 (the Trust) and the City of Belvidere (the 2005 Annexation Agreement) and property that is legally described in the Complaint pertaining to this Settlement Agreement. Deer Hills LLC is the current fee simple owner of a portion of the property subject to the 2005 Annexation Agreement. The portion of the property owned by Deer Hills LLC is known herein as the Deer Hills Property and is described in the proposed annexation agreement attached as Exhibit B.
- 2) As a condition precedent to the City's obligations under this Settlement Agreement, Defendants, with cooperation from the City, shall cause to be annexed to the City sufficient intervening parcels as described in the attached Exhibit A (the Parcels) to allow annexation of the Deer Hills Property to the City as well as the actual annexation of the Deer Hills Property. Annexation of the Deer Hills Property shall occur on or before December 31, 2024 or this Settlement Agreement shall be null and void without prejudice to any party.
- 3) Upon satisfaction of the condition precedent in paragraph 2, and on the condition that Defendants shall be granted the dismissal contemplated herein, Defendants shall assign all of their rights and interest to a certain recapture agreement entered into between the City and Landmark on or about October 1, 2009 and recorded in the office of the Boone County Recorder as document number 2010R00526 (the Recapture Agreement). Defendants warrant and represent to the City that the Recapture Agreement does not serve as collateral for any obligation of Defendants and is not subject to any lien nor pledged or hypothecated to any third party in any manner nor is it subject to any judgment lien.
- 4) Some of the Parcels referenced in section 2 above and Exhibit A may be obligated to make payment under the Recapture Agreement. Therefore, to facilitate annexation of those Parcels, the Parties agree that any amount owed under the Recapture Agreement for a Parcel annexed to the City to satisfy Defendants' obligations under paragraph 2 of this Agreement shall be waived with respect to that Parcel upon satisfaction of the condition precedent in paragraph 2.
- 5) The City shall cooperate with Defendants in obtaining annexation of the Parcel(s) necessary to establish contiguity of the Deer Hills Property by promptly taking such actions reasonably necessary to accomplish the intent of this Settlement Agreement, including, but limited to, entering into annexation agreements and annexing those Parcels in a timely fashion.
- 6) Defendants agree and understand that Illinois law and City ordinances require public notice, a hearing and an ordinance to effectuate annexation and annexation agreements. As such,

annexation agreements and petitions to annex for the Parcels and the Deer Hills Property must be on file with the City Clerk of the City no later than December 1, 2024. In order to facilitate annexation of those Parcel(s) the City agrees to waive standard annexation fees, excluding publication costs, for the Parcel(s) annexed to satisfy Defendants' obligations under paragraph 2 of this Settlement Agreement as well as agreeing that development impact fees will not increase during the term of the new annexation agreements.

- 7) As a condition precedent to the City's obligations under this Settlement Agreement, Defendants shall enter into a new annexation agreement for the Deer Hills Property described in the annexation agreement attached hereto as Exhibit B and shall annex the Deer Hills Property to the City immediately upon contiguity. Defendants' obligations to enter the agreement and annex are voidable in the event that Defendants are not otherwise entitled to a dismissal.
- 8) As consideration for this Settlement Agreement Defendants agree that footnotes 1, 2, and 3 of Exhibit J of the 2005 Annexation Agreement as they relate to Defendants, the City and the property that is the subject of the 2005 Annexation Agreement are null and void. Similarly, the Defendants' obligation to dedicate land to the City of Belvidere, Belvidere Township Park District, and the Boone County Conservation District set forth in footnotes 1, 2, and 3 of Exhibit J as well as Exhibit H of the 2005 Annexation Agreement are null and void.
- 9) Promptly upon annexation of the Deer Hills Property to the City and assignment of the Recapture Agreement, the City will file a motion to dismiss with prejudice the cause of action commonly known as 2023 CH 10 and Defendants' obligation to reconstruct Beaver Valley Road under the 2005 Annexation Agreement and the Road Agreement shall be deemed satisfied and released. This Settlement Agreement does not relieve Owner(s) of any obligations to develop Beaver Valley Road and the intersection of Beaver Valley Road and US Route 20, as well as other obligations, that arise pursuant to any future development or the new annexation agreement provided for in paragraph 7 above. This Settlement Agreement further does not relieve Defendants of any other obligation under the 2005 Annexation Agreement including, but not limited to, an obligation to annex property upon contiguity to the City of Belvidere.

By: The City of Belvidere

By: Landmark Development Inc.

By: \_\_\_\_\_  
Mayor Clinton Morris

By: \_\_\_\_\_

Its: \_\_\_\_\_

By: Deer Hills LLC

By: \_\_\_\_\_

Its: \_\_\_\_\_

EXHIBIT A

- 1) The Dotzler Property 1500 US Route 20 Belvidere IL 61008 PIN 05-20-176-008 consisting of 10.51 acres +/-.
- 2) The Rigeman Property 1639 US Route 20 Belvidere IL 61008 PIN 05-20-400-001 consisting of 49 acres +/-.

EXHIBIT B

THE DEER HILLS PROPERTY

2024 Annexation Agreement

WE WILL NEED TO INSERT THE AGREEMENT. BELOW IS THE LEGAL FROM THE ASSESSOR'S OFFICE. I  
WOULD PREFER A BETTER LEGAL

PIN 05-20-200-013 consisting of 71 .15 acres +/-

20-44-3 NE 1/4 S OF CL BEAVER CREEK (EX HARBOUR AT BEAVER CREEK SUB) & (EX BEG  
NW COR LT 1 THE HARBOUR AT BEAVER CREEK, S 210.8', SWLY 131.45', SWLY 421.14',  
SWLY 621.41', S 479.35', SWLY ALG CUR TO LEFT 80.24', (RAD 500'), W 207.59', N 107.65',  
NELY 81.23', N 84.27', NWLY 71.39', W 193.92', NWLY 84.95', NWLY 65.19', NELY 73.6', NELY  
118.87', NELY 89.07', NELY 97.27', NELY 59.48', NELY 106.81', NELY 86.12', NELY 103.68', NELY  
90.58', NELY 58', NELY 72.46', NELY 48.68', E 56.03', SELY 105.12', SELY 102.12', NELY 31.67',  
NELY 69.69', NELY 68.41', NELY 106.6', NELY 99.55', SELY 69.33', NELY 59.36', NELY 84.67',  
NELY 45.93', N 101.62', NWLY 66.15', W 55.98', SWLY 86.72', NWLY 36.21', NWLY 40.22', E  
307.2' TO POB) & (EX PT FOR ROW)

## ANNEXATION AGREEMENT

This Agreement is made and entered into \_\_\_\_\_, \_\_\_\_\_,  
by and between the City of Belvidere, an Illinois Municipal Corporation located in Boone  
County, Illinois (The "City"), Landmark Development Inc. (Landmark) and Deer Hills LLC.  
Collectively Landmark and Deer Hills LLC may be referred to as the "Owner(s)".

### WITNESSETH:

Whereas, The Deer Hills LLC is the holder of title to parcels of property located in  
unincorporated Boone County, which property is legally described upon Exhibit "A" attached  
hereto and as shown on the Annexation Plat as Exhibit "B" attached hereto and referred to herein  
as "the Property" and Landmark is an affiliate of Deer Hills LLC and it's development partner;"  
and

Whereas, the Property is/was subject to an annexation agreement dated June 5, 2005  
between the City of Belvidere, Landmark Development Inc., and Chicago Title and Land Trust  
Company under Trust #1065970 in accordance with Ordinances 724G which agreement will  
expire on June 5, 2025; and

Whereas, Owner(s) and City desire that the Property continue to be subject to an  
annexation agreement with the City of Belvidere to provide for the continuation of the  
applicability of City ordinances and services and to ensure annexation at such time as the  
property becomes contiguous to the City of Belvidere; and

Whereas, Owner(s) and the City (hereinafter collectively referred to as "Parties" and  
individually referred to as "Party") desire to enter into this Agreement pursuant to the provisions

of Section 11-15.1-1 Et Seq., of the Illinois Municipal Code (65 ILCS 5/11-15.1-1 Et Seq.) in accordance with the terms and conditions hereinafter set forth; and

Whereas, as of the date of this Agreement, the Property is not contiguous to the corporate limits of the City; and

Whereas, the Owner(s) have executed all petitions and other documents that are necessary to accomplish the annexation of the Property to the City and have caused the same to be filed with the City; and

Whereas, Owner(s) acknowledge executing a petition to annex the Property to the City of Belvidere and agree that the City may rely upon such petition for annexation to allow annexation of the Property to the City without further action of the Owner(s) or their successors in interest in the Property at such time after the Property becomes contiguous to the City; and

Whereas, a proposed Annexation Agreement, in substance and form the same as this Agreement, was submitted to the City by Owner(s) and Developer and a public hearing of the Mayor and City Council of the City of Belvidere was convened and properly conducted on \_\_\_\_\_, \_\_\_\_\_ to consider the petition for approval of this Annexation Agreement and said public hearing was held pursuant to notice as provided by statute; and

Whereas, all notices, publications, procedures, public hearings and other matters attendant to the consideration and approval of the execution of this Agreement have been given, made, held and performed by the City as required by Section 65 ILCS 5/7-1-8 and Section 65 ILCS 5/11-15.1-1 et seq. of the Illinois Municipal Code and all other applicable state statutes and all applicable ordinances, regulations and procedures of the City; and

Whereas, the Mayor and City Council of the City of Belvidere have, by a vote of two-thirds of the corporate authorities now holding office, directed the Mayor to execute, and the City Clerk to attest, this agreement on behalf of the City; and

Whereas, the City has determined that the annexation of the Property to the City on the terms and conditions hereinafter set forth serves the best interests of the City, will extend the corporate limits and jurisdiction of the City, will permit orderly growth, planning and development of the City, will increase the tax base of the City, and will promote and enhance the general welfare of the City; and

Whereas, Owner(s) acknowledges the right of the City to approve or deny any annexation to the City and the City's right to cause an annexation agreement to contain provisions more restrictive and/or less restrictive than the Ordinances of the Belvidere Municipal Code.

Now, Therefore, in consideration of the mutual covenants herein made and pursuant to the provisions of section 11-15.1-1 et seq. of the Illinois Municipal Code (65 ILCS 5/11-15.1-1) Owner, and City hereby agree as follows:

1. Recitals. The foregoing recitals are incorporated herein as if fully set forth.
2. Annexation. Subject to the provisions of Section 65 ILCS 5/7-1-8, as amended, the Parties respectively agree to do all things necessary or appropriate to cause the Property to be duly and validly annexed to the City. Owner(s) agree to file, prior to, or at the time of approval of this Agreement, a petition for annexation and that the City may rely upon said petition to annex the property at such time as the Property becomes contiguous to the City. Owner(s) further agree to execute any and all documents and take all actions necessary to effectuate annexation to the City at such time as the Property becomes contiguous to the City, including but not limited to re-execution of any petition for annexation if the City so requests.



3. City Zoning. The City and Owner(s) agree that the Property was zoned in accordance with Ordinances adopted contemporaneous with the 2005 Annexation Agreement, including but not limited to, 725G, 726G, 727G, 728G, and 806G (the Zoning Ordinances). Any land use ordinances adopted by the City and relating to the Property subsequent to the 2005 Annexation Agreement shall also be deemed Zoning Ordinances. The Zoning Ordinances, all ordinances previously adopted by the City and relating to the Property, any subsequent amendment to the City of Belvidere Zoning Code (Chapter 150 of the City of Belvidere Municipal Code) and all variances, special use ordinances or other zoning actions taken by the City subsequent to adoption of Ordinance 724G shall continue to apply to the Property during the term of this Agreement and after annexation. Further, Owner agrees that the following conditions and covenants shall apply to the Property and shall be made a part of all final plats and run with the land:

A. No sexually oriented business will operate on the Property, including but not limited to, adult arcades, bookstores, video stores, cabaret, motels, motions picture theaters, theaters, etc.

B. No stone quarries, gravel quarries, stone crushing, gravel crushing, concrete batch plant, and asphalt ready mix batch plants shall operate on the Property.

4. Sanitary Sewer Service. The City will allow Owner to extend and connect to the City-operated sanitary sewer system subject to plans and specifications to be reasonably approved by the City.

5. Water Service. The City will allow Owner(s) to extend and connect to the City-operated water main system subject to plans and specifications to be reasonably approved by the City.

6. Plats of Subdivision. Approval of this Annexation Agreement shall not be construed or interpreted as an approval of any Preliminary Plat or the Final Plat of Subdivision.

A. No structure or building shall be constructed within a ~~sueh~~ one-hundred-year flood plain without specific written consent of the City.

B. Owner agrees that, notwithstanding anything else in this Agreement and notwithstanding any prior approval of any preliminary plat, the City Council may deny any final plat approval if it determines that the proposed development would be contrary to the public health or welfare.

7. Fees.

A. As a condition of this Agreement, Owner agrees to pay and/or donate, or cause to be paid and/or donated cash contributions as set forth on Exhibit J which is incorporated herein by reference. Owner agrees that the public entity receiving a cash payment and/or donation as identified on Exhibit J may use the cash and/or donation for any public purpose. Owner further agrees that the cash payment and/or donation represents a voluntary payment and/or donation, which is contractual in nature and is an agreed upon condition of annexation and this Agreement. Owner, its successors and assigns therefore waive any defenses with respect to these fees, and any other fees identified in this Agreement, and further agrees not to challenge these fees at a later date. Owner agrees that, while these fees are agreed to as a part of a contractual obligation to induce the City to execute this Agreement, the fees may also serve to offset the proposed development's impact on the applicable entity, that the impact is uniquely and directly attributable to the proposed development and that the amount of the payment and/or donation is appropriate given the anticipated impact of the development.

B. Owner, and on behalf of their successors and assigns hereby irrevocably bind themselves to refrain from making any claim or demand, or to commence, cause or permit to be prosecuted any action in law or equity against any person or entity on account of any payment or donation described in this Agreement .

8. Legal, Engineering, and Planning Costs. Owner agrees to pay the City's costs of enforcing this agreement or any applicable zoning ordinance or other City ordinance or code with respect to the development of the Property, including but not limited to the City's reasonable attorneys' fees, consultants' fees and other professional costs incurred in said enforcement.

9. No Partnership: The City does not, in any way or for any purpose, become a partner, employer, principal, agent or joint venturer of or with the Owner.

10. Indemnification: The Parties agree that the Owner(s) shall indemnify, defend and hold the City harmless from any damages, claims, or causes of action which are in any way related to their activities in developing the Property, excepting those negligent or intentional acts of the City. These indemnities are not intended, and shall not limit, modify or circumvent the Illinois Governmental and Governmental Tort Immunities Act. Further, Owner shall maintain comprehensive liability insurance, of types and amounts, reasonably acceptable to the City with an insurance carrier with a Bests rating of A or better. Owner shall cause the City to be named as an additional insured on such insurance policy at no cost to the City.

11. Remedies. Either party may enforce this Agreement by any action or proceeding at law or in equity, and may exercise any remedy at law or in equity. The parties agree that any action relating to this Agreement shall be brought in the Circuit Court for the 17<sup>th</sup> Judicial Circuit Boone County, Illinois and both parties submit to jurisdiction and venue in that Court. If the

Owner(s) does not pay any fee or cost provided in this Agreement, the City may withhold the issuance of building permits until payment is received.

12. Amendment. The parties agree that this Agreement, and any exhibits attached hereto, may be amended only by the mutual consent of the parties, by adoption of a resolution by the City approving said amendment as provided by law, and the execution of said amendment by the parties or their successors in interest. Provisions which vary the standard terms of this Agreement are located in Exhibit "K" which is incorporated herein and shall contain a separate signature of the parties.

13. Costs, Expenses, and Fees. The Owner shall pay the current annexation fees authorized in the Belvidere Municipal Code to the City, which have been or shall be incurred as a result of the petitioner's request herein at time of filing Owner's petition for Annexation. Also, prior to annexation, the Owner(s) shall pay to the City any amount due a fire protection district pursuant to 70 ILCS 705/20, as amended. Owner(s) shall pay the entire amount which may be due a fire protection district prior to annexation regardless of when the monies may actually become due to the fire protection district.

14. Severability. If any provision, covenant, agreement or portion of this Agreement or its application to any person, entity or property is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants or portions of this Agreement, and to that end all provisions, covenants or portions of this Agreement are declared to be severable.

15. Addresses for Notices. All notices and other communications in connection with this agreement shall be in writing, and any notice, communication or payment hereunder shall be deemed delivered to the addresses thereof two (2) days after deposit in any main or branch United States Post Office, certified or registered mail, postage prepaid, or one (1) day after

deposit thereof with any nationally known and reputable overnight courier service, delivery charges prepaid, or on the date of delivery, if personally delivered, or transmitted by facsimile with confirmation of transmittal, in any case, addressed to the parties respectively as follows:

If to Owner:

With a Copy to:

If to City: City Clerk  
City of Belvidere  
401 Whitney Blvd.  
Belvidere, Illinois 61008

With Copy to: City Attorney  
City of Belvidere  
401 Whitney Blvd.  
Belvidere, Illinois 61008

By notice complying with the requirement of this paragraph, each party shall have the right to change the address or addressee for all further notices, other communications and payment to such party; provided, however, that no notice of a change of address, addressee or both shall be effective until actually received.

16. Entire Agreement. This Agreement supersedes all prior agreements, negotiations and exhibits and is a full integration of the entire agreement of the parties.

17. Survival. The provisions contained herein shall survive the annexation of the property and shall not be merged or expunged by the annexation of the property or any part hereof to the City.

18. Successors and Assigns. This agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their successors in title and their respective successors, grantees, lessees, and assigns, and upon successor corporate authorities of

the City and successor municipalities. Owners agree to record this Agreement at the Boone County Recorders office immediately upon its execution.

19. Term of Agreement. This Agreement shall be binding upon the Parties and their respective successors and assigns for the term of thirty-years, commencing as of the date hereof, and for such further term as may hereinafter be authorized by statute or by ordinance of the City. The Parties acknowledge and agree that the thirty-year term is in derogation of state law as applied to non-home rule units and that the thirty-year term is being agreed upon pursuant to the City's powers as a home rule unit of government. In the event that a court of competent jurisdiction rules that the City lacks authority for a greater than twenty-year annexation agreement then the statutory term of twenty-years shall be applied.

20. Counterparts. This agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

21. Disconnection. If the property fails to become annexed to the City for any reason or if the property is annexed into another municipality, the City shall have the right to immediately, without notice, disconnect the sanitary sewer service and the water service permitted under this agreement. Failure of the City to promptly disconnect such service does not constitute a waiver of this provision. Furthermore, Owner, and on behalf of their successors and assigns, agrees to refrain from making any claim or demand, or to commence, cause or permit to be prosecuted any action in law or equity against the City on account of disconnection pursuant to this section.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first above written.

**CITY:**  
City of Belvidere,  
an Illinois Municipal Corporation

By: \_\_\_\_\_  
Mayor Clinton Morris

ATTEST:

\_\_\_\_\_  
City Clerk

**OWNERS:**  
(Being the owners of the property  
and currently fifty one percent of the  
electors.)

By: \_\_\_\_\_

Subscribed and Sworn to  
before me this \_\_\_\_\_ day.  
of \_\_\_\_\_, \_\_\_\_\_.

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

|



**EXHIBIT LIST**

- A) LEGAL DESCRIPTION
- B) ANNEXATION PLAT
- C) SITE PLAN
- D) PRELIMINARY SEWER DESIGN PLAN
- E) SEWER FEES
- F) PRELIMINARY WATER DESIGN PLAN
- G) WATER FEES
- H) PRELIMINARY PLAT
- I) OFF-SITE ROAD IMPROVEMENTS
- J) EXACTION FEE SCHEDULE
- K) ADDENDUM OF MODIFICATIONS TO STANDARD AGREEMENT
- L) PLANNED COMMUNITY DEVELOPMENT



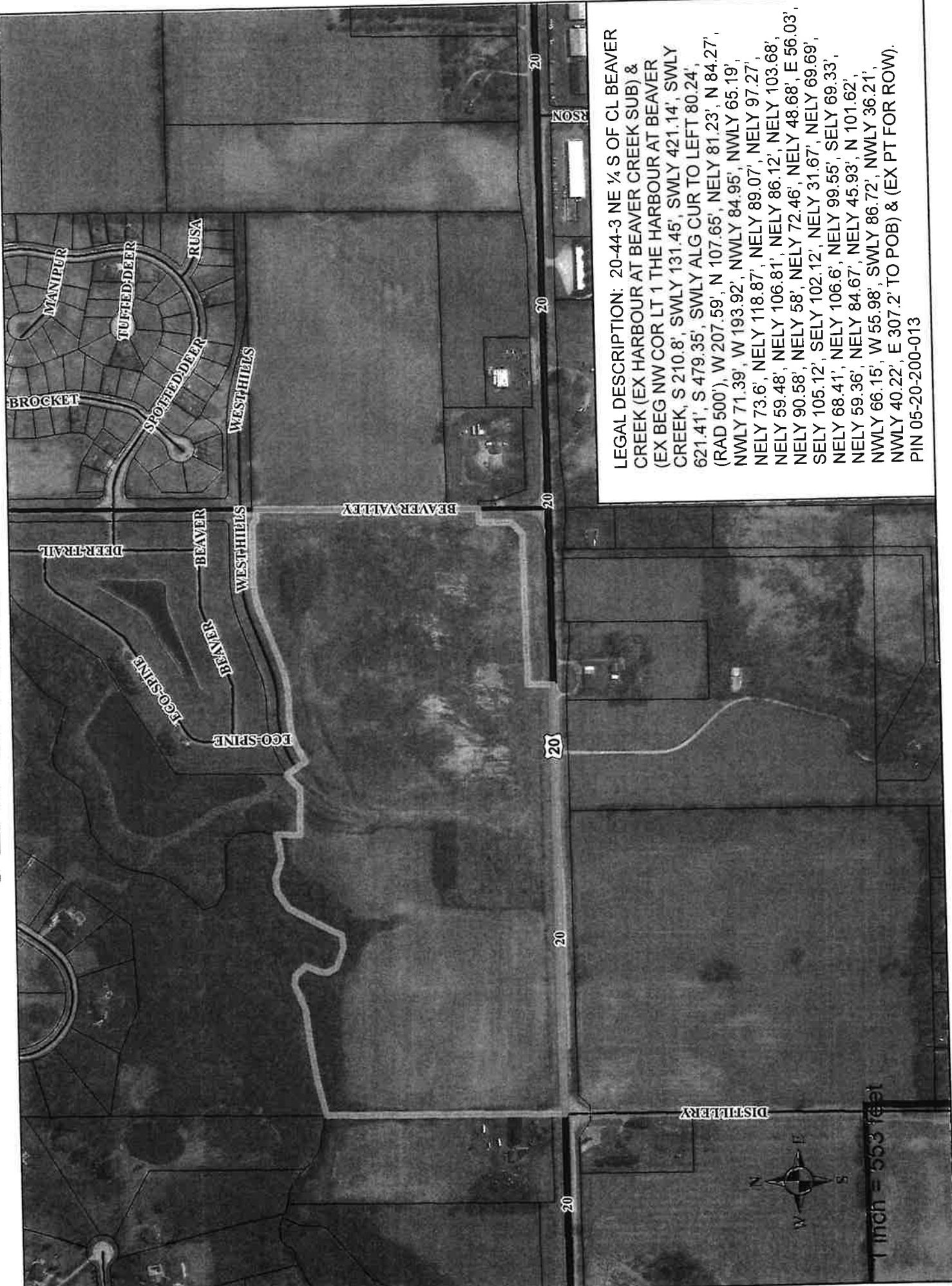
**EXHIBIT A**  
**LEGAL DESCRIPTION**

20-44-3 NE 1/4 S OF CL of the Beaver Creek (EX HARBOUR AT BEAVER CREEK SUB) & (EX BEG NW COR LT 1 THE HARBOUR AT BEAVER CREEK, S 210.8', SWLY 131.45', SWLY 421.14', SWLY 621.41', S 479.35', SWLY ALG CUR TO LEFT 80.24', (RAD 500'), W 207.59', N 107.65', NELY 81.23', N 84.27', NWLY 71.39', W 193.92', NWLY 84.95', NWLY 65.19', NELY 73.6', NELY 118.87', NELY 89.07', NELY 97.27', NELY 59.48', NELY 106.81', NELY 86.12', NELY 103.68', NELY 90.58', NELY 58', NELY 72.46', NELY 48.68', E 56.03', SELY 105.12', SELY 102.12', NELY 31.67', NELY 69.69', NELY 68.41', NELY 106.6', NELY 99.55', SELY 69.33', NELY 59.36', NELY 84.67', NELY 45.93', N 101.62', NWLY 66.15', W 55.98', SWLY 86.72', NWLY 36.21', NWLY 40.22', E 307.2' TO POB) & (EX PT FOR ROW).

PIN 05-20-200-013

**EXHIBIT B**  
**ANNEXATION PLAT**

# PLAT OF ANNEXATION



LEGAL DESCRIPTION: 20-44-3 NE 1/4 S OF CL BEAVER CREEK (EX HARBOUR AT BEAVER CREEK SUB) & (EX BEG NW COR LT 1 THE HARBOUR AT BEAVER CREEK, S 210.8', SWLY 131.45', SWLY 421.14', SWLY 621.41', S 479.35', SWLY ALG CUR TO LEFT 80.24', (RAD 500'), W 207.59', N 107.65', NELY 81.23', N 84.27', NWLY 71.39', W 193.92', NWLY 84.95', NWLY 65.19', NELY 73.6', NELY 118.87', NELY 89.07', NELY 97.27', NELY 59.48', NELY 106.81', NELY 86.12', NELY 103.68', NELY 90.58', NELY 58', NELY 72.46', NELY 48.68', E 56.03', SELY 105.12', SELY 102.12', NELY 31.67', NELY 69.69', NELY 68.41', NELY 106.6', NELY 99.55', SELY 69.33', NELY 59.36', NELY 84.67', NELY 45.93', N 101.62', NWLY 66.15', W 55.98', SWLY 86.72', NWLY 36.21', NWLY 40.22', E 307.2' TO POB) & (EX PT FOR ROW).  
 PIN 05-20-200-013

**EXHIBIT C**

**SITE PLAN**

**INTENTIONALLY BLANK**

**EXHIBIT D**  
**PRELIMINARY SEWER PLAN**  
INTENTIONALLY BLANK

## **EXHIBIT E SEWER FEES**

Owner shall pay the Sewer Connection Fees, applicable recapture fees, and other fees of general applicability at the rate then in effect at the time of approval of any Final Plat of Subdivision or Planned Unit Development. The City may agree to defer payment of such fees to the time of a structures connection to the City's Sanitary Sewer system, in which case the applicable fee will be the fee in place at the time of connection.



**EXHIBIT F**  
**PRELIMINARY WATER DESIGN PLAN**  
**INTENTIONALLY BLANK**

## **EXHIBIT G**

### **WATER FEES**

Owner shall pay the Water Connection Fees, applicable recapture fees, and other fees of general applicability at the rate then in effect at the time of approval of any Final Plat of Subdivision or Planned Unit Development. The City may agree to defer payment of such fees to the time of a structures connection to the City's Water system, in which case the applicable fee will be the fee in place at the time of connection.

**EXHIBIT H**  
**PRELIMINARY PLAT**

INTENTIONALLY BLANK

**EXHIBIT I**  
**OFFSITE IMPROVEMENTS**

SEE EXHIBIT K

## EXHIBIT J

### EXACTION FEE SCHEDULE

The fees identified in this Exhibit, as well as other fees identified in this Agreement, represent the fees in effect at the time of annexation. The Parties agree that the Owner, its assigns and successors shall pay the identified fees at the time of final plat approval at the then current rates, or, if the City agrees, at the time of building permit at the then current rates. Owner further agrees that the cash payment and /or donation represents a voluntary payment and/or donation, which is contractual in nature and is an agreed upon condition of annexation and this Agreement. Owner, its successors and assigns therefore waive any defenses with respect to these fees, and any other fees identified in this Agreement, and further agrees not to challenge these fees at a later date. Owner agrees that, while these fees are agreed to as a part of a contractual obligation to induce the City to execute this Agreement, the fees may also serve to offset the proposed development's impact on the applicable entity, that the impact is uniquely and directly attributable to the proposed development and that the amount of the payment and/or donation is appropriate given the anticipated impact of the development.

- 1) Tornado Siren Planning and Capital Improvements: \$50.00 per acre
- 2) Bike Path Planning and Capital Improvements: \$50.00 per acre
- 3) Well Site/Reservoir Planning and Improvements: \$50.00 per acre
- 4) Sewer System Planning and Expansion: \$50.00 per acre
- 5) Three Percent Inspection Fee: Three Percent of value of public improvements payable prior to release of final plat
- 6) Police Fire and Public Works: See attached Schedule
- 7) Land/Cash Fees, including School, Park District Conservation District, Police, Fire and Public Works Fees Pursuant to the attached schedules.
- 8) IDA Public Library: \$80.00 per lot (per unit in multi-family).
- 9) Storm Water Basin Fee: \$80.00 per acre
- 10) Other Basin Fees:
- 11) Owner also agrees to pay such other fees, of general applicability, as set by City ordinance or policy, including but not limited to, building permit fees, connection fees, Fire Inspection Fees etc.
- 12) Owner agrees to pay, upon annexation, any applicable recapture previously adopted by the City or as set forth in this Agreement.

**CITY OF BELVIDERE  
PARK IMPACT FEE FORMULA**

6.25 Acres per 1,000 population  
0.00625 Acres Per Person

Land Value Per Acre            \$120,000.00

Housing Type:	People Per Unit	Acres Per Person	Acres Per unit	Value of Land	Fee
<b>Apartments</b>					
1 Bedroom	1.758	0.00625	0.010988	\$120,000.00	\$1,318.50
2 Bedroom	1.914	0.00625	0.011963	\$120,000.00	\$1,435.50
3 Bedroom	3.053	0.00625	0.019081	\$120,000.00	\$2,289.75
<b>Single Family Attached</b>					
1 Bedroom	1.193	0.00625	0.007456	\$120,000.00	\$894.75
2 Bedroom	1.990	0.00625	0.012438	\$120,000.00	\$1,492.50
3 Bedroom	2.392	0.00625	0.014950	\$120,000.00	\$1,794.00
4 Bedroom	3.145	0.00625	0.019656	\$120,000.00	\$2,358.75
<b>Single Family Detached</b>					
2 Bedroom	2.017	0.00625	0.012606	\$120,000.00	\$1,512.75
3 Bedroom	2.899	0.00625	0.018119	\$120,000.00	\$2,174.25
4 Bedroom	3.764	0.00625	0.023525	\$120,000.00	\$2,823.00
5 Bedroom	3.770	0.00625	0.023563	\$120,000.00	\$2,827.50

BELVIDERE SCHOOL DONATION FORMULA

	Acres/School	Max. Students	Acres/Student
Elementary School	16	600	0.026667
Junior High 7th & 8th	30	900	0.033
High School	70	1500	0.047

	Acres/School	\$/Acre	\$ per student
Elementary	0.026667	\$120,000.00	\$3,200.00
Junior High	0.033	\$120,000.00	\$4,000.00
High School	0.047	\$120,000.00	\$5,600.00

STUDENT RATIO/UNIT

	1 Bed. \$/Student	Apartment Student/Apt.	Fee
Elementary	\$3,200.00	0.002	\$6.40
Junior High	\$4,000.00	0.001	\$4.00
High School	\$5,600.00	0.001	\$5.60
TOTAL			\$16.00

	2 Bed Apartment \$/Student	Student/Apt.	Fee
Elementary	\$3,200.00	0.086	\$275.20
Junior High	\$4,000.00	0.042	\$168.00
High School	\$5,600.00	0.046	\$257.60
TOTAL			\$700.80

	3 Bed Apartment \$/Student	Student/Apt.	Fee
Elementary	\$3,200.00	0.234	\$748.80
Junior High	\$4,000.00	0.123	\$492.00
High School	\$5,600.00	0.118	\$660.80
TOTAL			\$1,901.60

	1 Bed S.F. Attached \$/Student	Student/Apt.	Fee
Elementary	\$3,200.00	0.014	\$44.80
Junior High	\$4,000.00	0.018	\$72.00
High School	\$5,600.00	0.024	\$134.40
TOTAL			\$251.20

	2 Bed S.F. Attached \$/Student	Student/Apt.	Fee
Elementary	\$3,200.00	0.088	\$281.60
Junior High	\$4,000.00	0.048	\$192.00
High School	\$5,600.00	0.038	\$212.80
TOTAL			\$686.40

	3 Bed S.F. Attached \$/Student	Student/Apt.	Fee
Elementary	\$3,200.00	0.234	\$748.80
Junior High	\$4,000.00	0.058	\$232.00
High School	\$5,600.00	0.059	\$330.40
TOTAL			\$1,311.20

	4 Bed. S.F. Attached \$/Student	Student/Apt.	Fee
Elementary	\$3,200.00	0.322	\$1,030.40
Junior High	\$4,000.00	0.154	\$616.00
High School	\$5,600.00	0.173	\$968.80
Total			\$2,615.20

	2 Bed S.F. Detached \$/Student	Student/Apt.	Fee
Elementary	\$3,200.00	0.136	\$435.20
Junior High	\$4,000.00	0.048	\$192.00
High School	\$5,600.00	0.020	\$112.00
TOTAL			\$739.20

	3 Bed S.F. Detached \$/Student	Student/Apt.	Fee
Elementary	\$3,200.00	0.369	\$1,180.80
Junior High	\$4,000.00	0.173	\$692.00
High School	\$5,600.00	0.184	\$1,030.40
TOTAL			\$2,903.20

	4 Bed. S.F. Detached \$/Student	Student/Apt.	Fee
Elementary	\$1,673.33	0.530	\$886.86
Junior High	\$4,000.00	0.298	\$1,192.00
High School	\$5,600.00	0.360	\$2,016.00
TOTAL			\$4,094.86

	5 Bed. S.F. Detached \$/Student	Student/Apt.	Fee
Elementary	\$3,200.00	0.345	\$1,104.00
Junior High	\$4,000.00	0.248	\$992.00
High School	\$5,600.00	0.300	\$1,680.00
TOTAL			\$3,776.00

**CURRENT**

**POLICE FIRE PUBLIC WORKS  
ANNEXATION IMPACT FEES**

The following impact fees shall be assessed on a per dwelling unit (DU) basis in all Annexations resulting in the subdivision of land. Fees are based upon the cost of operating each department divided by total population and multiplied by the anticipated impact of the development. Fees shall be paid by the Owner, or his successor prior to approval of any final plat or no later than 19 years after execution of the Annexation Agreement, whichever is earlier. Alternatively, the City and Owner may agree that these fees may be paid at the Police, Fire and Public Works impact fees may be paid at the time a building permit is issued at the then current impact fee rate plus 10%.

POPULATION 23532  
Persons per dwelling 2.932

**RESIDENTIAL DEVELOPMENT**

**I. POLICE**

General Operations \$4,856,651.00  
Capital Funds \$373,214.00  
Building Fund \$750,000.00  
PSB Expenses \$538,772.00  
sub total \$6,518,637.00

Total Expenditures / Population = Cost Per Person  
\$6,518,637.00 23532 \$277.01

CPP x PPD **POLICE IMPACT FEE**  
**\$812.20 per du**

**II FIRE**

General Operations \$3,172,653.00  
Capital Funds \$575,000.00  
Building Fund \$2,000,000.00  
sub total \$5,747,653.00

Total Expenditures / Population = Cost Per Person  
5,747,653.00 23,532.00 244.25

CPP X PPD **FIRE IMPACT FEE**  
**\$716.14 per du**

**III PUBLIC WORKS**

General Operations \$166,627.00  
Streets \$1,280,275.00  
Street Lighting \$226,198.00  
MFT Expenditures \$809,832.00  
Capital Funds \$214,000.00  
sub total \$2,696,932.00

Total Expenditures / Population = Cost Per Person  
\$2,696,932.00 \$23,532.00 \$114.61

CPP x PPD **PUBLIC WORKS IMPACT FEE**  
**\$336.03 per due**

**TOTAL RESIDENTIAL IMPACT FEE** **\$1,864.36** per du plus 10% admin Fee if paid at Building permit

**COMMERCIAL DEVELOPMENT**

Commercial Development Impact Fees are assessed on a per unit basis (i.e., a commercial development with 5 individual stores will pay 5 impact fees. A commercial development in the form of a 4 unit strip mall all under one roof would pay 4 impact fees. For purposes of assessing Commercial Impact Fees, it is assumed that each unit will have the same impact as a single residential unit.

Fees shall be paid by the Owner, or his successor, prior to approval of any final plat or no later than 19 years after execution of the Annexation Agreement, whichever is earlier. Alternatively, the City and Owner may agree that the the Police, Fire and Public Works impact fees may be paid at the time a building permit is issued at the then current impact fee rate plus 10%.

I. POLICE \$812.20

II. FIRE \$716.14

III. PUBLIC WORKS \$336.03

**TOTAL COMMERCIAL F** **\$1,864.36** per unit plus 10% admin Fee if paid at Building permit



**CITY OF BELVIDERE  
CONSERVATION DISTRICT IMPACT FEES**

12 Acres per 1,000 population  
0.012 Acres Per Person

Land Value Per Acre                      \$20,700.00

Housing Type:	People Per Unit	Acres Per Person	Acres Per unit	Value of Land	Fee
<b>Apartments</b>					
1 Bedroom	1.758	0.012	0.021096	\$20,700.00	\$436.69
2 Bedroom	1.914	0.012	0.022968	\$20,700.00	\$475.44
3 Bedroom	3.053	0.012	0.036636	\$20,700.00	\$758.37
<b>Single Family Attached</b>					
1 Bedroom	1.193	0.012	0.014316	\$20,700.00	\$296.34
2 Bedroom	1.99	0.012	0.02388	\$20,700.00	\$494.32
3 Bedroom	2.392	0.012	0.028704	\$20,700.00	\$594.17
4 Bedroom	3.145	0.012	0.03774	\$20,700.00	\$781.22
<b>Single Family Detached</b>					
2 Bedroom	2.017	0.012	0.024204	\$20,700.00	\$501.02
3 Bedroom	2.899	0.012	0.034788	\$20,700.00	\$720.11
4 Bedroom	3.764	0.012	0.045168	\$20,700.00	\$934.98
5 Bedroom	3.77	0.012	0.04524	\$20,700.00	\$936.47

## EXHIBIT K

### MODIFICATIONS TO STANDARD AGREEMENT

- 1) The Parties agree that footnotes 1, 2, and 3 of Exhibit J of the 2005 Annexation Agreement as they relate to Landmark Development Inc., Deer Hills LLC, the City and the Property that is the subject of this Annexation Agreement are null and void. Similarly, the Owner(s)' obligation to dedicate land to the City of Belvidere, Belvidere Township Park District, and the Boone County Conservation District set forth in footnotes 1, 2, and 3 of Exhibit J as well as Exhibit H of the 2005 Annexation Agreement are null and void.
- 2) The Parties to this Annexation Agreement agree that the Owner(s) under this Agreement shall construct West Hills Blvd. in substantial conformance with the Preliminary Plat previously approved in Resolution 892-2005 and the reasonable requirements of the City and the Illinois Department of Transportation. However, the parties agree that West Hills Blvd. shall extend to Distillery Road as extended and as shown on the Preliminary Plat referenced above over what is referenced as Deer Hills Drive. Construction of West Hills Blvd. shall be performed in conjunction with and as a part of final plat approval for any part of the Property and shall be complete within eighteen (18) months of final plat approval.
- 3) Owner(s) shall also, in conjunction with the final plat approval for any part of the Property, construct improvements, including, but not limited to signalization turning lane modifications, to the proposed intersection of Distillery Road and US Route 20. Construction of said improvements shall be complete within eighteen (18) months of final plat approval pursuant to design standards based upon the ultimate development of the Property and pursuant to the City's ordinances (including but not limited to its subdivision ordinance regardless of whether

the Property is subdivided) as well as the requirements of the Illinois Department of Transportation.

4) Owner(s) shall, in conjunction with the final plat approval for any part of the Property, construct improvements including, but not limited to signalization turning lane modifications to the proposed intersections of West Hills Blvd. and Beaver Valley Road and Beaver Valley Road and US Route 20. Construction of said improvements shall be complete within eighteen (18) months of final plat approval pursuant to design standards based upon the ultimate development of the Property and pursuant to the City's ordinances (including but not limited to its subdivision ordinance regardless of whether the Property is subdivided) as well as the requirements of the Illinois Department of Transportation.

5) The City and Owner(s) may agree, in writing, to allow the phasing of the construction of West Hills Blvd. as well as the intersection improvements referenced above and therefore an extension of the eighteen (18) month period to complete construction after final plat approval.

6) Landmark's obligation to improve Beaver Valley Road set forth in Exhibit I(A) of the 2005 Annexation Agreement shall be satisfied pursuant to the Settlement Agreement referenced below. Owner(s) shall, in conjunction with the final plat approval for any part of the Property, construct improvements to Beaver Valley Road adjacent to the Property. Construction of said improvements shall be complete within eighteen (18) months of final plat approval pursuant to design standards based upon the ultimate development of the Property and pursuant to the City's ordinances (including but not limited to its subdivision ordinance regardless of whether the Property is subdivided) as well as the requirements of the Illinois Department of Transportation.

7) The Parties acknowledge that Owner(s) previously installed water and sewer mains in the Property which were intended to be dedicated to the City after final plat approval for the

Property. Owner(s) shall dedicate said water and sewer mains, and easements related thereto, to the City upon request by the City. Prior to dedication, the City and Owner(s) may require verification of the location and condition of the water and sewer mains and the City may require repair or replacement of the water and sewer mains prior to dedication and acceptance.

8) The Parties acknowledge litigation involving the 2005 Annexation Agreement commonly known as City of Belvidere v Landmark Development Inc. et al. 2023 CH 10 pending in the Circuit Court of Boone County Illinois. The Parties agree that entry into this Annexation Agreement is partial consideration of the settlement of that cause of action. The Parties hereto have or will also enter into a settlement agreement (the Settlement Agreement) with respect to the litigation. Any term of the Settlement Agreement that directly conflicts with a term contained in this Agreement or the 2005 Annexation Agreement shall control and be binding upon the parties to the Settlement Agreement.

City: City of Belvidere,  
an Illinois Municipal Corporation

by: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**OWNERS:**  
(Being the owners of the property)

and currently fifty one percent of the electors.)

By: \_\_\_\_\_

\_\_\_\_\_

Subscribed and Sworn to  
before me this \_\_\_\_\_ day.  
of \_\_\_\_\_.

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

## **EXHIBIT L**

### **PLANNED COMMUNITY DEVELOPMENT CONCEPT**

The Property shall only be developed pursuant to the Preliminary Plat approved by Resolution 892-2005 or pursuant to a Planned Unit Development approved by the City.

ORDINANCE #695H

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN  
ANNEXATION AGREEMENT BETWEEN THE  
CITY OF BELVIDERE AND  
DEER HILLS LLC

WHEREAS, The City of Belvidere is authorized to enter into annexation agreements for properties that are both contiguous and non-contiguous to the City of Belvidere; and

WHEREAS, Deer Hills LLC is the owner (the Current Owner) of record with respect to certain territory that is legally described in the Annexation Agreement (the Territory) which is attached to this Ordinance (the Annexation Agreement) and which is currently contiguous to the City of Belvidere; and

WHEREAS, the Owner is ready, willing and able to enter into the Annexation Agreement and to perform its obligations as required under the Annexation Agreement and this Ordinance; and

WHEREAS, the statutory procedures provided in Sections 11-15.1-1 et seq. of the Illinois Municipal Code, as amended, for the execution of said Annexation Agreement have been fully complied with; and

WHEREAS, it is in the best interest of the City of Belvidere, Boone County, Illinois, that the City enter into an Annexation Agreement pertaining to the annexation of the Territory.

NOW, THEREFORE, be it ordained by the 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: The Mayor is hereby authorized and directed to execute, and the City Clerk is directed to attest, the Annexation Agreement between the City of Belvidere and the Owner(s), a copy of which is attached hereto as Exhibit A and incorporated herein. The Clerk is directed to file and record this Ordinance, the Annexation Agreement, the Annexation Ordinance and the Certificate of Notice as required by statute.

Section 3: 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 4: All prior ordinances or parts of ordinances to the extent that they are inconsistent with the provisions of this Ordinance, are hereby repealed.

Section 5: This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law.

Passed by the City Council of the City of Belvidere, Illinois this     day of     , 2024

Approved:

---

Clinton Morris, Mayor

Attest:

---

City Clerk

Ayes:

Nays:

Absent:

Date Passed:

Date Approved:

Date Published:



## ANNEXATION AGREEMENT

This Agreement is made and entered into \_\_\_\_\_, \_\_\_\_\_,  
by and between the City of Belvidere, an Illinois Municipal Corporation located in Boone  
County, Illinois (The "City"), Landmark Development Inc. (Landmark) and Deer Hills LLC.  
Collectively Landmark and Deer Hills LLC may be referred to as the "Owner(s)".

### WITNESSETH:

Whereas, The Deer Hills LLC is the holder of title to parcels of property located in  
unincorporated Boone County, which property is legally described upon Exhibit "A" attached  
hereto and as shown on the Annexation Plat as Exhibit "B" attached hereto and referred to herein  
as "the Property" and Landmark is an affiliate of Deer Hills LLC and it's development partner;"  
and

Whereas, the Property is/was subject to an annexation agreement dated June 5, 2005  
between the City of Belvidere, Landmark Development Inc., and Chicago Title and Land Trust  
Company under Trust #1065970 in accordance with Ordinances 724G which agreement will  
expire on June 5, 2025; and

Whereas, Owner(s) and City desire that the Property continue to be subject to an  
annexation agreement with the City of Belvidere to provide for the continuation of the  
applicability of City ordinances and services and to ensure annexation at such time as the  
property becomes contiguous to the City of Belvidere; and

Whereas, Owner(s) and the City (hereinafter collectively referred to as "Parties" and  
individually referred to as "Party") desire to enter into this Agreement pursuant to the provisions

of Section 11-15.1-1 Et Seq., of the Illinois Municipal Code (65 ILCS 5/11-15.1-1 Et Seq.) in accordance with the terms and conditions hereinafter set forth; and

Whereas, as of the date of this Agreement, the Property is not contiguous to the corporate limits of the City; and

Whereas, the Owner(s) have executed all petitions and other documents that are necessary to accomplish the annexation of the Property to the City and have caused the same to be filed with the City; and

Whereas, Owner(s) acknowledge executing a petition to annex the Property to the City of Belvidere and agree that the City may rely upon such petition for annexation to allow annexation of the Property to the City without further action of the Owner(s) or their successors in interest in the Property at such time after the Property becomes contiguous to the City; and

Whereas, a proposed Annexation Agreement, in substance and form the same as this Agreement, was submitted to the City by Owner(s) and Developer and a public hearing of the Mayor and City Council of the City of Belvidere was convened and properly conducted on \_\_\_\_\_, \_\_\_\_\_ to consider the petition for approval of this Annexation Agreement and said public hearing was held pursuant to notice as provided by statute; and

Whereas, all notices, publications, procedures, public hearings and other matters attendant to the consideration and approval of the execution of this Agreement have been given, made, held and performed by the City as required by Section 65 ILCS 5/7-1-8 and Section 65 ILCS 5/11-15.1-1 et seq. of the Illinois Municipal Code and all other applicable state statutes and all applicable ordinances, regulations and procedures of the City; and

Whereas, the Mayor and City Council of the City of Belvidere have, by a vote of two-thirds of the corporate authorities now holding office, directed the Mayor to execute, and the City Clerk to attest, this agreement on behalf of the City; and

Whereas, the City has determined that the annexation of the Property to the City on the terms and conditions hereinafter set forth serves the best interests of the City, will extend the corporate limits and jurisdiction of the City, will permit orderly growth, planning and development of the City, will increase the tax base of the City, and will promote and enhance the general welfare of the City; and

Whereas, Owner(s) acknowledges the right of the City to approve or deny any annexation to the City and the City's right to cause an annexation agreement to contain provisions more restrictive and/or less restrictive than the Ordinances of the Belvidere Municipal Code.

Now, Therefore, in consideration of the mutual covenants herein made and pursuant to the provisions of section 11-15.1-1 et seq. of the Illinois Municipal Code (65 ILCS 5/11-15.1-1) Owner, and City hereby agree as follows:

1. Recitals. The foregoing recitals are incorporated herein as if fully set forth.
2. Annexation. Subject to the provisions of Section 65 ILCS 5/7-1-8, as amended, the Parties respectively agree to do all things necessary or appropriate to cause the Property to be duly and validly annexed to the City. Owner(s) agree to file, prior to, or at the time of approval of this Agreement, a petition for annexation and that the City may rely upon said petition to annex the property at such time as the Property becomes contiguous to the City. Owner(s) further agree to execute any and all documents and take all actions necessary to effectuate annexation to the City at such time as the Property becomes contiguous to the City, including but not limited to re-execution of any petition for annexation if the City so requests.

3. City Zoning, The City and Owner(s) agree that the Property was zoned in accordance with Ordinances adopted contemporaneous with the 2005 Annexation Agreement, including but not limited to, 725G, 726G, 727G, 728G, and 806G (the Zoning Ordinances). Any land use ordinances adopted by the City and relating to the Property subsequent to the 2005 Annexation Agreement shall also be deemed Zoning Ordinances. The Zoning Ordinances, all ordinances previously adopted by the City and relating to the Property, any subsequent amendment to the City of Belvidere Zoning Code (Chapter 150 of the City of Belvidere Municipal Code) and all variances, special use ordinances or other zoning actions taken by the City subsequent to adoption of Ordinance 724G shall continue to apply to the Property during the term of this Agreement and after annexation. Further, Owner agrees that the following conditions and covenants shall apply to the Property and shall be made a part of all final plats and run with the land:

A. No sexually oriented business will operate on the Property, including but not limited to, adult arcades, bookstores, video stores, cabaret, motels, motions picture theaters, theaters, etc.

B. No stone quarries, gravel quarries, stone crushing, gravel crushing, concrete batch plant, and asphalt ready mix batch plants shall operate on the Property.

4. Sanitary Sewer Service. The City will allow Owner to extend and connect to the City-operated sanitary sewer system subject to plans and specifications to be reasonably approved by the City.

5. Water Service. The City will allow Owner(s) to extend and connect to the City-operated water main system subject to plans and specifications to be reasonably approved by the City.

6. Plats of Subdivision. Approval of this Annexation Agreement shall not be construed or interpreted as an approval of any Preliminary Plat or the Final Plat of Subdivision.

A. No structure or building shall be constructed within a ~~such~~ one-hundred-year flood plain without specific written consent of the City.

B. Owner agrees that, notwithstanding anything else in this Agreement and notwithstanding any prior approval of any preliminary plat, the City Council may deny any final plat approval if it determines that the proposed development would be contrary to the public health or welfare.

7. Fees.

A. As a condition of this Agreement, Owner agrees to pay and/or donate, or cause to be paid and/or donated cash contributions as set forth on Exhibit J which is incorporated herein by reference. Owner agrees that the public entity receiving a cash payment and/or donation as identified on Exhibit J may use the cash and/or donation for any public purpose. Owner further agrees that the cash payment and/or donation represents a voluntary payment and/or donation, which is contractual in nature and is an agreed upon condition of annexation and this Agreement. Owner, its successors and assigns therefore waive any defenses with respect to these fees, and any other fees identified in this Agreement, and further agrees not to challenge these fees at a later date. Owner agrees that, while these fees are agreed to as a part of a contractual obligation to induce the City to execute this Agreement, the fees may also serve to offset the proposed development's impact on the applicable entity, that the impact is uniquely and directly attributable to the proposed development and that the amount of the payment and/or donation is appropriate given the anticipated impact of the development.

B. Owner, and on behalf of their successors and assigns hereby irrevocably bind themselves to refrain from making any claim or demand, or to commence, cause or permit to be prosecuted any action in law or equity against any person or entity on account of any payment or donation described in this Agreement .

8. Legal, Engineering, and Planning Costs. Owner agrees to pay the City's costs of enforcing this agreement or any applicable zoning ordinance or other City ordinance or code with respect to the development of the Property, including but not limited to the City's reasonable attorneys' fees, consultants' fees and other professional costs incurred in said enforcement.

9. No Partnership: The City does not, in any way or for any purpose, become a partner, employer, principal, agent or joint venturer of or with the Owner.

10. Indemnification: The Parties agree that the Owner(s) shall indemnify, defend and hold the City harmless from any damages, claims, or causes of action which are in any way related to their activities in developing the Property, excepting those negligent or intentional acts of the City. These indemnities are not intended, and shall not limit, modify or circumvent the Illinois Governmental and Governmental Tort Immunities Act. Further, Owner shall maintain comprehensive liability insurance, of types and amounts, reasonably acceptable to the City with an insurance carrier with a Bests rating of A or better. Owner shall cause the City to be named as an additional insured on such insurance policy at no cost to the City.

11. Remedies. Either party may enforce this Agreement by any action or proceeding at law or in equity, and may exercise any remedy at law or in equity. The parties agree that any action relating to this Agreement shall be brought in the Circuit Court for the 17<sup>th</sup> Judicial Circuit Boone County, Illinois and both parties submit to jurisdiction and venue in that Court. If the

Owner(s) does not pay any fee or cost provided in this Agreement, the City may withhold the issuance of building permits until payment is received.

12. Amendment. The parties agree that this Agreement, and any exhibits attached hereto, may be amended only by the mutual consent of the parties, by adoption of a resolution by the City approving said amendment as provided by law, and the execution of said amendment by the parties or their successors in interest. Provisions which vary the standard terms of this Agreement are located in Exhibit "K" which is incorporated herein and shall contain a separate signature of the parties.

13. Costs, Expenses, and Fees. The Owner shall pay the current annexation fees authorized in the Belvidere Municipal Code to the City, which have been or shall be incurred as a result of the petitioner's request herein at time of filing Owner's petition for Annexation. Also, prior to annexation, the Owner(s) shall pay to the City any amount due a fire protection district pursuant to 70 ILCS 705/20, as amended. Owner(s) shall pay the entire amount which may be due a fire protection district prior to annexation regardless of when the monies may actually become due to the fire protection district.

14. Severability. If any provision, covenant, agreement or portion of this Agreement or its application to any person, entity or property is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants or portions of this Agreement, and to that end all provisions, covenants or portions of this Agreement are declared to be severable.

15. Addresses for Notices. All notices and other communications in connection with this agreement shall be in writing, and any notice, communication or payment hereunder shall be deemed delivered to the addresses thereof two (2) days after deposit in any main or branch United States Post Office, certified or registered mail, postage prepaid, or one (1) day after

deposit thereof with any nationally known and reputable overnight courier service, delivery charges prepaid, or on the date of delivery, if personally delivered, or transmitted by facsimile with confirmation of transmittal, in any case, addressed to the parties respectively as follows:

If to Owner:

With a Copy to:

If to City: City Clerk  
City of Belvidere  
401 Whitney Blvd.  
Belvidere, Illinois 61008

With Copy to: City Attorney  
City of Belvidere  
401 Whitney Blvd.  
Belvidere, Illinois 61008

By notice complying with the requirement of this paragraph, each party shall have the right to change the address or addressee for all further notices, other communications and payment to such party; provided, however, that no notice of a change of address, addressee or both shall be effective until actually received.

16. Entire Agreement. This Agreement supersedes all prior agreements, negotiations and exhibits and is a full integration of the entire agreement of the parties.

17. Survival. The provisions contained herein shall survive the annexation of the property and shall not be merged or expunged by the annexation of the property or any part hereof to the City.

18. Successors and Assigns. This agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their successors in title and their respective successors, grantees, lessees, and assigns, and upon successor corporate authorities of



the City and successor municipalities. Owners agree to record this Agreement at the Boone County Recorders office immediately upon its execution.

19. Term of Agreement. This Agreement shall be binding upon the Parties and their respective successors and assigns for the term of thirty-years, commencing as of the date hereof, and for such further term as may hereinafter be authorized by statute or by ordinance of the City. The Parties acknowledge and agree that the thirty-year term is in derogation of state law as applied to non-home rule units and that the thirty-year term is being agreed upon pursuant to the City's powers as a home rule unit of government. In the event that a court of competent jurisdiction rules that the City lacks authority for a greater than twenty-year annexation agreement then the statutory term of twenty-years shall be applied.

20. Counterparts. This agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

21. Disconnection. If the property fails to become annexed to the City for any reason or if the property is annexed into another municipality, the City shall have the right to immediately, without notice, disconnect the sanitary sewer service and the water service permitted under this agreement. Failure of the City to promptly disconnect such service does not constitute a waiver of this provision. Furthermore, Owner, and on behalf of their successors and assigns, agrees to refrain from making any claim or demand, or to commence, cause or permit to be prosecuted any action in law or equity against the City on account of disconnection pursuant to this section.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first above written.

**CITY:**  
City of Belvidere,  
an Illinois Municipal Corporation

By: \_\_\_\_\_  
Mayor Clinton Morris

ATTEST:

\_\_\_\_\_  
City Clerk

**OWNERS:**  
(Being the owners of the property  
and currently fifty one percent of the  
electors.)

By: \_\_\_\_\_

Subscribed and Sworn to  
before me this \_\_\_\_\_ day.  
of \_\_\_\_\_.

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

|

**EXHIBIT LIST**

A) LEGAL DESCRIPTION

B) ANNEXATION PLAT

C) SITE PLAN

D) PRELIMINARY SEWER DESIGN PLAN

E) SEWER FEES

F) PRELIMINARY WATER DESIGN PLAN

G) WATER FEES

H) PRELIMINARY PLAT

I) OFF-SITE ROAD IMPROVEMENTS

J) EXACTION FEE SCHEDULE

K) ADDENDUM OF MODIFICATIONS TO STANDARD AGREEMENT

L) PLANNED COMMUNITY DEVELOPMENT



**EXHIBIT A**  
**LEGAL DESCRIPTION**

20-44-3 NE 1/4 S OF CL of the Beaver Creek (EX HARBOUR AT BEAVER CREEK SUB) & (EX BEG NW COR LT 1 THE HARBOUR AT BEAVER CREEK, S 210.8', SWLY 131.45', SWLY 421.14', SWLY 621.41', S 479.35', SWLY ALG CUR TO LEFT 80.24', (RAD 500'), W 207.59', N 107.65', NELY 81.23', N 84.27', NWLY 71.39', W 193.92', NWLY 84.95', NWLY 65.19', NELY 73.6', NELY 118.87', NELY 89.07', NELY 97.27', NELY 59.48', NELY 106.81', NELY 86.12', NELY 103.68', NELY 90.58', NELY 58', NELY 72.46', NELY 48.68', E 56.03', SELY 105.12', SELY 102.12', NELY 31.67', NELY 69.69', NELY 68.41', NELY 106.6', NELY 99.55', SELY 69.33', NELY 59.36', NELY 84.67', NELY 45.93', N 101.62', NWLY 66.15', W 55.98', SWLY 86.72', NWLY 36.21', NWLY 40.22', E 307.2' TO POB) & (EX PT FOR ROW).

PIN 05-20-200-013

**EXHIBIT B**  
**ANNEXATION PLAT**

# PLAT OF ANNEXATION



LEGAL DESCRIPTION: 20-44-3 NE 1/4 S OF CL BEAVER CREEK (EX HARBOUR AT BEAVER CREEK SUB) & (EX BEG NW COR LT 1 THE HARBOUR AT BEAVER CREEK, S 210.8', SWLY 131.45', SWLY 421.14', SWLY 621.41', S 479.35', SWLY ALG CUR TO LEFT 80.24' (RAD 500'), W 207.59', N 107.65', NELY 81.23', N 84.27', NWLY 71.39', W 193.92', NWLY 84.95', NWLY 65.19', NELY 73.6', NELY 118.87', NELY 89.07', NELY 97.27', NELY 59.48', NELY 106.81', NELY 86.12', NELY 103.68', NELY 90.58', NELY 58', NELY 72.46', NELY 48.68', E 56.03', SELY 105.12', SELY 102.12', NELY 31.67', NELY 69.69', NELY 68.41', NELY 106.6', NELY 99.55', SELY 69.33', NELY 59.36', NELY 84.67', NELY 45.93', N 101.62', NWLY 66.15', W 55.98', SWLY 86.72', NWLY 36.21', NWLY 40.22', E 307.2' TO POB) & (EX PT FOR ROW).  
PIN 05-20-200-013



1 inch = 553 feet



**EXHIBIT C**

**SITE PLAN**

**INTENTIONALLY BLANK**

**EXHIBIT D**  
**PRELIMINARY SEWER PLAN**  
INTENTIONALLY BLANK

## **EXHIBIT E SEWER FEES**

Owner shall pay the Sewer Connection Fees, applicable recapture fees, and other fees of general applicability at the rate then in effect at the time of approval of any Final Plat of Subdivision or Planned Unit Development. The City may agree to defer payment of such fees to the time of a structures connection to the City's Sanitary Sewer system, in which case the applicable fee will be the fee in place at the time of connection.

**EXHIBIT F**

**PRELIMINARY WATER DESIGN PLAN**

INTENTIONALLY BLANK

## **EXHIBIT G**

### **WATER FEES**

Owner shall pay the Water Connection Fees, applicable recapture fees, and other fees of general applicability at the rate then in effect at the time of approval of any Final Plat of Subdivision or Planned Unit Development. The City may agree to defer payment of such fees to the time of a structures connection to the City's Water system, in which case the applicable fee will be the fee in place at the time of connection.

**EXHIBIT H  
PRELIMINARY PLAT**

**Intentionally Blank**

**EXHIBIT I**  
**OFFSITE IMPROVEMENTS**

SEE EXHIBIT K

## EXHIBIT J

### EXACTION FEE SCHEDULE

The fees identified in this Exhibit, as well as other fees identified in this Agreement, represent the fees in effect at the time of annexation. The Parties agree that the Owner, its assigns and successors shall pay the identified fees at the time of final plat approval at the then current rates, or, if the City agrees, at the time of building permit at the then current rates. Owner further agrees that the cash payment and /or donation represents a voluntary payment and/or donation, which is contractual in nature and is an agreed upon condition of annexation and this Agreement. Owner, its successors and assigns therefore waive any defenses with respect to these fees, and any other fees identified in this Agreement, and further agrees not to challenge these fees at a later date. Owner agrees that, while these fees are agreed to as a part of a contractual obligation to induce the City to execute this Agreement, the fees may also serve to offset the proposed development's impact on the applicable entity, that the impact is uniquely and directly attributable to the proposed development and that the amount of the payment and/or donation is appropriate given the anticipated impact of the development.

- 1) Tornado Siren Planning and Capital Improvements: \$50.00 per acre
- 2) Bike Path Planning and Capital Improvements: \$50.00 per acre
- 3) Well Site/Reservoir Planning and Improvements: \$50.00 per acre
- 4) Sewer System Planning and Expansion: \$50.00 per acre
- 5) Three Percent Inspection Fee: Three Percent of value of public improvements payable prior to release of final plat
- 6) Police Fire and Public Works: See attached Schedule
- 7) Land/Cash Fees, including School, Park District Conservation District, Police, Fire and Public Works Fees Pursuant to the attached schedules.
- 8) IDA Public Library: \$80.00 per lot (per unit in multi-family).
- 9) Storm Water Basin Fee: \$80.00 per acre
- 10) Other Basin Fees:
- 11) Owner also agrees to pay such other fees, of general applicability, as set by City ordinance or policy, including but not limited to, building permit fees, connection fees, Fire Inspection Fees etc.
- 12) Owner agrees to pay, upon annexation, any applicable recapture previously adopted by the City or as set forth in this Agreement.



**CITY OF BELVIDERE  
PARK IMPACT FEE FORMULA**

6.25 Acres per 1,000 population  
0.00625 Acres Per Person

Land Value Per Acre            \$120,000.00

Housing Type:	People Per Unit	Acres Per Person	Acres Per unit	Value of Land	Fee
<b>Apartments</b>					
1 Bedroom	1.758	0.00625	0.010988	\$120,000.00	\$1,318.50
2 Bedroom	1.914	0.00625	0.011963	\$120,000.00	\$1,435.50
3 Bedroom	3.053	0.00625	0.019081	\$120,000.00	\$2,289.75
<b>Single Family Attached</b>					
1 Bedroom	1.193	0.00625	0.007456	\$120,000.00	\$894.75
2 Bedroom	1.990	0.00625	0.012438	\$120,000.00	\$1,492.50
3 Bedroom	2.392	0.00625	0.014950	\$120,000.00	\$1,794.00
4 Bedroom	3.145	0.00625	0.019656	\$120,000.00	\$2,358.75
<b>Single Family Detached</b>					
2 Bedroom	2.017	0.00625	0.012606	\$120,000.00	\$1,512.75
3 Bedroom	2.899	0.00625	0.018119	\$120,000.00	\$2,174.25
4 Bedroom	3.764	0.00625	0.023525	\$120,000.00	\$2,823.00
5 Bedroom	3.770	0.00625	0.023563	\$120,000.00	\$2,827.50

BELVIDERE SCHOOL DONATION FORMULA

	Acres/School	Max. Students	Acres/Student
Elementary School	16	600	0.026667
Junior High 7th & 8th	30	900	0.033
High School	70	1500	0.047

	Acres/School	\$/Acre	\$ per student
Elementary	0.026667	\$120,000.00	\$3,200.00
Junior High	0.033	\$120,000.00	\$4,000.00
High School	0.047	\$120,000.00	\$5,600.00

	STUDENT RATIO/UNIT		
	1 Bed. \$/Student	Apartment Student/Apt.	Fee
Elementary	\$3,200.00	0.002	\$6.40
Junior High	\$4,000.00	0.001	\$4.00
High School	\$5,600.00	0.001	\$5.60
TOTAL			\$16.00

2 Bed Apartment			
Elementary	\$3,200.00	0.086	\$275.20
Junior High	\$4,000.00	0.042	\$168.00
High School	\$5,600.00	0.046	\$257.60
TOTAL			\$700.80

3 Bed Apartment			
Elementary	\$3,200.00	0.234	\$748.80
Junior High	\$4,000.00	0.123	\$492.00
High School	\$5,600.00	0.118	\$660.80
TOTAL			\$1,901.60

1 Bed S.F. Attached			
Elementary	\$3,200.00	0.014	\$44.80
Junior High	\$4,000.00	0.018	\$72.00
High School	\$5,600.00	0.024	\$134.40
TOTAL			\$251.20

2 Bed S.F. Attached			
Elementary	\$3,200.00	0.088	\$281.60
Junior High	\$4,000.00	0.048	\$192.00
High School	\$5,600.00	0.038	\$212.80
TOTAL			\$686.40

3 Bed S.F. Attached			
Elementary	\$3,200.00	0.234	\$748.80
Junior High	\$4,000.00	0.058	\$232.00
High School	\$5,600.00	0.059	\$330.40
TOTAL			\$1,311.20

4 Bed. S.F. Attached			
Elementary	\$3,200.00	0.322	\$1,030.40
Junior High	\$4,000.00	0.154	\$616.00
High School	\$5,600.00	0.173	\$968.80
Total			\$2,615.20

2 Bed S.F. Detached			
Elementary	\$3,200.00	0.136	\$435.20
Junior High	\$4,000.00	0.048	\$192.00
High School	\$5,600.00	0.020	\$112.00
TOTAL			\$739.20

3 Bed S.F. Detached			
Elementary	\$3,200.00	0.369	\$1,180.80
Junior High	\$4,000.00	0.173	\$692.00
High School	\$5,600.00	0.184	\$1,030.40
TOTAL			\$2,903.20

4 Bed. S.F. Detached			
Elementary	\$1,673.33	0.530	\$886.86
Junior High	\$4,000.00	0.298	\$1,192.00
High School	\$5,600.00	0.360	\$2,016.00
TOTAL			\$4,094.86

5 Bed. S.F. Detached			
Elementary	\$3,200.00	0.345	\$1,104.00
Junior High	\$4,000.00	0.248	\$992.00
High School	\$5,600.00	0.300	\$1,680.00
TOTAL			\$3,776.00

**CURRENT**

**POLICE FIRE PUBLIC WORKS  
ANNEXATION IMPACT FEES**

The following impact fees shall be assessed on a per dwelling unit (DU) basis in all Annexations resulting in the subdivision of land. Fees are based upon the cost of operating each department divided by total population and multiplied by the anticipated impact of the development. Fees shall be paid by the Owner, or his successor prior to approval of any final plat or no later than 19 years after execution of the Annexation Agreement, whichever is earlier. Alternatively, the City and Owner may agree that these fees may be paid at the Police, Fire and Public Works impact fees may be paid at the time a building permit is issued at the then current impact fee rate plus 10%.

POPULATION 23532  
Persons per dwelling 2.932

**RESIDENTIAL DEVELOPMENT**

**I. POLICE**

General Operations \$4,856,651.00  
Capital Funds \$373,214.00  
Building Fund \$750,000.00  
PSB Expenses \$538,772.00  
sub total \$6,518,637.00

Total Expenditures / Population = Cost Per Person  
\$6,518,637.00 23532 \$277.01

CPP x PPD **POLICE IMPACT FEE**  
**\$812.20 per du**

**II FIRE**

General Operations \$3,172,653.00  
Capital Funds \$575,000.00  
Building Fund \$2,000,000.00  
sub total \$5,747,653.00

Total Expenditures / Population = Cost Per Person  
5,747,653.00 23,532.00 244.25

CPP X PPD **FIRE IMPACT FEE**  
**\$716.14 per du**

**III PUBLIC WORKS**

General Operations \$166,627.00  
Streets \$1,280,275.00  
Street Lighting \$226,198.00  
MFT Expenditures \$809,832.00  
Capital Funds \$214,000.00  
sub total \$2,696,932.00

Total Expenditures / Population = Cost Per Person  
\$2,696,932.00 \$23,532.00 \$114.61

CPP x PPD **PUBLIC WORKS IMPACT FEE**  
**\$336.03 per due**

**TOTAL RESIDENTIAL IMPACT FEE** **\$1,864.36 per du** plus 10% admin Fee if paid at Building permit

**COMMERCIAL DEVELOPMENT**

Commercial Development Impact Fees are assessed on a per unit basis (i.e. a commercial development with 5 individual stores will pay 5 impact fees. A commercial development in the form of a 4 unit strip mall all under one roof would pay 4 impact fees. For purposes of assessing Commercial Impact Fees, it is assumed that each unit will have the same impact as a single residential unit.

Fees shall be paid by the Owner, or his successor, prior to approval of any final plat or no later than 19 years after execution of the Annexation Agreement, whichever is earlier. Alternatively, the City and Owner may agree that the the Police, Fire and Public Works impact fees may be paid at the time a building permit is issued at the then current impact fee rate plus 10%.

I. POLICE \$812.20  
II. FIRE \$716.14  
III. PUBLIC WORKS \$336.03

**TOTAL COMMERCIAL F** **\$1,864.36 per unit** plus 10% admin Fee if paid at Building permit

**CITY OF BELVIDERE  
CONSERVATION DISTRICT IMPACT FEES**

12 Acres per 1,000 population  
0.012 Acres Per Person

Land Value Per Acre                      \$20,700.00

Housing Type:	People Per Unit	Acres Per Person	Acres Per unit	Value of Land	Fee
<b>Apartments</b>					
1 Bedroom	1.758	0.012	0.021096	\$20,700.00	\$436.69
2 Bedroom	1.914	0.012	0.022968	\$20,700.00	\$475.44
3 Bedroom	3.053	0.012	0.036636	\$20,700.00	\$758.37
<b>Single Family Attached</b>					
1 Bedroom	1.193	0.012	0.014316	\$20,700.00	\$296.34
2 Bedroom	1.99	0.012	0.02388	\$20,700.00	\$494.32
3 Bedroom	2.392	0.012	0.028704	\$20,700.00	\$594.17
4 Bedroom	3.145	0.012	0.03774	\$20,700.00	\$781.22
<b>Single Family Detached</b>					
2 Bedroom	2.017	0.012	0.024204	\$20,700.00	\$501.02
3 Bedroom	2.899	0.012	0.034788	\$20,700.00	\$720.11
4 Bedroom	3.764	0.012	0.045168	\$20,700.00	\$934.98
5 Bedroom	3.77	0.012	0.04524	\$20,700.00	\$936.47

## **EXHIBIT K**

### **MODIFICATIONS TO STANDARD AGREEMENT**

1) The Parties agree that footnotes 1, 2, and 3 of Exhibit J of the 2005 Annexation Agreement as they relate to Landmark Development Inc., Deer Hills LLC, the City and the Property that is the subject of this Annexation Agreement are null and void. Similarly, the Owner(s)' obligation to dedicate land to the City of Belvidere, Belvidere Township Park District, and the Boone County Conservation District set forth in footnotes 1, 2, and 3 of Exhibit J as well as Exhibit H of the 2005 Annexation Agreement are null and void.

2) The Parties to this Annexation Agreement agree that the Owner(s) under this Agreement shall construct West Hills Blvd. in substantial conformance with the Preliminary Plat previously approved in Resolution 892-2005 and the reasonable requirements of the City and the Illinois Department of Transportation. However, the parties agree that West Hills Blvd. shall extend to Distillery Road as extended and as shown on the Preliminary Plat referenced above over what is referenced as Deer Hills Drive. Construction of West Hills Blvd. shall be performed in conjunction with and as a part of final plat approval for any part of the Property and shall be complete within eighteen (18) months of final plat approval.

3) Owner(s) shall also, in conjunction with the final plat approval for any part of the Property, construct improvements, including, but not limited to signalization turning lane modifications, to the proposed intersection of Distillery Road and US Route 20. Construction of said improvements shall be complete within eighteen (18) months of final plat approval pursuant to design standards based upon the ultimate development of the Property and pursuant to the City's ordinances (including but not limited to its subdivision ordinance regardless of whether

the Property is subdivided) as well as the requirements of the Illinois Department of Transportation.

4) Owner(s) shall, in conjunction with the final plat approval for any part of the Property, construct improvements including, but not limited to signalization turning lane modifications to the proposed intersections of West Hills Blvd. and Beaver Valley Road and Beaver Valley Road and US Route 20. Construction of said improvements shall be complete within eighteen (18) months of final plat approval pursuant to design standards based upon the ultimate development of the Property and pursuant to the City's ordinances (including but not limited to its subdivision ordinance regardless of whether the Property is subdivided) as well as the requirements of the Illinois Department of Transportation.

5) The City and Owner(s) may agree, in writing, to allow the phasing of the construction of West Hills Blvd. as well as the intersection improvements referenced above and therefore an extension of the eighteen (18) month period to complete construction after final plat approval.

6) Landmark's obligation to improve Beaver Valley Road set forth in Exhibit I(A) of the 2005 Annexation Agreement shall be satisfied pursuant to the Settlement Agreement referenced below. Owner(s) shall, in conjunction with the final plat approval for any part of the Property, construct improvements to Beaver Valley Road adjacent to the Property. Construction of said improvements shall be complete within eighteen (18) months of final plat approval pursuant to design standards based upon the ultimate development of the Property and pursuant to the City's ordinances (including but not limited to its subdivision ordinance regardless of whether the Property is subdivided) as well as the requirements of the Illinois Department of Transportation.

7) The Parties acknowledge that Owner(s) previously installed water and sewer mains in the Property which were intended to be dedicated to the City after final plat approval for the

Property. Owner(s) shall dedicate said water and sewer mains, and easements related thereto, to the City upon request by the City. Prior to dedication, the City and Owner(s) may require verification of the location and condition of the water and sewer mains and the City may require repair or replacement of the water and sewer mains prior to dedication and acceptance.

8) The Parties acknowledge litigation involving the 2005 Annexation Agreement commonly known as City of Belvidere v Landmark Development Inc. et al. 2023 CH 10 pending in the Circuit Court of Boone County Illinois. The Parties agree that entry into this Annexation Agreement is partial consideration of the settlement of that cause of action. The Parties hereto have or will also enter into a settlement agreement (the Settlement Agreement) with respect to the litigation. Any term of the Settlement Agreement that directly conflicts with a term contained in this Agreement or the 2005 Annexation Agreement shall control and be binding upon the parties to the Settlement Agreement.

City: City of Belvidere,  
an Illinois Municipal Corporation

by: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**OWNERS:**  
(Being the owners of the property)

and currently fifty one percent of the electors.)

By: \_\_\_\_\_

\_\_\_\_\_  
Subscribed and Sworn to  
before me this \_\_\_\_\_ day.  
of \_\_\_\_\_, \_\_\_\_\_.

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



## **EXHIBIT L**

### **PLANNED COMMUNITY DEVELOPMENT CONCEPT**

The Property shall only be developed pursuant to the Preliminary Plat approved by Resolution 892-2005 or pursuant to a Planned Unit Development approved by the City.

**Ordinance #696H**

**AN ORDINANCE AMENDING  
APPENDIX A  
OF THE BELVIDERE MUNICIPAL CODE  
TO MODIFY SEWER RATES**

BE IT ORDAINED by the Mayor and City Council of the City of Belvidere, Boone County, Illinois, as follows:

**SECTION 1:** Effective January 1, 2025, that portion of Appendix A of the City of Belvidere Municipal Code identifying fees for section 114-352(b)(2) is amended to read as set forth in the attached Exhibit A, which is incorporated herein by this reference.

**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 effective upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Ayes:

Nays:

Absent:

Passed:

Approved:

\_\_\_\_\_  
Mayor Clinton Morris

ATTEST: \_\_\_\_\_

City Clerk Erica Bluege

(SEAL)

EXHIBIT A

<u>114-354</u>	Sanitary Sewer Charges	Public Works	
	(b)(1) Basic User Charge	Public Works	6.50/bi-mo + sewer meter maint. charge.
	Annual <u>sewer flow meter</u> maintenance charge	Public Works	700.00
	(b)(2) Basic user rate plus debt service	Public Works	\$3.36/ <u>100 cu. Ft.</u>

ORDINANCE #697H  
AN ORDINANCE AMENDING SECTION 2-38  
COMPENSATION AND EXPENSES  
OF THE CITY OF BELVIDERE MUNICIPAL CODE

BE IT ORDAINED by the Mayor and City Council of the City of Belvidere, Boone County, Illinois, as follows:

**SECTION 1:** Section 2-38, Compensation and Expenses, of the City of Belvidere Municipal Code is amended to read as set forth in the attached Exhibit A which is incorporated herein by this reference.

**SECTION 2:** 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 3:** This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law which publication is hereby authorized.

Ayes:

Nays:

Absent:

Passed:

Approved:

\_\_\_\_\_  
Mayor Clinton Morris

ATTEST: \_\_\_\_\_

City Clerk Erica Bluege

(SEAL)

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## **Sec. 2-38. Compensation and expenses.**

- (a) The annual salary for an alderperson shall be \$7,103.00 or \$591.92 per month.
- (b) Upon qualification and assuming office following the 2025 consolidated election alderpersons shall be paid on a per meeting basis only for those City Council or Committee of the Whole meetings, as well as any special meetings of the City Council or Committee of the Whole, actually attended at the rate of \$148.00 per meeting.
- (c) In accordance with Section 9 of Article VII of the 1970 Constitution of the State of Illinois and Section 3.1-50-5 of the Illinois Municipal Code, alderpersons whose term of office expires in 2027, following the 2027 Consolidated Election, shall continue to be paid at the rate set forth in subsection (a) until their term of office expires after the 2027 Consolidated Election. Thereafter all alderpersons shall be compensated as set forth in subsection (b) above.
- (d) If an alderman does not hold the office of alderman for the entire term because of the date on which he takes or leaves office, he shall only be entitled to the salary for the months he held the office.
- (e) Each alderman shall receive reimbursement for expenses actually incurred by him in attending meetings of city council committees of which he is a member or in attending meetings of any board, committee, commission, council, agency, seminar, program, or the like if he has been duly appointed to represent the city at such group or function. An alderman who has been appointed by the mayor to substitute for another alderman who is unable to attend a committee meeting, group or function shall be entitled to the same reimbursement for expenses as if he were the original member or appointee. Each alderman claiming expense reimbursement shall submit a written itemized statement to the city council.
- (f) Notwithstanding the general language of this section, the city council may, by resolution or resolutions adopted from time to time in advance:
  - (1) Establish a rate of reimbursement for mileage;
  - (2) Restrict or prohibit reimbursement for particular types of expenditures; or
  - (3) Establish ceilings for reimbursement of particular types of expenditures or for reimbursement of expenses in general.
- (g) The compensation stated in subsection (a) of this section shall be payable in monthly installments. The expense claims approved by the city council shall be payable monthly.

ORDINANCE #698H  
AN ORDINANCE AMENDING ARTICLE IX OF CHAPTER 98  
SMALL WIRELESS FACILITIES DEPLOYMENT  
  
OF THE CITY OF BELVIDERE MUNICIPAL CODE

BE IT ORDAINED by the Mayor and City Council of the City of Belvidere, Boone County, Illinois, as follows:

**SECTION 1:** Article IX of Chapter 98, Small Wireless Facilities Deployment, of the City of Belvidere Municipal Code is amended to read as set forth in the attached Exhibit A which is incorporated herein by this reference.

**SECTION 2:** 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 3:** This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law which publication is hereby authorized.

Ayes:

Nays:

Absent:

Passed:

Approved:

\_\_\_\_\_  
Mayor Clinton Morris

ATTEST: \_\_\_\_\_  
City Clerk Erica Bluege

(SEAL)

## ARTICLE IX. SMALL WIRELESS FACILITIES DEPLOYMENT

### Sec. 98-900. Purpose and scope.

- (a) *Purpose.* The purpose of this article is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the city's jurisdiction, or outside the rights-of-way on property zoned by the city exclusively for commercial or industrial use, in a manner that is consistent with the Act.
- (b) *Conflicts with other ordinances.* This article supersedes all ordinances or parts of ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.
- (c) *Conflicts with state and federal laws.* In the event that applicable federal or state laws or regulations conflict with the requirements of this article, the wireless provider shall comply with the requirements of this article to the maximum extent possible without violating federal or state laws or regulations.

### Sec. 98-901. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

*Antenna* means communications equipment that transmits or receives electromagnetic radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission (FCC) authorization, for the provision of personal wireless service and any commingled information services. The antenna does not include an unintentional radiator, mobile station or device.

*Applicable codes* mean uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

*Applicant* means any person or entity that submits an application and the agents, employees and contractors or such person or entity.

*Application* means a request submitted by an applicant to the city for a permit to collocate small wireless facilities at a specified location, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

*Collocate or collocation* means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

*Communications service* means cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

*Communications service provider* means a cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

*FCC* means the Federal Communications Commission of the United States.

*Fee* means a one-time charge.

*Historic district or historic landmark* means a building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by

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the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the City pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

*Law* means a federal or state statute, common law, code, rule, regulation, order, or local ordinance or resolution.

*Micro wireless facility* means a small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

*Municipal utility pole* means a utility pole owned or operated by the City in public rights-of-way.

*Permit* means a written authorization required by the city to perform an action or initiate, continue, or complete a project.

*Person* means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

*Public safety agency* means the functional division of the federal government, the state, a unit of local government, or a special purpose district located in whole or in part within this state, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

*Rate* means a recurring charge.

*Right-of-way* means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include city owned aerial lines.

*Small wireless facility* means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

*Utility pole* means a pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

*Wireless facility* means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

*Wireless infrastructure provider* means any person authorized to provide telecommunications service in the state that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the city.



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*Wireless provider* means a wireless infrastructure provider or a wireless services provider.

*Wireless services* means any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

*Wireless services provider* means a person who provides wireless services.

*Wireless support structure* means a freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

## **Sec. 98-902. Regulation of small wireless facilities.**

- (a) *Permitted use.* Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in paragraph (9) regarding height exceptions or variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.
- (b) *Permit required.* An applicant shall obtain one or more permits from the city to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:
- (1) *Application requirements.* A wireless provider shall provide the following information to the city, together with the city's small cell facilities permit application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:
- a. Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;
  - b. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;
  - c. Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;
  - d. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
  - e. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and
  - f. Certification that the collocation complies with the collocation requirements and conditions contained herein, to the best of the applicant's knowledge.
  - g. In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the city, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.
  - h. Certification by a radio engineer that a new, replacement or modified small wireless facility operates within the applicable FCC standards.
- (2) *Application process.* The city shall process applications as follows:

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- a. The first complete application received shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.
  - b. An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the city fails to approve or deny the application within 90 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the city in writing of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the tenth day after the receipt of the deemed approved notice by the city. The receipt of the deemed approved notice shall not preclude the city's denial of the permit request within the time limits as provided under this article.

FCC regulations provide that an application to collocate a small wireless facility using an existing structure shall be granted or denied within 60 days of submission of a completed application. Delays beyond that time limit are available only in exceptional circumstances. The City will grant or deny a submission within 60 days of submission.

- c. An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the city fails to approve or deny the application within 120 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the city in writing of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the tenth day after the receipt of the deemed approved notice by the city. The receipt of the deemed approved notice shall not preclude the city's denial of the permit request within the time limits as provided under this article.

FCC regulations provide that an application to collocate a small wireless facility using a new structure shall be granted or denied within 90 days of submission of a completed application. Delays beyond that time limit are available only in exceptional circumstances. The city will grant or deny the submission within 90 days of submission.

- d. The city shall deny an application which does not meet the requirements of this article.

If the city determines that applicable codes, ordinances or regulations that concern public safety, or the collocation requirements and conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The city shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the city denies an application.

The applicant may cure the deficiencies identified by the city and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. The city shall approve or deny the revised application within 30 days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the

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revised application within 30 days of denial shall require the application to submit a new application with applicable fees, and recommencement of the city's review period.

The applicant must notify the city in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

- e. Pole attachment agreement. Within 30 days after an approved permit to collocate a small wireless facility on a municipal utility pole, the city and the applicant shall enter into a Master Pole Attachment Agreement, provided by the city for the initial collocation on a municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the city and the applicant shall enter into a license supplement of the Master Pole Attachment Agreement.
- (3) *Completeness of application.* Within 10 days after receiving an application, the city shall determine whether the application is complete and notify the applicant. If an application is incomplete, the city must specifically identify the missing information. An application shall be deemed complete if the city fails to provide notification to the applicant within 10 days after all documents, information and fees specifically enumerated in the city's permit application form are submitted by the applicant to the city. FCC regulation allows 10 days for determination of completion, and that 10-day time frame replaces the 30-day period provided in the state Act.

Processing deadlines are tolled from the time the city sends the notice of incompleteness to the time the applicant provides the missing information.

- (4) *Tolling.* The time period for applications may be further tolled by:
- a. An express written agreement by both the applicant and the city; or
  - b. A local, state or federal disaster declaration or similar emergency that causes the delay.
- (5) *Consolidated applications.* An applicant seeking to collocate small wireless facilities within the jurisdiction of the city shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the City may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The city may issue separate permits for each collocation that is approved in a consolidated application.

- (6) *Duration of permits.* The duration of a permit shall be for a period of not less than five years, and the permit shall be renewed for equivalent durations unless the city makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable city codes or any provision, condition or requirement contained in this article.

If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable city code provisions or regulations in effect at the time of renewal.

- (7) *Means of submitting applications.* Applicants shall submit applications, supporting information and notices to the city by personal delivery at the city's designated place of business, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

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(c) *Collocation requirements and conditions.*

- (1) *Public safety space reservation.* The city may reserve space on municipal utility poles for future public safety uses, for the city's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the city reasonably determines that the municipal utility pole cannot accommodate both uses.
- (2) *Installation and maintenance.* The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this article. The wireless provider shall ensure that its employees, agents or contractors that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.
- (3) *No interference with public safety communication frequencies.* The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

The city may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

- (4) The wireless provider shall not collocate small wireless facilities on city utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the city utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space," "communication worker safety zone," and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

- (5) The wireless provider shall comply with all applicable codes, including acoustic regulations, and local code provisions or regulations that concern public safety.
  - (6) The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a city ordinance, written policy adopted by the city, a comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.
  - (7) *Alternate placements.* Except as provided in this collocation requirements and conditions section, a wireless provider shall not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole.
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However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the city may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 200 feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the city, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

- (8) *Height limitations.* The maximum height of a small wireless facility shall be no more than ten feet above the utility pole or wireless support structure on which the small wireless facility is collocated. New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:
- a. Ten feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the city, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the city, provided the city may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or
  - b. Fifty (50) feet above ground level. The 50-foot limit provided by the FCC regulation replaces the limit of 45 feet under the Act.
- (9) *Height exceptions or variances.* If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a variance in conformance with procedures, terms and conditions set forth in Article 9 of Chapter 150 of the City of Belvidere Municipal Code.
- (10) *Contractual design requirements.* The wireless provider shall comply with requirements that are imposed by a contract between the city and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.
- (11) *Ground-mounted equipment spacing.* The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.
- (12) *Undergrounding regulations.* The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.
- (13) *Collocation completion deadline.* Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the city and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless the city grants an extension in writing to the applicant.
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(d) *Application fees.* Application fees are imposed as follows:

- (1) Applicant shall pay an application fee of \$650.00 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and \$350.00 for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures. The fees established by this Article are equal to the limit imposed by the Act and represent a reasonable approximation of the city's objectively reasonable costs. The city shall regularly review the fees imposed and may adjust the fees by further amendment to this article. The safe harbor rate established by the FCC of \$500 for up to five wireless facilities and \$100 for each additional facility in a consolidated application may be exceeded only if justified based on the city's reasonable approximation of its costs.
- (2) Applicant shall pay an application fee of \$1,000.00 for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.
- (3) Notwithstanding any contrary provision of state law or local ordinance, applications pursuant to this section shall be accompanied by the required application fee. Application fees shall be non-refundable.
- (4) The city shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:
  - a. Routine maintenance;
  - b. The replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the city at least ten days prior to the planned replacement and includes equipment specifications and certifications consistent with the section titled application requirements; or
  - c. The installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.
- (5) Wireless providers shall secure a permit from the city to work within rights-of-way for activities that affect traffic patterns or require lane closures.

(e) *Exceptions to applicability.* Nothing in this article authorizes a person to collocate small wireless facilities on:

- (1) Property owned by a private party or property owned or controlled by the city or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;
- (2) Property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or
- (3) Property owned by a rail carrier registered under section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Illinois Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this article do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Illinois Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Illinois Public Utilities Act. Nothing in this article shall be construed to relieve any person from any requirement (a) to obtain a franchise or a state-issued authorization to offer cable service or

video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this article.

- (f) *Pre-existing agreements.* Existing agreements between the city and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on city utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the city's utility poles pursuant to applications submitted to the city before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this Article.

A wireless provider that has an existing agreement with the city on the effective date of the Act may accept the rates, fees and terms that the city makes available under this Article for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are subject of an application submitted two or more years after the effective date of the Act by notifying the city that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the city's utility poles pursuant to applications submitted to the city before the wireless provider provides such notice and exercises its option under this paragraph.

- (g) *Annual recurring rate.* A wireless provider shall pay to the city an annual recurring rate to collocate a small wireless facility on a city utility pole located in a right-of-way that equals: (i) \$270.00 per year or (ii) the actual, direct and reasonable costs related to the wireless provider's use of space on the city utility pole.

If the city has not billed the wireless provider actual and direct costs, the fee shall be \$270.00 payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

- (h) *Abandonment.* A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within 90 days after receipt of written notice from the city notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the city to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within 90 days of such notice, the city may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the city clerk if it sells or transfers small wireless facilities within the jurisdiction of the city. Such notice shall include the name and contact information of the new wireless provider.

### **Sec. 98-903. Dispute resolution.**

The Circuit Court of 17<sup>th</sup> Judicial Circuit, Boone County Illinois shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the rights-of-way, the city shall allow the collocating person to collocate on its poles at annual rates of no more than \$200 per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

### **Sec. 98-904. Indemnification.**

A wireless provider shall indemnify and hold the city, its officers, officials and employees harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in



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part, the use or occupancy of the city improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this article and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the city or its employees or agents. A wireless provider shall further waive any claims that they may have against the city with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

**Sec. 98-905. Insurance.**

The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

- (1) Property insurance for its property's replacement cost against all risks;
- (2) Workers' compensation insurance, as required by law; or
- (3) Commercial general liability insurance with respect to its activities on the city improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of city improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the city as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the city in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the city. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this section. A wireless provider that elects to self-insure shall provide to the city evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the city.



ORDINANCE #699H  
AN ORDINANCE AMENDING SECTION 43-43  
NEPOTISM PROHIBITED  
OF THE CITY OF BELVIDERE MUNICIPAL CODE

BE IT ORDAINED by the Mayor and City Council of the City of Belvidere, Boone County, Illinois, as follows:

**SECTION 1:** Section 43-43, Nepotism Prohibited, of the City of Belvidere Municipal Code is amended to read as set forth in the attached Exhibit A which is incorporated herein by this reference.

**SECTION 2:** 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 3:** This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law which publication is hereby authorized.

Ayes:

Nays:

Absent:

Passed:

Approved:

\_\_\_\_\_  
Mayor Clinton Morris

ATTEST: \_\_\_\_\_

City Clerk Erica Bluege

(SEAL)

**Sec. 43-43. Nepotism prohibited.**

- (a) No officer or employee of the city or a city agency shall advocate, recommend or cause the:
- (1) Employment;
  - (2) Appointment;
  - (3) Promotion;
  - (4) Transfer; or
  - (5) Advancement
- of a family member to an office or position of employment with the city or a city agency.
- (b) No officer or employee of the city shall directly supervise or manage the work of a family member. The term directly supervise means day to day direct supervision of the employee with no intervening layer of supervisory personnel.
- (c) No officer or employee shall participate in any action relating to the employment or discipline of a family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or a group, and the family member benefits to no greater extent than any other similarly situated member of the class or group.
- (d) For purposes of this Section 43-43, family member means the: spouse, civil union partner, child and their spouses or civil union partners, step-child, sibling, parent, step-parent, uncle, aunt, nephew, niece, grandparent, grandson or granddaughter and their spouses.

**ORDINANCE #700H**

**AN ORDINANCE GRANTING A ZONING DISTRICT CHANGE  
FROM SR-6, SINGLE-FAMILY RESIDENTIAL-6 DISTRICT  
TO CB, CENTRAL BUSINESS DISTRICT  
(155 E. Hurlbut Avenue)**

**WHEREAS**, a written application has been made by the property owner, T.A.B. Holdings, LLC (c/o Tad Butitta), 2429 S. Alpine Road, Rockford, IL 61108 to obtain a zoning district change from the SR-6, Single-family Residential-6 District to the CB, Central Business District pursuant to applicable provisions of the Zoning Ordinance (Chapter 150 of the Belvidere Municipal Code) of the City of Belvidere, Illinois; and,

**WHEREAS**, the application for a zoning district change was published in a newspaper of general circulation that is distributed within the City of Belvidere in accordance to Illinois State Statutes; and,

**WHEREAS**, after due notice the Planning and Zoning Commission held a public hearing on October 8, 2024 to consider the zoning map amendment and has transmitted its findings of fact and recommendation on the matter to the City Council; and,

**WHEREAS**, the City Council has considered the Planning and Zoning Commission's findings of fact and recommendation.

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

**Section 1.** The zoning for the following property legally described as:

Parcel I:

The East Eight-five (85) feet of the Southerly Fifty-two (52) feet in width of Lot 4 in Assessor's Survey of Block Three (3) Joel Walker's Addition to Belvidere, Illinois, being a lot having a frontage of Fifty-two (52) feet on Van Buren Street and extending Southwesterly of even width a distance of Eight-five (85) feet situated in Boone County, Illinois. PIN: 05-26-430-023

Parcel II:

Part of Lot 4 in Assessors Survey of Block Three (3) in Joel Walkers Addition to Belvidere, as platted and recorded in the Recorder's Office of Boone County, Illinois in Book 33 of Deeds, Page 52 bounded and described as follows, to-wit: Beginning at the Southwesterly corner of said Lot 4; thence Northwesterly along the Westerly line of said Lot 4, 54 feet to a point in said line, thence Northeasterly and parallel with the Southerly line of Lot 4, 39 feet to a point thence Southeasterly and parallel with the Westerly line of said Lot 4, 54 feet to the Southerly line of said Lot 4; thence Southwesterly along said Southerly line of said Lot 4, 39 feet to the place of beginning. Also all interest of the grantors in that portion of the North and South alley running in the rear of said above described premises as shown by the Plat of said Assessors Survey of Block Three (3) of Joel Walkers Addition to Belvidere, recorded in Book 86 of Deeds, Page 464 Boone County Records; situated in the County of Boone and the State of Illinois. PIN: 05-26-430-022

Parcel III:

The northeasterly 18 feet in even width of Lot 5 of the Plat of Assessor's Survey of Block 3 in Joel Walker's Addition to Belvidere, as platted and recorded in Book 3 of Deeds on page 542; situated in the County of Boone and the State of Illinois. PIN: 05-26-430-027

Parcel IV:

Lot 5 of Assessor's Survey of Block 3, as designated upon Plat of Joel Walker's Addition to the Town (now City) of Belvidere; except the southwesterly 23.6 feet by 28 feet of said lot, situated in the County of Boone and the State of Illinois. PIN: 05-26-430-028

is changed and amended from SR-6, Single-family Residential-6 District to the CB, Central Business District; the Belvidere Official Zoning Map shall be modified to reflect this zoning amendment.

A location map identifying the subject property is herein attached and made a part of this Ordinance (attachment A).

**Section 2.** This Ordinance shall be in full force and effect from and after its passage, approval and publication in the pamphlet form as provided by law.

**PASSED** by the City Council of the City of Belvidere this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

**APPROVED** by the Mayor of the City of Belvidere this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Clinton Morris, Mayor

**ATTEST:**

\_\_\_\_\_  
Erica Bluege, City Clerk

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

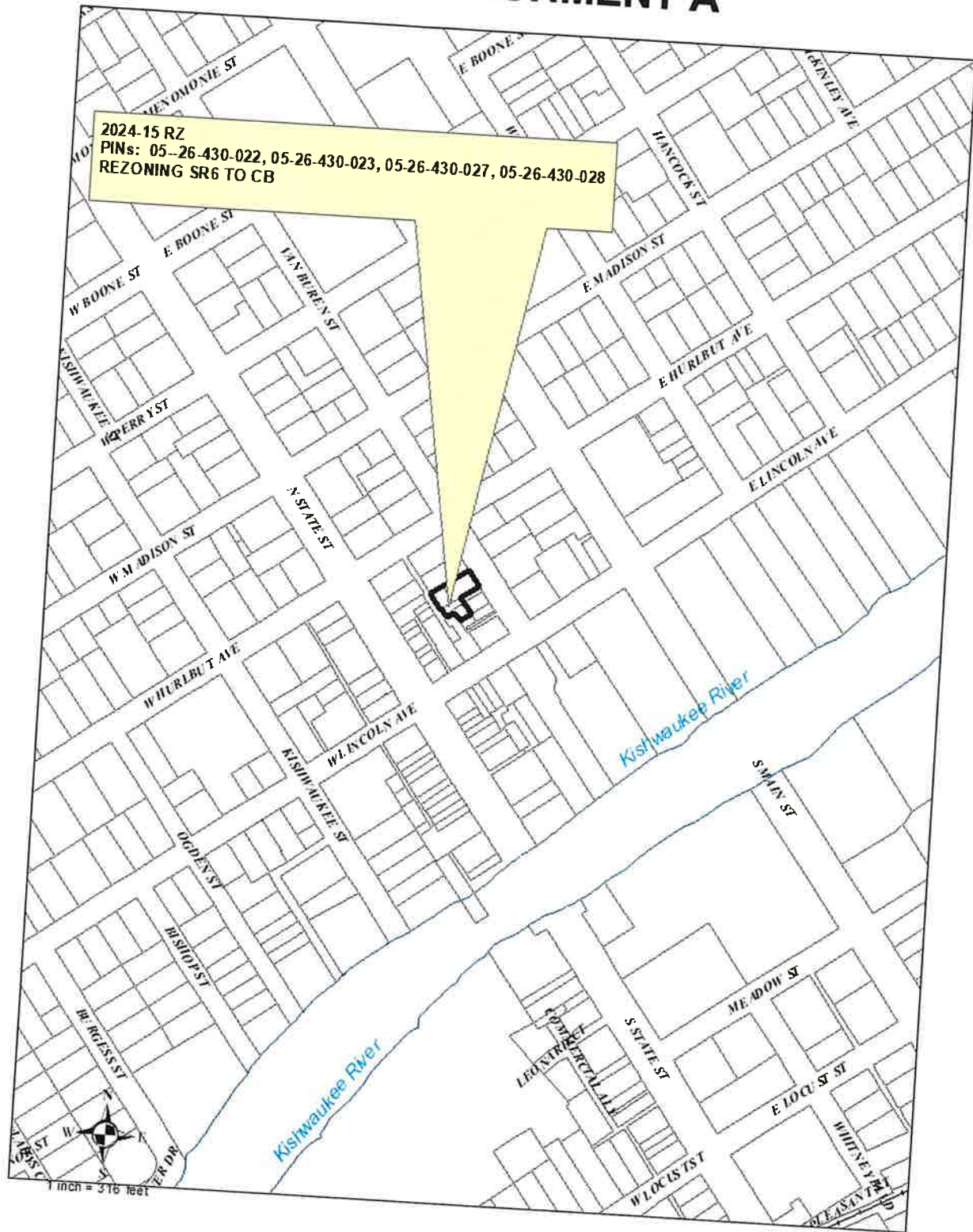
City Council Members Voting Aye:

City Council Members Voting Nay:

Date Published:

Sponsor: \_\_\_\_\_

# ATTACHMENT A



**MEMO**

**DATE:** October 9, 2024  
**TO:** Mayor and Members of the City Council  
**FROM:** City of Belvidere Planning and Zoning Commission  
**SUBJECT:** **Recommendation for Case 2024-15; T.A.B. Holdings, LLC, 155 E. Hurlbut Avenue**

**REQUEST AND LOCATION:**

The applicant and property owner, T.A.B. Holdings, LLC (c/o Tad Butitta), 2429 S. Alpine Road, Rockford, IL 61108 is requesting a map amendment (rezoning) on approximately 8,800 square feet known as 155 E. Hurlbut Avenue and adjacent parking area from the SR-6, Single-family Residential-6 District to the CB, Central Business District pursuant to the Belvidere Zoning Ordinance Section 150.903 Amendment to Official Zoning Map. The subject property is irregular in shape and is developed with a garage and parking lot. PINs: 05-26-430-022; 05-26-430-023; 05-26-430-027; 05-26-430-028

**RECOMMENDATION:**

The Planning and Zoning Commission recommended the approval of case number 2024-15, T.A.B. Holdings, LLC, 155 E. Hurlbut Avenue; the motion passed with a (7-0) roll call vote.

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Paul Engelman, Chairman  
Belvidere Planning and Zoning Commission

CITY OF BELVIDERE  
*Community Development*



BUILDING DEPARTMENT

PLANNING DEPARTMENT

401 WHITNEY BLVD. SUITE 300 BELVIDERE, IL 61008 \* PH (815)547-7177 FAX (815)547-0780

September 24, 2024

## ADVISORY REPORT

**CASE NO:** 2024-15

**APPLICANT:** T.A.B. Holdings, LLC, 155 E. Hurlbut Avenue

### REQUEST AND LOCATION:

The applicant and property owner, T.A.B. Holdings, LLC (c/o Tad Butitta), 2429 S. Alpine Road, Rockford, IL 61108 is requesting a map amendment (rezoning) on approximately 8,800 square feet known as 155 E. Hurlbut Avenue and adjacent parking area from the SR-6, Single-family Residential-6 District to the CB, Central Business District pursuant to the Belvidere Zoning Ordinance Section 150.903 Amendment to Official Zoning Map. The subject property is irregular in shape and is developed with a garage and parking lot. PINs: 05-26-430-022; 05-26-430-023; 05-26-430-027; 05-26-430-028

### BACKGROUND:

The applicant owns the automotive business to the southwest of the subject property. Although the automotive business is legal non-conforming and cannot be expanded, the applicant wishes to use the garage and paved area for customer and employee parking, storage and potentially office and retail uses in the future.

Aerial photos dating back to 1941 show a house near the garage. At some point the house was demolished and the garage was allowed to remain. In 1966 the house was no longer visible in the photos and the paved area started forming to the south, closest to the commercial buildings. By 1981 the paved area appears to have been completed.

Staff is unsure why the property was zoned single family residential when commercial improvements were already beginning to develop on the site.

### FINDINGS OF FACT:

Per Section 150.903 (D) of the City of Belvidere Zoning Ordinance, the criteria for granting an Amendment of the Official Zoning Map are as follows:

- A. Existing uses and intensities of property within the general area of the property in question.

#### Findings:

Subject property: 1,300 square-foot garage and parking area



**Adjacent property:**

**North:** Vacant

**South:** Parking Area

**East:** Parking Area and Residential

**West:** Mixed-Use Buildings and Parking Area

The properties are developed with a 1,300 square-foot garage accessible from the public alley (155 E. Hurlbut Avenue) and a parking lot accessible from Van Buren Street. The parking lot is part of a large paved area extending onto the properties to the south and west. The paved area services those commercial buildings along East Lincoln Avenue. The vacant lot to the north is currently owned by the church adjacent to it and Van Buren Street separates the property from the nearest single-family residences. The area is a mix of mixed-use buildings, commercial buildings, institutional uses and established single-family and multi-family structures.

**B. The zoning classification of property within the general area of the property in question.**

**Findings:**

**Subject property:** SR-6 District, Single-family Residential-6 District

**Adjacent property:**

**North:** SR-6 District, Single-family Residential-6 District

**South:** CB, Central Business District

**East:** SR-6, Single-family Residential-6 District and CB, Central Business District

**West:** CB, Central Business District

The intersection of North State Street and Lincoln Avenue is part of Belvidere's commercial downtown area. The subject property is in the transition area before it becomes predominately residential east of Van Buren Street and north of Hurlbut Avenue. Due to this, the block is comprised of central business, single family and institutional zoning.

**C. The suitability of the property in question for the uses permitted under the existing zoning classification.**

**Findings:** The property is not suitable for the existing zoning classification (Single-family Residential-6) in its current state with the existing improvements of the subject property and lot configuration.

The existing improvements on the subject property are not suitable for the Single-family Residential-6 District. The minimum lot size allowed is 7,000 square-feet and each lot is required to have a minimum of 40 feet of road frontage and 65 feet of lot width. The four parcels in question range from 1,050 square feet to 4,306 square feet and have between 10 feet of road frontage and 53 feet of road frontage.

Not only do the four parcels not meet lot configuration requirements, the improvements on the property do not meeting zoning requirements. The SR-6 District only allows for 50% lot coverage, five-foot pavement setbacks, garages are not permitted without a residence and parking lots are not permitted at all. The existing improvements are much more in line with the Central Business District which allows for commercial buildings, parking lots, and 100% lot coverage as long as on-site stormwater detention is maintained in some manner.



By rezoning the subject property to a more compatible district, the site will increase its compliance with Belvidere's ordinances and improvements to the legal non-conforming use can be conducted.

- D. The trend of development, if any, in the general area of the property in question, including changes (such as the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), if any, that may have taken place since the day the property in question was placed in its present zoning classification and that make the property more appropriate for a different zoning district.**

The subject property has been zoned single-family residential since the 1970s. There have not been any significant changes to nearby infrastructure or developments since the property was zoned residential. The garage was constructed in the 1950s and the paved area was started in the 1960s and completed by the early 1980s.

Although the property has been zoned residential since the 1970s, the paved area that was developed later is considered a commercial improvement.

- E. Whether the proposed amendment is consistent with the plans and policies of the Comprehensive Plan adopted by the City**

Findings: The proposed rezoning is consistent with the plans and policies of the Comprehensive Plan adopted by the City.

The subject property is designated as "Commercial" by the City of Belvidere Comprehensive Plan, adopted May 7, 2024. Commercial land uses include service businesses, restaurants, entertainment, office buildings, healthcare facilities, and other similar uses. Smaller scale commercial uses provide the community with a variety of everyday goods and services at convenient locations, typically along the City's major roads such as Logan Avenue and State Street. Currently, larger-format commercial land uses are located along major roadways such as US Route 20.

Additional commercial areas include mixed-use land uses consisting of commercial/retail on the ground floor and/or office/residential uses located on the upper floor. Belvidere's Downtown includes this traditional form of mixed-use development and historic commercial buildings supporting a variety of land use types in a strong urban setting.

Commercial areas should follow appropriate scales and intensities dependent on adjacent parcels and surrounding community character. Commercial uses will continue to be present along major roadways and the Downtown providing a range of services and needs for consumers.

- F. Whether the proposed Official Zoning Map amendment furthers the purposes of the Zoning Ordinance and the applicable rules and regulations of the State of Illinois and the Federal Emergency Management Agency (FEMA).**

Findings: The proposed Official Zoning Map amendment will further the purposes of this Chapter and the applicable rules and regulations of the State of Illinois and the Federal Emergency Management Agency (FEMA).

The subject property is utilized as a parking area for the nearby commercial uses and an abandoned garage. The rezoning will help bring the property in line with the City of Belvidere's regulations. All future repair, maintenance and redevelopment will be required to adhere to all applicable codes and ordinances in addition to advised recommendations for development that may be provided by agencies at a later date.

**G. Whether a mistake was made in mapping on the Official Zoning Map or if an area is developing in a manner and purpose different from that for which it is mapped.**

Findings: The City of Belvidere adopted its first zoning ordinance and map in 1956. That map showed the property being zoned as multi-family residential. In 1973, the City's zoning map shows the property being zoned single-family residential and has continued such zoning. Since then the property has developed in conjunction with the adjacent commercial land uses instead of the nearby residential land uses.

**SUMMARY:**

The planning staff believes that the proposed rezoning for the subject property is not more intense than the other developed uses or anticipated uses to the west and south. To the north is institutional which can vary in intensity and across the street are established residences. The rezoning of the property will allow for proper maintenance and repair of the garage and parking area and due to the square-footage of the property, potential commercial redevelopment is limited.

The Central Business requirements will regulate aesthetics of any new construction and expansions and the City's municipal code will regulate stormwater detention.

**RECOMMENDATION:**

The Planning staff recommends the approval of case number 2024-15 to rezone approximately 8,800 square feet from SR-6, Single-family Residential-6 District to CB, Central Business District.

**Submitted by:**

  
Gina DelRose, Community Development Planner

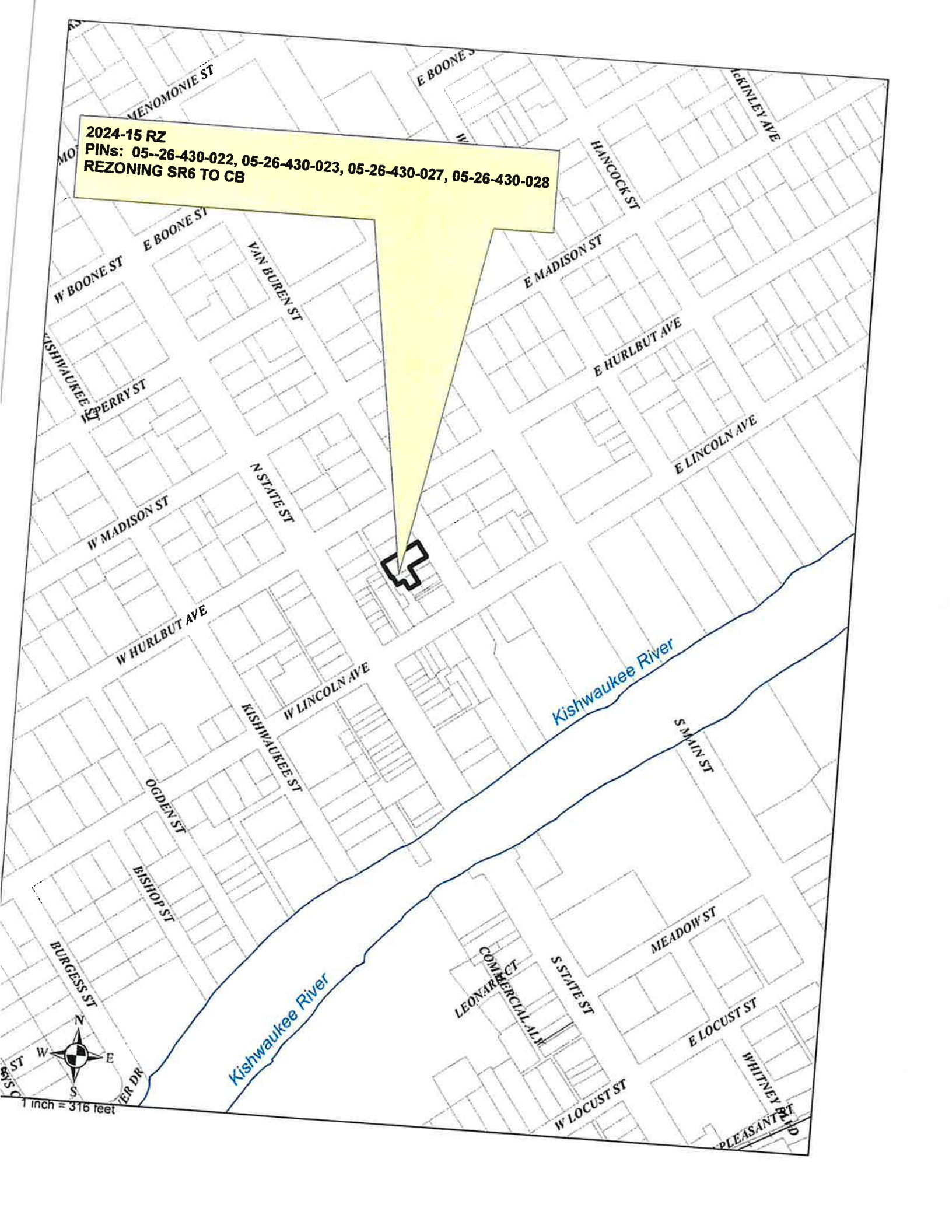
**PLANNING AND ZONING COMMISSION/CITY COUNCIL ACTION**

The Planning and Zoning Commission shall make and forward findings of fact as to the whether the proposed map amendment furthers the purposes of the Zoning Ordinances and make a recommendation to the City Council. The City Council shall review the findings and recommendation and may accept or reject the findings and recommendation of the Planning and Zoning Commission in whole or in part; or the City Council may refer the matter back to the Planning and Zoning Commission for further consideration. Any approval shall be considered the approval of a unique request and not be construed as precedent for any other proposed map amendment.

**ATTACHMENTS**

1. Location Map by Planning Staff.
2. Aerial photo by Planning Staff.
3. Zoning Map by Planning Staff.
4. Boundary Survey submitted by the Applicant.
5. Narrative submitted by the Applicant.
6. NRI Report 1773 opinion submitted by Heather VanTilburg, Boone County Soil and Water Conservation District dated August 29, 2024.
7. Letter from the Boone County Health Department, Alisen O'Hearn, September 17, 2024.
8. Memo from the Belvidere Public Works Department, Brent Anderson, September 23, 2024.

**2024-15 RZ**  
**PINs: 05-26-430-022, 05-26-430-023, 05-26-430-027, 05-26-430-028**  
**REZONING SR6 TO CB**



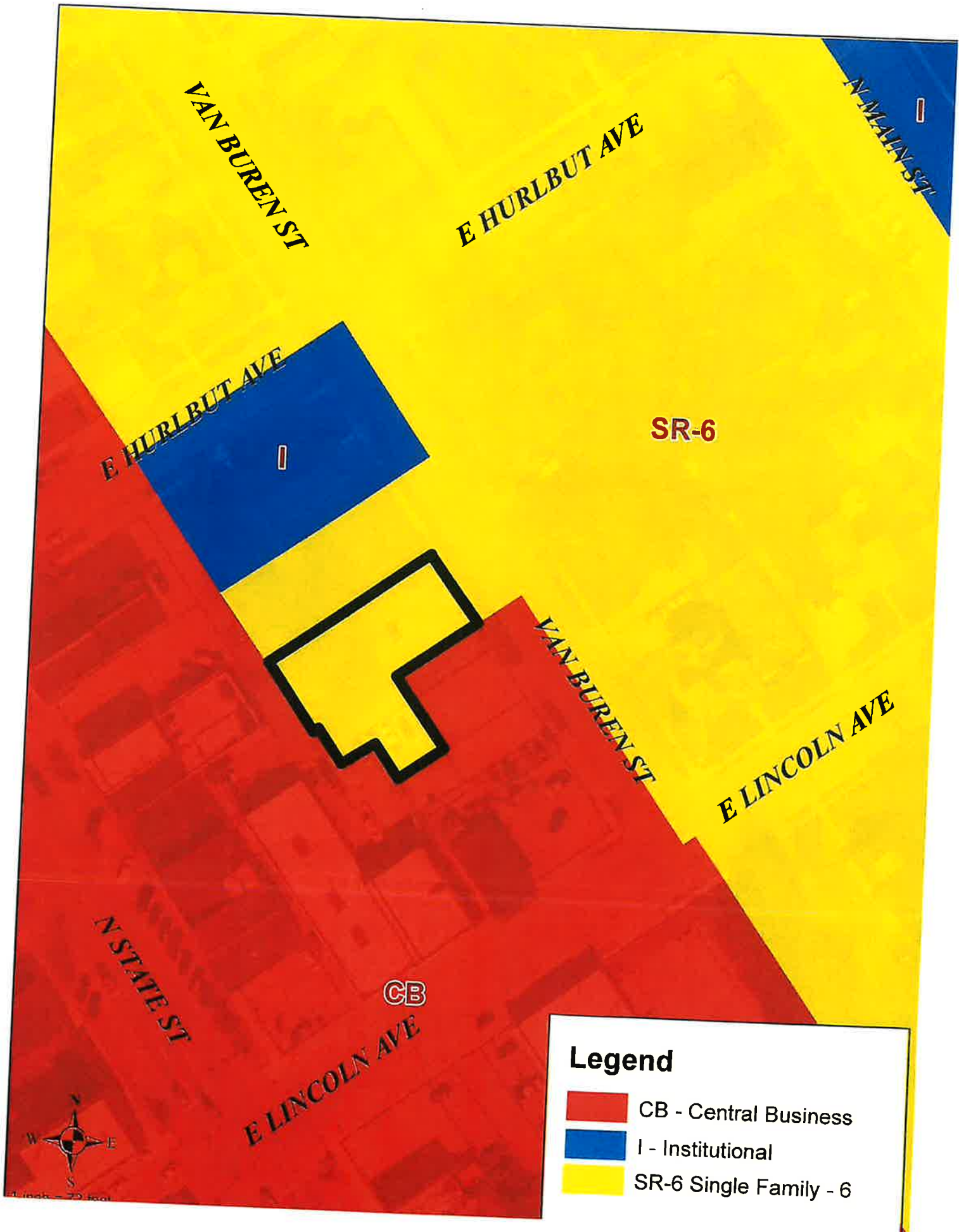
1 inch = 316 feet



2024-15 RZ  
PINS: 05-26-430-022, 05-26-430-023, 05-26-430-027, 05-26-430-028  
REZONING SR6 TO CB



1 inch = 24 feet



VAN BUREN ST

E HURLBUT AVE

N STATE ST

E HURLBUT AVE

SR-6

VAN BUREN ST

E LINCOLN AVE

N STATE ST

CB

E LINCOLN AVE

**Legend**

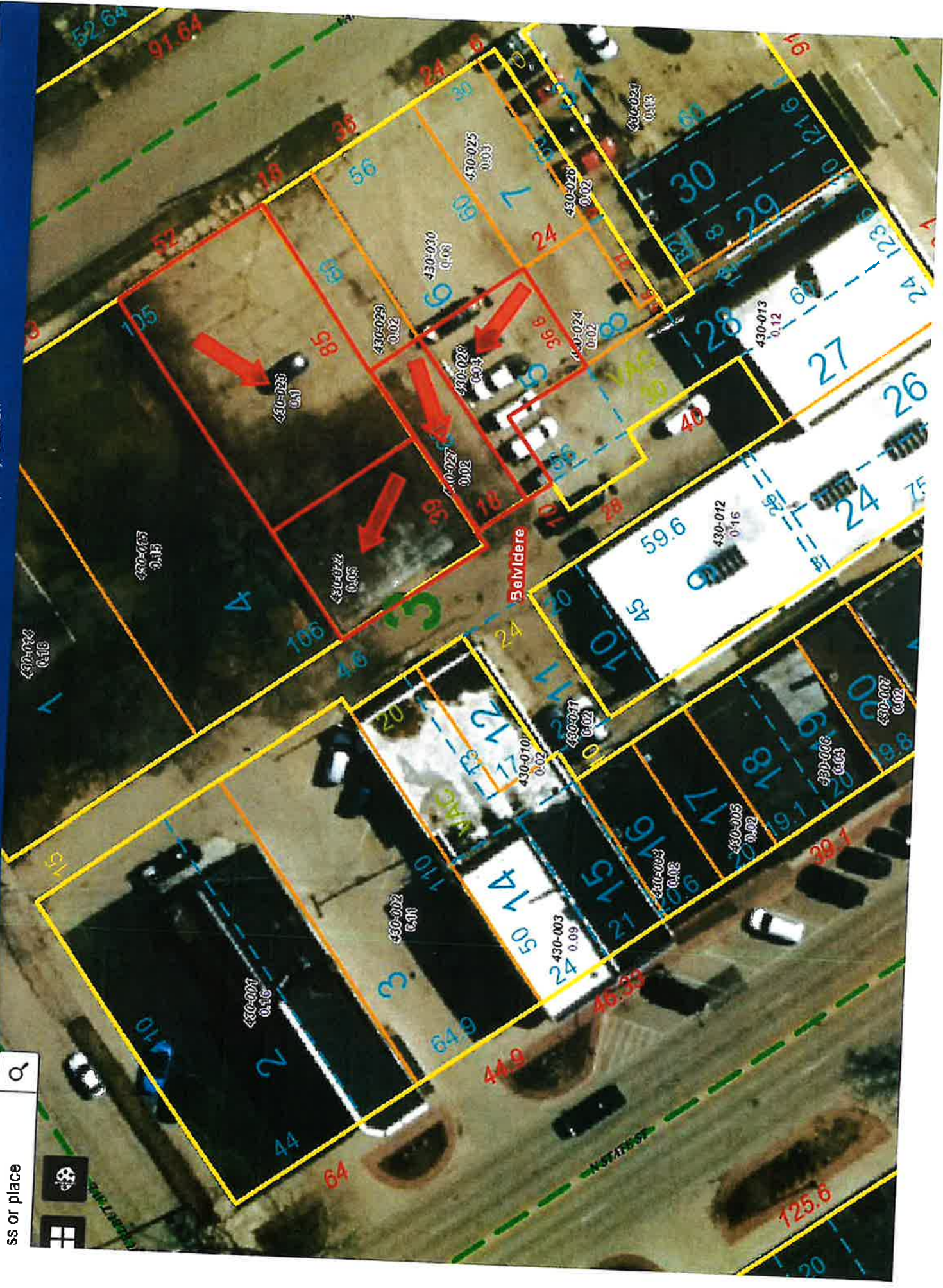
-  CB - Central Business
-  I - Institutional
-  SR-6 Single Family - 6



1 inch = 72 feet



Search for address or place





T.A.B. Holdings, LLC  
815/669 9124  
2429 S. Alpine Rd.  
Rockford, IL 61108

7/29/2024

RE: Change of Zoning for 05-26-430-022

To whom it may concern,

Attached is an aerial map of properties we own and would like to request for re-zoning. Outlined in RED includes 3 Parcels:

- 05-26-430-022
- 05-26-430-023
- 05-26-430-027
- 05-26-430-028

We currently own some of the adjacent properties (110 and 112 E Lincoln Ave, including the attached parking lots under different PIN's) and we are looking to request the listed PIN's to be zoned for commercial use to match our existing properties. Our immediate use would be to Demo the existing building and rebuild with a similar facility that would be nicer and safer. We would primarily use it to store equipment, scrap like tires and metal, and also vehicles that are left overnight.

In the unforeseeable future, we would also like the option to turn this into retail or office space in compliance with the zoning ordinances permitted land use.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Tad Butitta', is positioned above the typed name.

Tad Butitta, Owner

[Tad@MarksAutoIL.com](mailto:Tad@MarksAutoIL.com)

815-315-3626

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**Boone County  
Soil & Water  
Conservation District**

211. N. Appleton Road  
Belvidere, IL 61008  
815-544-3465 x3

29 August 2024

**SWCD NRI #: 1773**

Belvidere Planning Department  
401 Whitney Blvd., Suite 300  
Belvidere, IL 61008

Dear Sir/Madam,

A request for a Natural Resource Information Report was submitted. We will supply a written reply to your office as indicated below:

Our review does not apply in this instance.  
 Other (see attached)

**Location of Site:** 155 E Hurlbut Ave Belvidere, IL 61008  
**PIN(S):** 05-26-430-022, 05-26-430-023, 05-26-430-027, 02-26-430-028

Contact	Petitioner	Owner
Tad Butitta 2429 S Alpine Rd Rockford, IL 61108 (815) 315-3626 Tad @MarksAutoLL.com	Same as Contact	T.A.B Holdings, LLC

**Request:** Change in zoning from SR-6 to CB

**Notes, if any:** By considering the current zoning, current land use, Geographical Information Systems maps, and requested change in zoning, the Boone County Soil and Water Conservation District has determined that the proposed use will have no significant impact on the natural resources on the property or surrounding area.

Sincerely,

Heather VanTilburg, Resource Conservationist  
Boone County Soil & Water Conservation District



**Public Health**  
Prevent. Promote. Protect.

## Boone County Health Department

1204 Logan Avenue, Belvidere, Illinois 61008  
Main Office 815.544.2951 Clinic 815.544.9730 Fax 815.544.2050  
[www.boonehealth.org](http://www.boonehealth.org)

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*The mission of the Boone County Health Department is to serve our community by preventing the spread of disease, promoting equitable wellness & protecting the public's health.*

September 17, 2024

City of Belvidere

Email: [GDelRose@BelvidereIL.gov](mailto:GDelRose@BelvidereIL.gov)

Community Development  
Gina DelRose  
401 Whitney Blvd Suite 300  
Belvidere, IL 61008

**Re:** Case: 2024-15 (RZ): TAB Holdings, LLC, 155 E. Hurlbut Avenue and adjacent parking area

Dear City of Belvidere,

We are in receipt of a map amendment (rezoning) on approximately 8,800 square feet known as 155 E. Hurlbut Avenue and adjacent parking area from the SR-6, Single -family Residential-6 District to the CB, Central Business District pursuant to the Belvidere Zoning Ordinance Section 150.903 Amendment to Official Zoning Map. PINs: 05-26-430-022; 05-26-430-023; 05-26-430-027; 05-26-430-028.

The Boone County Health Department (BCHD) does not have any records of any well or septic systems. If either system is located throughout the project, the applicant would need to complete and submit an application, with a sitemap of the well and/or septic to BCHD, to properly abandon them. No further action is required at this time.

If you have any questions or concerns, please contact us at (815) 544-2951 ext. 2 or at [info@boonehealth.org](mailto:info@boonehealth.org).

Sincerely,

Alisen O'Hearn, LEHP, REHS/RS  
Environmental Center Supervisor  
Boone County Health Department

# Memo

**To:** Gina DelRose, Community Development Planner  
**From:** Brent Anderson, Director of Public Works  
**Date:** 9/23/2024  
**Re:** Case #2024-15: TAB Holdings, 155 E Hurlbut Ave

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Having reviewed the above referenced case, I would offer the following:

1. Improvements to or redevelopment of these properties will require detention and controlled release of storm water in accordance with City standards.

## ORDINANCE # 701H

### AN ORDINANCE AMENDING CHAPTER 150, ZONING ORDINANCE, OF THE MUNICIPAL CODE

(Sections 150.101: Purpose, 150.102: Standard Zoning Districts and Standard Zoning District Categories, 150.105(A)(1) Rural Holding (RH) District, 150.105(B)(1) Single-Family Residential-3 (SR-3) District, 150.105(B)(2) Single-Family Residential-4 (SR-4) District, 150.105(B)(3) Single-Family Residential-6 (SR-6) District, 150.105(B)(4) Two-family Residential-7 (TR-7) District, 150.105(B)(5) Multi-family Residential-8 Small (MR-8S) District, 150.105(B)(6) Multi-family Residential-8 Large (MR-8L) District, 150.105(C)(6) Central Business (CB) District, 150.105(C)(7) Planned Industrial (PI) District, 150.105(C)(8) General Industrial (GI) District, 150.105(C)(9) Heavy Industrial (HI) District, 150.105(E) Tollway Corridor Districts, 150.204(G)(5) Small Wireless Facility, 150.204(H)(2) Private Residential Garage and/or Utility/Storage Shed, 150.204(H)(15) Private Residential Recreational Facility, Table 150.604: Landscaping Requirements for Regular Development, Table 150.607(C)(2)A: Required Bufferyard Opacity Values, 150.710(D) Building Design and Construction Requirements: Planned Office and Commercial Districts (PB, GB, CB) and Tollway Corridor Districts (PM1, PM2, PM4, CC and TC), 150.904(J) Termination of an Approved Special Use, Table 150.1007(A)1, Table 150.1007(B)1, Table 150.1007(C)1, Figure 150.1007(C)(1)a, Appendix A: City of Belvidere Density and Intensity Standards, Appendix B: City of Belvidere Bulk Regulations, Appendix C: Land Use Summary Chart; and Section 151.62 Maintenance of Improvements of the Belvidere Subdivision Ordinance)

**WHEREAS**, the City of Belvidere has adopted Chapter 150 (Zoning Ordinance) of the Belvidere Municipal Code pursuant to the Illinois Compiled Statutes to establish and set forth regulations pertaining to the use and development of land, buildings and structures in the City; and,

**WHEREAS**, it is necessary and desirable to periodically amend the Zoning Ordinance in response to changes in technology, business and development practices, community standards and to improve administration and enforcement procedures; and,

**WHEREAS**, after due notice, the Planning and Zoning Commission held a public hearing to consider an amendment of the Zoning Ordinance on October 8, 2024 and has transmitted its recommendation on the matter to the City Council; and,

**WHEREAS**, the City Council has considered the Planning and Zoning Commission's recommendation.

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

**Section 1.** That Section 150.101: Purpose, be and is hereby amended, to read as follows:

#### **§150.101: Purpose**

A) The area located within the jurisdiction of this Chapter (See §150.007) is hereby divided into zoning districts of such number and community character as are necessary to achieve compatibility of land uses within each district, to implement the officially adopted City of Belvidere Comprehensive Plan, and to achieve the other purposes of this Chapter (See §150.003).

- (B) Zoning of annexed property. All territories shall be annexed and zoned RH, Rural Holding District until otherwise properly rezoned by ordinance. Parcels of ten or more acres of land utilized for crop production are permitted in any zoning district pursuant to annexation.
- (C) Zoning of “pre-annexed” property. Pre-annexed territory means only territory subject to an annexation agreement within the City that is not within the corporate limits of the City. All territories shall be “pre-annexed” and zoned RH, Rural Holding District until otherwise properly rezoned by ordinance. Parcels of ten or more acres of land utilized for crop production are permitted in any zoning district pursuant to “pre-annexation”.
- (D) All territories annexed and “pre-annexed” shall be subject to all City of Belvidere codes, ordinances, resolutions and policies, including but not limited to the City’s Zoning Ordinance.

**Section 2.** That Section 150.102: Standard Zoning Districts and Standard Zoning District Categories, be and is hereby amended, to read as follows:

**§150.102: Standard Zoning Districts and Standard Zoning District Categories**

For the purpose of this Chapter, all areas within the jurisdiction of this Chapter (See §150.007) are hereby divided into the following standard zoning districts, and standard zoning district categories (listed in underlined text), which shall be designated as follows:

Agricultural District:

Rural Holding (RH) District

Residential Districts:

Single-family Residential-3 (SR-3) District

Single-family Residential-4 (SR-4) District

Single-family Residential-6 (SR-6) District

Two-family Residential-7 (TR-7) District

Multi-family Residential-8S (MR-8S) District

Multi-family Residential-8L (MR-8L) District

Office Districts:

Neighborhood Office (NO) District

Planned Office (PO) District

Commercial Districts:

Neighborhood Business (NB) District

Planned Business (PB) District

General Business (GB) District

Central Business (CB) District

Industrial Districts:

Planned Industrial (PI) District

General Industrial (GI) District

Heavy Industrial (HI) District

Institutional District:

Institutional (I) District

Planned Development Districts:

Planned Development District (year-order of approval in that year) e.g.: (PD 2003-2)

**Section 3.** That Section 150.105(A)(1) Rural Holding (RH) District, be and is hereby amended, to read as follows:

**§150.105(A)(1) Rural Holding (RH) District**

The following subsections specify the purpose and intent of the standard zoning districts established by this Chapter.

**(A) Agricultural District**

**(1) Rural Holding (RH) District**

**A. Description and Purpose.** This district is intended to permit development that is solely of a rural community character. The land use standards for this district permit very low-density single-family residential development at a density of 1 dwelling unit for every 40 gross acres, as well as a variety of agricultural and agricultural support land uses. Density and intensity standards for this district are designed to ensure that development that requires even a minimum of urban services does not occur until such services are available. As such, the Rural Holding (RH) District shall either serve as a designation which preserves and protects agricultural activities, or as a "holding zone" which provides for an interim land use (agriculture) that will easily permit further development (with rezoning to another district) at the appropriate time.

**Rationale:** This district is used to provide for the protection of agricultural activities, and a very low density residential area for those who want to live in a rural environment and who retain enough land with their residence to ensure that the rural environment is maintained as long as the Rural Holding (RH) District designation is retained. In this manner, even if all property were developed in a given area with the Rural Holding (RH) District designation, the rural community character of that area would still be maintained.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

Single-Family - 40 acre lot  
Cultivation  
On-Site Agricultural Retail  
Selective Cutting  
Passive Outdoor Public Recreation  
Active Outdoor Public Recreation  
Outdoor Institutional  
Public Services and Utilities

**2. Permitted as Special Use**

Husbandry  
Intensive Agriculture  
Agricultural Services  
Clear Cutting  
Outdoor Commercial Entertainment  
Commercial Animal Boarding  
Bed and Breakfast Establishments  
Campground  
Waste Disposal Facility  
Composting Operation  
Airport/Heliport  
Extraction Use  
Non-building mounted solar installations for export of energy for use by a Public Utility

**C. List of Allowable Accessory Uses (per Article 2)**

**1. Permitted by Right**

Private Residential Garage and/or Shed  
Home Occupation  
Day care group home  
Day care home w/ Occupation Permit  
On-Site Parking Lot  
Private Residential Recreational Facility  
Private Residential Kennel  
Drainage Structure  
Filling  
Lawn Care  
Private Residential Stable  
Exterior Communication Devices

**2. Permitted as Special Use**

Outdoor Display Incidental  
Migrant Labor Camp  
In-Family Suite  
Attached/Detached garage in aggregate exceeding 900 square feet  
Wind Energy Systems  
Batch Plant  
Private Residential Recreational Facility over 900 square feet

**Section 4.** That Section 150.105(B)(1) Single-Family Residential-3 (SR-3) District, be and is hereby amended, to read as follows:

**§150.105(B)(1) Single-Family Residential-3 (SR-3) District**

**(1) Single-Family Residential-3 (SR-3) District**

**A. Description and Purpose.** This district is intended to permit development that has a low-density, community character. Density and intensity standards for this district are designed to ensure that the Single-family Residential-3 (SR-3) District shall serve as a designation that preserves and protects the residential community character of its area. Residential development with a Maximum Gross Density (MGD) of 3 dwelling units per gross acre is available within this district.

**Rationale:** This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in a suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the community character is maintained as long as the SR-3 District designation is retained, regardless of how much development occurs within that area.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

Single-Family  
Modular Dwelling  
Cultivation  
Selective Cutting  
Passive Outdoor Public Recreation  
Active Outdoor Public Recreation  
Public Services and Utilities

**2. Permitted as Special Use**

Clear Cutting  
Bed and Breakfast Establishments

**C. List of Allowable Accessory Uses (per Article 2)**

**1. Permitted by Right**

Private Residential Garage and/or Shed  
Home Occupation  
  
Day care home  
On-Site Parking Lot  
Private Residential Recreational Facility  
  
Drainage Structure  
Filling  
Lawn Care  
Day care group home  
Exterior Communication Devices

**2. Permitted as Special Use**

Caretaker's Residence  
Attached/Detached garage in aggregate  
exceeding 900 square feet  
In-Family Suite  
Wind Energy Systems  
Private Residential Recreational Facility  
over 900 square feet

**D. List of Allowable Temporary Uses (per Article 2)...**

**E. Regulations Applicable to All Uses...**

**F. Regulations Applicable to Residential Uses**

**1. Residential Density and Intensity Requirements:**

- A. Minimum Zoning District Area: 15,000 square feet
- B. Maximum Gross Density (MGD): 2.9 du/acre
- C. Minimum Landscape Surface Ratio (LSR): 60%

**2. Residential Bulk Requirements: ...**

**3....**

**Section 5.** That Section 150.105(B)(2) Single-Family Residential-4 (SR-4) District, be and is hereby amended, to read as follows:

**§150.105(B)(2) Single-Family Residential-4 (SR-4) District**

**(2) Single-family Residential-4 (SR-4) District**

**A. Description and Purpose.** This district is intended to permit development that has a moderate density, community character. Density and intensity standards for this district are designed to ensure that the Single-family Residential-4 (SR-4) District shall serve as a designation that preserves and protects the residential community character of its area. Residential development with a Maximum Gross Density (MGD) of 4 dwelling units per gross acre is available within this district.

Rationale: This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in a suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the community character is maintained as long as the SR-4 District designation is retained, regardless of how much development occurs within that area.

**B. List of Allowable Principal Land Uses (per Article 2)**



**1. Permitted by Right**

Single-Family  
Modular Dwelling  
Cultivation  
Selective Cutting  
Passive Outdoor Public Recreation  
Active Outdoor Public Recreation  
Public Services and Utilities

**2. Permitted as Special Use**

Clear Cutting  
Bed and Breakfast Establishments

**C. List of Allowable Accessory Uses (per Article 2)**

**1. Permitted by Right**

Private Residential Garage and/or Shed  
  
Home Occupation  
Day care home  
Day care group home  
  
On-Site Parking Lot  
Private Residential Recreational Facility  
Drainage Structure  
Filling  
Lawn Care  
Exterior Communication Devices

**2. Permitted as Special Use**

Attached/Detached garage in aggregate exceeding 900 square feet  
In-Family Suite  
Wind Energy Systems  
Private Residential Recreational Facility over 900 square feet

**D. List of Allowable Temporary Uses (per Article 2)...**

**E. Regulations Applicable to All Uses...**

**F. Regulations Applicable to Residential Uses**

**1. Residential Density and Intensity Requirements:**

- A. Minimum Zoning District Area: 10,000 square feet
- B. Maximum Gross Density (MGD): 4.4 du/acre
- C. Minimum Landscape Surface Ratio (LSR): 50%

**2. Residential Bulk Requirements:...**

**3.....**

**Section 6.** That Section 150.105(B)(3) Single-Family Residential-4 (SR-6) District, be and is hereby amended, to read as follows:

**§150.105(B)(3) Single-Family Residential-6 (SR-6) District**

**(3) Single-family Residential-6 (SR-6) District**

**A. Description and Purpose.** This district is intended to permit development that has a moderate density, community character. Density and intensity standards for this district are designed to ensure

## Ordinance #701H

### Page 7 of 34

that the Single-family Residential-6 (SR-6) District shall serve as a designation that preserves and protects the residential community character of its area. Residential development with a Maximum Gross Density (MGD) of 6 dwelling units per gross acre is available within this district.

Rationale: This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in a suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the community character is maintained as long as the SR-6 District designation is retained, regardless of how much development occurs within that area.

#### B. List of Allowable Principal Land Uses (per Article 2)

##### 1. Permitted by Right

Single-Family  
Modular Dwelling  
Cultivation  
Selective Cutting  
Passive Outdoor Public Recreation  
Active Outdoor Public Recreation  
Public Services and Utilities

##### 2. Permitted as Special Use

Clear Cutting  
Bed and Breakfast Establishments  
Two-Flat/Duplex/Twin House

#### C. List of Allowable Accessory Uses (per Article 2)

##### 1. Permitted by Right

Private Residential Garage and/or Shed  
  
Home Occupation  
Day care group home  
Day care home  
  
On-Site Parking Lot  
Private Residential Recreational Facility  
Drainage Structure  
Filling  
Lawn Care  
Exterior Communication Devices

##### 2. Permitted as Special Use

Attached/Detached garage in aggregate exceeding 900 square feet  
In-Family Suite  
Wind Energy Systems  
Private Residential Recreational Facility over 900 square feet

#### D. List of Allowable Temporary Uses (per Article 2)...

#### E. Regulations Applicable to All Uses...

#### F. Regulations Applicable to Residential Uses

##### 1. Residential Density and Intensity Requirements:

- A. Minimum Zoning District Area: 7,000 square feet
- B. Maximum Gross Density (MGD): 6.2 du/acre
- C. Minimum Landscape Surface Ratio (LSR): 50%

##### 2. Residential Bulk Requirements:...

3....

**Section 7.** That Section 150.105(B)(4) Two-family Residential-7 (TR-7) District, be and is hereby amended, to read as follows:

**§150.105(B)(4) Two-family Residential-7 (TR-7) District**

**(4) Two-family Residential-7 (TR-7) District**

**A. Description and Purpose.** This district is intended to permit development that has a moderate density community character. The land use standards for this district permit both single-family detached residential development and twin house/duplexes permitted by right and two flat, mobile home parks, and mobile home subdivisions permitted as a Special Use. Density and intensity standards for this district are designed to ensure that the Two-family Residential-7 District shall serve as a designation that preserves and protects the moderate density residential community character of its area. Various residential development options are available in this district, with a Maximum Gross Density (MGD) of 7 dwelling units per gross acre.

**Rationale:** This district is used to provide for the permanent protection of an area for those who want to live in a moderate density residential environment and who retain enough land with their residence, or in their development, to ensure that the desired community character is maintained as long as the TR-7 District designation is retained, regardless of how much development occurs within that area. As such, this district is intended to provide the principal location for a wide range of single-family attached dwelling types, including single-family, duplexes, twin houses, and two flats.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

Single-Family  
Modular Dwelling  
Twin House/Duplex  
Cultivation  
Selective Cutting  
Passive Outdoor Public Recreation  
Active Outdoor Public Recreation  
Public Services and Utilities

**2. Permitted as Special Use**

Two-Flat  
Clear Cutting  
Bed and Breakfast Establishments  
Day care center (3+ children)  
Institutional Residential  
Mobile Home

**C. List of Allowable Accessory Uses (per Article 2)**

**1. Permitted by Right**

Private Residential Garage and/or Shed  
  
Home Occupation  
Day care group home  
Day care home  
  
On-Site Parking Lot  
Private Residential Recreational Facility  
Drainage Structure

**2. Permitted as Special Use**

Attached/Detached garage in aggregate exceeding 900 square feet for Single-Family and 1,200 square feet for two-family  
In-Family Suite  
Wind Energy Systems  
Private Residential Recreational Facility over 900 square feet

Filling  
Lawn Care  
Exterior Communication Devices

- D. **List of Allowable Temporary Uses (per Article 2)...**
- E. **Regulations Applicable to All Uses...**
- F. **Regulations Applicable to Residential Uses.** For single-family dwellings, see the SR-6 District.
1. **Residential Density and Intensity Requirements:**
    - A. Minimum Zoning District Area: 12,000 square feet
    - B. Maximum Gross Density (MGD): 7.3 du/acre
    - C. Minimum Landscape Surface Ratio (LSR): 50%
  2. **Residential Bulk Requirements:...**

**Section 8.** That Section 150.105(B)(5) Multi-family Residential-8 Small (MR-8S) District, be and is hereby amended, to read as follows:

**§150.105(B)(5) Multi-family Residential-8 Small (MR-8S) District**

**(5) Multi-family Residential-8 Small (MR-8S) District**

- A. **Description and Purpose.** This district is intended to permit development that has a higher density community character. The land use standards for this district permit single-family detached, twin house/duplex, two flats, townhouses, and multiplexes permitted by right and related land uses. Density and intensity standards for this district are designed to ensure that the Multi-family Residential-8 Small District shall serve as a designation that preserves and protects the community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 8 dwelling units per gross acre.

Rationale: This district is used to provide for the permanent protection of an area for those who want to live in a higher density residential environment, with housing units that are smaller than those for MR-8L, and who retain enough land with their residence, or in their development, to ensure that the urban community character is maintained as long as the MR-8S District designation is retained, regardless of how much development occurs within that area. As such, it is intended to provide the principal location for mixed residential development.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

Single-Family  
Twin House/Duplex  
Townhouse (3 or 4 unit building)  
Multiplex (3 or 4 unit building)  
Modular Dwelling  
Cultivation  
Selective Cutting  
Passive Outdoor Public Recreation

**2. Permitted as Special Use**

Two-Flat  
Apartment (3 or 4 unit building)  
Clear Cutting  
Bed and Breakfast Establishments  
Day care center (9+ children)  
Boarding House  
Institutional Residential

Active Outdoor Public Recreation  
Public Services and Utilities

**C. List of Allowable Accessory Uses (per Article 2)**

**1. Permitted by Right**

Private Residential Garage and/or Shed  
Home Occupation  
Day care group home  
  
Day care home  
On-Site Parking Lot  
Private Residential Recreational Facility  
Drainage Structure  
Filling  
Lawn Care  
Exterior Communication Devices

**2. Permitted as Special Use**

In-Family Suite  
Wind Energy Systems  
Private Residential Recreational Facility  
over 900 square feet

**Section 9.** That Section 150.105(B)(6) Multi-family Residential-8 Large (MR-8L) District, be and is hereby amended, to read as follows:

**§150.105(B)(6) Multi-family Residential-8 Large (MR-8L) District**

**(6) Multi-family Residential-8 Large (MR-8L) District**

**A. Description and Purpose.** This district is intended to permit development that has a higher density community character. The land use standards for this district permit single-family detached, twin house/duplex, townhouses, multiplexes, and apartments permitted by right and related land uses. Density and intensity standards for this district are designed to ensure that the Multi-family Residential-8 Large District shall serve as a designation that preserves and protects the community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 8 dwelling units per gross acre, with housing units typically larger than those in the MR-8S.

**Rationale:** This district is used to provide for the permanent protection of an area for those who want to live in a higher density residential environment and who retain enough land with their residence, or in their development, to ensure that the urban community character is maintained as long as the MR-8L District designation is retained, regardless of how much development occurs within that area. As such, it is intended to provide the principal location for mixed residential development.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

Single-Family  
Twin House/Duplex  
Townhouse (3 or 4 unit building)  
Multiplex (3 or 4 unit building)  
Apartment (3 or 4 unit building)

**2. Permitted as Special Use**

Two-Flat  
Apartment (5 to 8 unit building)  
Mobile Home Subdivision or Park  
Clear Cutting  
Bed and Breakfast Establishments

Public Services and Utilities  
Modular Dwelling  
Cultivation  
Selective Cutting  
Passive Outdoor Public Recreation  
Active Outdoor Public Recreation

Day care center (3+ children)  
Institutional Residential  
Boarding House

**C. List of Allowable Accessory Uses (per Article 2)**

**1. Permitted by Right**

Private Residential Garage and/or Shed  
Home Occupation  
Day care group home  
  
Day care home  
On-Site Parking Lot  
Private Residential Recreational Facility  
Drainage Structure  
Filling  
Lawn Care  
Exterior Communication Devices

**2. Permitted as Special Use**

In-Family Suite  
Wind Energy Systems  
Private Residential Recreational Facility  
over 900 square feet

**Section 10.** That Section 150.105(C)(6) Central Business District, be and is hereby amended, to read as follows:

**§150.105(C)(6) Central Business (CB) District**

**(6) Central Business (CB) District**

**A. Description and Purpose.** This district is intended to permit both large and small-scale "downtown" commercial development at an intensity that provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. To accomplish this effect, minimum Landscape Surface Ratios (LSRs) permitted in this district are much lower than those allowed in the Planned Business and General Business Districts. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street. No requirements for on site landscaping or parking are required in this district. This district is strictly limited to the central city locations.

**Rationale:** This district is intended to provide an alternative, primarily infill development, designation for commercial activity to the Planned Business (PB) and General Business (GB) Districts are designed to assist in maintaining the long-term viability of the central city.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

Cultivation

**2. Permitted as Special Use**

Clear Cutting

Selective Cutting	Indoor Institutional (major)
Passive Outdoor Public Recreation	Outdoor Institutional
Active Outdoor Public Recreation	Institutional Residential
Public Services and Utilities	In-Vehicle Sales or Service
Office	Indoor Commercial Entertainment
Personal or Professional Services	Outdoor Commercial Entertainment
Indoor Sales or Service	Commercial Indoor Lodging
Indoor Maintenance Service	Bed and Breakfast Establishments
Off-Site Parking Lot	Day care center (3+ children)
Residential units above the first floor	Boarding House
Artisan Studio/Production Shop	Apartment (3 or 4 unit building)
Indoor Institutional (minor)	Adult-use Cannabis Dispensing Organization
Small Wireless Facility	Adult-use Cannabis Infuser Organization or Infuser
	On-Site Parking Garage (above & underground)

**Section 11.** That Section 150.105(C)(7) Planned Industrial District, be and is hereby amended, to read as follows:

**§150.105(C)(7) Planned Industrial (PI) District**

**(7) Planned Industrial (PI) District**

**A. Description and Purpose.** This district is intended to permit both large and small scale industrial and office development at an intensity that is consistent with the overall desired suburban community character of the community. Beyond a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

**Rationale:** This district is intended to provide a location for suburban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the General Industrial (GI) District. In addition, land uses shall comply with the minimum performance standards presented in Article 7.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

Cultivation  
Selective Cutting  
Passive Outdoor Public Recreation  
Active Outdoor Public Recreation  
Public Services and Utilities  
Office  
Personal or Professional Services

**2. Permitted as Special Use**

Clear Cutting  
Indoor Commercial Entertainment  
Indoor Sales or Service  
Day care center (3+ children)  
Artisan Studio/Production Shop  
Personal Storage Facility  
Airport/Heliport

Indoor Maintenance Service  
Indoor Storage or Wholesaling  
Light Industrial  
Small Wireless Facility

Distribution Center  
Communication Tower  
Campground  
Off-Site Parking Lot  
Vehicle Repair and Maintenance  
In-vehicle Sales or Service  
Non-building mounted solar installations for export of energy for use by a Public Utility  
Adult-use Cannabis Dispensing Organization  
Adult-use Cannabis Craft Crows  
Adult-use Cannabis Cultivation Center  
Adult-use Cannabis Infuser Organization or Infuser  
Adult-use Cannabis Processing Organization or Processor  
Adult-use Cannabis Transporting Organization or Transporter  
Shooting Range  
On-Site Parking Garage (above & underground)

**Section 12.** That Section 150.105(C)(8) General Industrial District, be and is hereby amended, to read as follows:

**§150.105(C)(8) General Industrial (GI) District**

**(8) General Industrial (GI) District**

A. **Description and Purpose.** This district is intended to permit both large and small scale industrial and office development at an intensity that is consistent with existing transition and urban intensity development. Beyond a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. To ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

**Rationale:** This district is intended to provide a location for urban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the Heavy Industrial (HI) District. In addition, uses shall comply with the minimum performance standards presented in Article 7.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

Cultivation  
Selective Cutting  
Passive Outdoor Public Recreation

**2. Permitted as Special Use**

Clear Cutting  
Day care center (3+ children)  
Artisan Studio/Production Shop



Public Services and Utilities  
Office  
Indoor Maintenance Service  
Indoor Storage or Wholesaling  
Off-Site Parking Lot  
Vehicle Repair and Maintenance  
Personal Storage Facility  
Light Industrial  
Small Wireless Facility

Outdoor Storage or Wholesaling  
Airport/Heliport  
Freight Terminal  
Communication Tower  
Campground  
Distribution Center  
Heavy Industrial  
Shooting Range  
Non-building mounted solar  
installations for export of energy for use  
by a Public Utility  
Adult-use Cannabis Craft Grower  
Adult-use Cannabis Cultivation Center  
Adult-use Cannabis Infuser  
Organization or Infuser  
Adult-use Cannabis Processing  
Organization or Processor  
Adult-use Cannabis Transporting  
Organization or Transporter  
On-Site Parking Garage (above &  
underground)

**Section 13.** That Section 150.105(C)(9) Heavy Industrial District, be and is hereby amended, to read as follows:

**§150.105(C)(9) Heavy Industrial (HI) District**

**(9) Heavy Industrial (HI) District**

**A. Description and Purpose.** This district is intended to permit both large and small scale industrial and office development at an intensity that provides ample incentive for infill development and redevelopment of industrial areas existing as of the effective date of this Chapter. This district is designed to permit a very wide variety of industrial uses which may occur both indoors and outdoors, including certain land uses which are permitted in no other zoning district because of their potential to create nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

**Rationale:** This district is intended to provide a location for both light and heavy industrial uses in a zoning district in which the potential for nuisance complaints from nearby properties is minimized. It must be emphasized that this is not a district where virtually any land use is permitted, as all uses shall comply with the minimum performance standards presented in Article 7. In addition, certain land uses such as extraction, junkyards and salvage operations, and freight terminals are permitted within this district only upon the granting of a Special Use permit.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

Cultivation  
Selective Cutting

**2. Permitted as Special Use**

Agricultural Services  
Clear Cutting

Passive Outdoor Public Recreation	Outdoor Maintenance Service
Public Services and Utilities	Sexually Oriented Land Use
Office	Junkyard or Salvage Yard
Indoor Maintenance Service	Waste Disposal Facility
Indoor Storage or Wholesaling	Composting Operation
Outdoor Storage or Wholesaling	Airport/Heliport
Off-Site Parking Lot	Freight Terminal
Distribution Center	Communication Tower
Light Industrial	Extraction Use
Heavy Industrial	Shooting Range
Vehicle Repair and Maintenance	Non-building mounted solar installations for export of energy for use by a Public Utility
Small Wireless Facility	Adult-use Cannabis Craft Grower
	Adult-use Cannabis Cultivation Center
	Adult-use Cannabis Infuser Organization or Infuser
	Adult-use Cannabis Processing Organization or Processor
	Adult-use Cannabis Transporting Organization or Transporter
	On-Site Parking Garage (above & underground)

**Section 14.** That Section 150.105(E) Tollway Corridor Districts, be and is hereby deleted and reserved.

**Section 15.** That Section 150.204(G)(5) Small Wireless Facility, be and is hereby amended, to read as follows:

**§150.204(G)(5) Small Wireless Facility**

- (5) **Small Wireless Facility.** A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

**A. Requirements**

- (1) Small Wireless Facilities shall be located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property, unless a variance is granted.

- (2) Small Wireless Facilities shall be no taller than 50 feet above ground or 10 feet taller than the tallest existing utility pole within 300 feet, whichever is taller, without a variance.

**B. Parking Requirements.** Not required.

**Section 16.** That Section 150.204(H)(2) Private Residential Garage and/or Utility/Storage Shed, be and is hereby amended, to read as follows:

**§150.204(H)(2) Private Residential Garage and/or Utility/Storage Shed**

- (1) **Private Residential Garage and/or Utility/Storage Shed.** A private garage or carport is a structure which primarily accommodates the sheltered parking of a passenger vehicle and/or the storage of maintenance equipment of the subject property. A utility/storage shed is an accessory structure which accommodates the storage of maintenance equipment and shall not be used to store cars, trucks or related non-recreational vehicles. These structures must be located so as to be accessory to a principal land use on the same lot. Utility sheds in excess of 120 square feet of gross floor area, garages, and carports which exceed the lot coverage of the principle structure, are not permitted in residential districts.

**A. Regulations**

1. One detached garage or carport and one attached garage or carport shall be permitted by right as set forth in §§150.105(B).
2. One utility/storage shed (120 square feet or less) shall be permitted by right as set forth in §§150.105(B). Said structures do not require a building permit or concrete floor.
3. No detached accessory building shall be located closer than ten (10) feet to the principal building. In cases where at least one-hour fire-rated wall and ceiling are provided, the Zoning Administrator may allow a distance of less than ten (10) feet but not less than five (5) feet. Building overhangs shall be no less than three feet apart.

**Section 17.** That Section 150.204(H)(15) Private Residential Recreational Facility, be and is hereby amended, to read as follows:

**§150.204(H)(15) Private Residential Recreational Facility**

- (15) **Private Residential Recreational Facility.** This land use includes all active recreational facilities located on a private residential lot which are not otherwise listed in Appendix C. Materials and lighting shall limit light levels at said property line are to be equal to or less than 0.5 foot candles (see §150.707). All private residential recreation facilities and their attendant structures shall comply with the bulk requirements for accessory structures. (See Article 4.) Common examples of these accessory uses include swing sets, tree houses, playhouses, basketball courts, tennis courts, swimming pools, and recreation-type equipment. Private residential recreational facilities shall not be open to the public or used for commercial purposes.

**A. Regulations**

1. Swimming pools shall be regulated by the performance standards provided in the Building Code.
2. Playhouses shall not exceed 120 square feet or 12 feet in height and no more than 1 per lot. Utilities and storage are prohibited within the playhouse.

**Section 18.** That Table 150.604: Landscaping Requirements for Regular Development, be and is hereby amended, to read as follows:

**Table 150.604: Landscaping Requirements for Regular Development**

	a) Building Foundation	b) Street Frontages	c) Paved Areas	d) Developed Lots
Types of Landscaping	Climax trees and tall trees shall not be used to meet this requirement	Shrubs not allowed; A min. of 50% of points devoted to climax/tall trees and 30% to med. Trees	A min. of 30% of points devoted to climax/tall trees and 40% to shrubs	All plant categories can be used to meet requirements
Placement of Landscaping	Located so that at maturity the plant's drip line is located within 10' of building foundation	Located within 10' of the public right-of-way	Within paved area or within 10' of the paved area	Located away from areas that meet other landscaping requirements
Calculation of Landscaping Points	Points per 100' of building foundation	Points per 100 linear feet of street frontage	Greater of: points per 20 parking stalls or 10,000 sq.ft. of parking area	Points per 1,000 sq. ft. of building footprint
Rural Holding (RH)	20	20	40	10
Single-family Residential-3 (SR-3)	40	40	80	20
Single-family Residential-4 (SR-4)	40	40	80	20
Single-family Residential-6 (SR-6)	40	40	80	20
Two-family Residential-7 (TR-7)	45	45	90	20
Multi-family Residential-8S (MR-8S)	50	50	100	20
Multi-family Residential-8L (MR-8L)	50	50	100	20
Mobile Home (MH)	40	40	80	20
Neighborhood Office (NO)	45	45	80	20
Planned Office(PO)	40	40	60	15
Neighborhood Business (NB)	40	40	80	15
Planned Business (PB)	40	40	60	10
General Business(GB)	20	20	40	5
Central Business (CB)	0	0	20	0
Planned Industrial (PI)	40	40	60	10
General Industrial (GI)	20	20	40	5
Heavy Industrial (HI)	20	20	40	5
Institutional (I)	40	40	60	15

**Section 19.** That Table 150.607(C)(2)A: Required Bufferyard Opacity Values, be and is hereby amended, to read as follows:

**Table 150.607(C)(2)A: Required Bufferyard Opacity Values**

Adjacent Property's Zoning	RH	SR-3	SR-4	SR-6	TR-7	MR-8S	MR-8L	SNR	MH	NO	PO	NB	PB	GB	CB	PI	GI	HI	I
RH	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
SR-3					0.2	0.3	0.3	0.3	0.3	0.3	0.4	0.4	0.4	0.5	0.6	0.4	0.5	1	0.4
SR-4					0.2	0.3	0.3	0.3	0.3	0.3	0.4	0.4	0.4	0.5	0.6	0.4	0.5	1	0.4
SR-6					0.2	0.3	0.3	0.3	0.3	0.3	0.4	0.4	0.4	0.5	0.6	0.4	0.5	1	0.4
TR-7						0.2	0.2	0.2	0.2	0.2	0.3	0.3	0.3	0.4	0.5	0.3	0.4	1	0.3
MR-8S							0.1	0.1	0.2	0.1	0.2	0.2	0.2	0.3	0.4	0.2	0.3	1	0.2
MR-8L								0.1	0.2	0.1	0.2	0.2	0.2	0.3	0.4	0.2	0.3	1	0.2
SNR									0.2	0.1	0.2	0.2	0.2	0.3	0.4	0.2	0.3	1	0.2
MH										0.2	0.2	0.2	0.2	0.3	0.4	0.2	0.3	1	0.2
NO											0.1	0.2	0.2	0.3	0.4	0.2	0.3	0.6	0.1
PO												0.1	0.1	0.2	0.3	0.1	0.2	0.6	0.1
NB													0.1	0.1	0.2	0.1	0.1	0.6	0.1
PB														0.2	0.3	0.1	0.2	0.6	0.1
GB															0.1	0.2	0.1	0.6	0.2
CB																0.1	0.1	0.6	0.3
PI																	0.2	0.6	0.1
GI																		0.5	0.2
HI																			0.6
I																			

\* For properties zoned in the Rural Holding District (RH), refer to the Comprehensive Plan's Planned Land Use Map to determine the proposed zoning district for said property. For example, if the Planned Land Use Map recommends that in the future a property currently zoned RH should develop as Planned Business, one would use the Planned Business Zoning District to determine the required bufferyard opacity value.

**Section 20.** That Section 150.710(D) Building Design and Construction Requirements: Planned Office and Commercial Districts (PB, GB, CB) and Tollway Corridor Districts (PM1, PM2, PM4, CC and TC), be and is hereby amended, to read as follows:

**§150.710(D) Building Design and Construction Requirements: Planned Office and Commercial Districts (PB, GB, CB)**

- (D) **Building Design and Construction Requirements: Planned Office and Commercial Districts (PB, GB, CB).** All buildings hereinafter constructed, expanded, remodeled or otherwise improved within these Districts shall be designed in such a manner so that it provides a basic harmony with and does not detract from the overall attractiveness of surrounding development and shall be constructed of the following materials:
- (1) Brick.
  - (2) Concrete masonry. Units shall be those generally described by the National Concrete Masonry Association as "customized architectural concrete masonry units" or shall be broken faced brick type units with marble aggregate or split face or broke off concrete block. There shall be no exposed concrete block on the exterior of any building. Any concrete masonry units that have a gray cement color shall be coated.
  - (3) Concrete may be poured-in-place, tilt-up, or precast. Poured-in-place and tilt-up walls shall have a finish of stone, a texture or a coating. Textured finish, except in special cases, shall be coated. Precast units which are not uniform in color shall be coated. Coating shall be an approved cementitious or epoxy type with a ten (10) year minimum life expectancy.
  - (4) Natural stone.
  - (5) Any other material approved by City Staff
  - (6) Metal panels may be used only to accentuate or as a finish material within these districts. Any metal panel proposed for use within these districts as a finish material or to accentuate building shall be entirely coated with a colorfast, abrasion, and corrosion resistant, long life (minimum of 20 years) finish that is resistant to chemicals, withstands temperature extremes, and has a low permeability. Any material utilized to attach the metal panels to the building shall be concealed or the utilization of shadow panels or semi-concealed fastener panels with fasteners painted to match the panels shall be required.

**Section 21.** That Section 150.904(J) Termination of an Approved Special Use, be and is hereby amended, to read as follows:

**§150.904(J) Termination of an Approved Special Use**

- (J) **Termination of an Approved Special Use.** The Applicant must demonstrate that the proposed special use meets all general and specific special use requirements in the site plan required for initiation of development activity on the subject property. Once a special use is granted, no Erosion Control Permit, Site Plan approval, Occupancy Permit, or Building Permit shall be issued for any development which does not comply with all requirements of this Chapter. Any special use found not to be in compliance with the terms of this Chapter and any "conditions of approval" identified in the ordinance approving the special use shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A special use may be revoked for such a violation by majority vote of the City Council.

Section 21. That Table 150.1007(A)1 Freestanding Signs, be and is hereby amended, to read as follows:

**TABLE 150.1007(A)1**  
**Table 150.1007 (A)1 Freestanding Signs**

Design Dimensions	Zoning Districts								
	RH	SR-3, SR-4 & SR-6	TR-7, MR-8S & MR-8L	NO, PO, NB & *NC	PB &GB	CB	PI	GI & HI	I
Area per foot of street frontage (square feet)	NA	NA	NA	½	½	½	½	½	NA
Maximum area (square feet)	32* (lots under 1 acre)  48* (lots 1 to 4 acres)  60* (lots over 4 acres)	6	16	60	150	150	150	150	32* (lots under 1 acre)  48* (lots 1 to 4 acres)  60* (lots over 4 acres)
Height (feet)	15	5	5	15*	40	10	40	40	12
Setback (feet)***	10	2	2	10*	10	10	10	10	5
Number per street frontage****	1	**	1	1	1	1	1	1	1

**Section 22.** That Table 150.1007(B)1 Building Signs, be and is hereby amended, to read as follows:

**TABLE 150.1007(B)1**  
**Table 150.1007 (B)1 Building Signs**

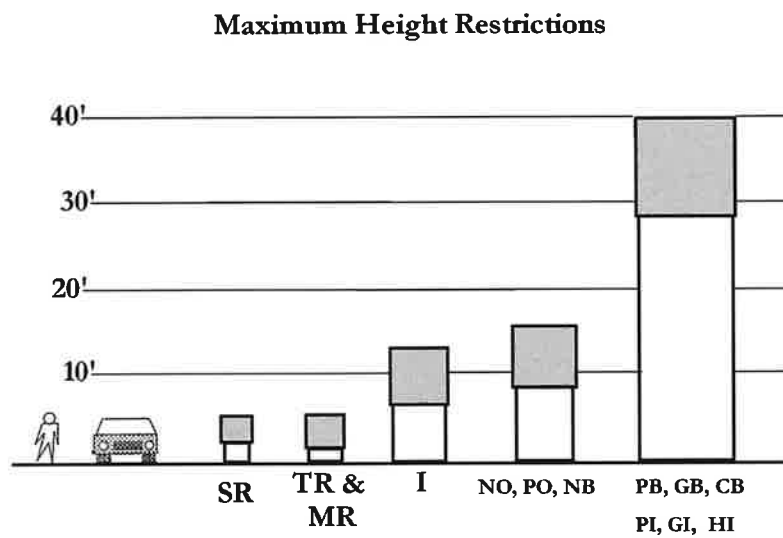
Design Dimensions	Zoning Districts								
	RH	SR-3, SR-4 & SR-6	TR-7, MR-8S & MR-8L	NO, PO, NB & *NC	PB &GB	CB	PI	GI & HI	I
Sign area per linear foot of wall on which sign is (square feet)	2	NA	NA	2	2	2	2	2	NA
Max total area per wall (square feet)	24	6	16	200	300	300	300	2,000	24
Number per establishment for each side of principal building not abutting a residential district	1	NA	1	1	2	2	2	2	2





**Section 24.** That Figure 150.1007(C)(1)a Maximum Height Restrictions, be and is hereby amended, to read as follows:

Figure 150.1007(C)(1)a



**Section 25.** That Appendix A: City of Belvidere Density and Intensity Standards, be and is hereby amended, to read as follows:

**APPENDIX A: CITY OF BELVIDERE DENSITY AND INTENSITY STANDARDS**

**City of Belvidere Nonresidential Intensity Standards**

Zoning District	Max Number of Floors (F)	Min Number of Floors (MF)	Min Landscape Surface Ratio	Max Floor Area Ratio (FAR)	Min Lot Area (MLA)	Max BLDG Size (MBS)
Rural Holding**	2	na	90%	0.100	40,000 sf	na
Single-family Res-3	2	na	60%	0.100	15,000 sf	na
Single-family Res-4	2	na	50%	0.200	10,000 sf	na
Single-family Res-6	2	na	50%	0.250	7,000 sf	na
Two-family Res-7	2	na	50%	0.250	8,500 sf	na
Multi-family Res-8S	2	na	25%	0.275	10,000 sf	na
Multi-family Res-8L	2	na	25%	0.275	10,000 sf	na
Institutional	2 or more with special use permit	na	50%	0.20	10,000 sf	na
Neighborhood Office	2	na	40%	0.250	10,000 sf	5,000 sf
Planned Office	4	na	25%	0.300	20,000 sf	na
Neighborhood Business	2	na	40%	0.275	10,000 sf	5,000 sf
Planned Business	4	na	25%	0.300	20,000 sf	na
General Business	4	na	15%	0.400	20,000 sf	na
Central Business	4	na	0%	3.000	2,000 sf	na
Planned Industrial	5	na	25%	0.600	20,000 sf	na
General Industrial	4	na	15%	1.000	20,000 sf	na
Heavy Industrial	2 or more with special use permit	na	15%	1.000	20,000 sf	na

**Section 26.** That Appendix B: City of Belvidere Bulk Regulations, be and is hereby amended, to read as follows:

**APPENDIX B: CITY OF BELVIDERE BULK REGULATIONS**

**City of Belvidere Nonresidential Bulk Standards**

Zoning District ↓	Min Lot Area (sq ft)	Min Lot Width (ft)	Minimum Setbacks						Minimum Building Separation	Minimum Building Height	Maximum Building Height
			Front/Street (ft)	Side From		Rear (ft)	Rear/Side to Accessory building (ft)	Pavement from rear or side/street (ft)			
				Res (ft)	Non-Res (ft)						
Rural Holding <sup>1</sup>	40,000 <sup>2</sup>	100	35	40	40	40	5/10	5/5 <sup>3</sup>	80	na	50
Single-family Res-3	15,000	100	35	15	15	35	3/5 <sup>5</sup>	5/5 <sup>3</sup>	30	na	35
Single Family Res-4 <sup>1</sup>	10,000	80	30	10	10	25	3/5 <sup>5</sup>	5/5 <sup>3</sup>	20	na	35
Single Family Res-6 <sup>1</sup>	7,000	100	20	6	6	20	3/5 <sup>5</sup>	5/5 <sup>3</sup>	12	na	35
Two-Family Res-7 <sup>1</sup>	8,500	100	20	6	6	20	3/5 <sup>5</sup>	5/5 <sup>3</sup>	12	na	35
Multi-Family Res-8S <sup>1</sup>	10,000	75	30	10	10	25	3/5 <sup>5</sup>	5/5 <sup>3</sup>	20	na	35
Multi-Family Res-8L <sup>1</sup>	10,000	75	30	10	10	25	3/5 <sup>5</sup>	3/5 <sup>3</sup>	20	na	35
Institutional <sup>1</sup>	10,000	80	30	10	10	25	3/5 <sup>5</sup>	5/5 <sup>3</sup>	20	na	35
Neighborhood Office	10,000	60	25	15	15	25	3/5 <sup>5</sup>	5/5 <sup>3</sup>	30	na	35
Planned Office	20,000	130	30	20	10	20	3/5 <sup>5</sup>	5	20	na	45 <sup>6</sup>
Neighborhood Business	10,000	60	25/40 <sup>7</sup>	15	15	25	3/5 <sup>5</sup>	5/5 <sup>3</sup>	30	na	35
Planned Business	20,000	100	30	20	0/20 <sup>4</sup>	0/20	3/5 <sup>5</sup>	5/10 <sup>3</sup>	0/40 <sup>4</sup>	na	35 <sup>6</sup>
General Business	20,000	100	20	20	0	0/20	3/5 <sup>5</sup>	5/5 <sup>3</sup>	0/40 <sup>4</sup>	na	35 <sup>6</sup>
Central Business	2,000	10	0	0	0	0/10	3/5 <sup>5</sup>	0	Minimum is 0. Maximum is 5 feet from right-of-way	na	50 <sup>6</sup> ; minimum is 20.
Planned Industrial	20,000	90	30	20	15	20	N/A	5/5 <sup>3</sup>	40	na	45 <sup>6</sup>
General Industrial	20,000	90	45	50	20	30/20	N/A	5/5 <sup>3</sup>	40	na	45 <sup>6</sup>
Heavy Industrial	20,000	90	45	50	20	40/20	N/A	5/5 <sup>3</sup>	40	na	45 <sup>6</sup>

<sup>1</sup>Bulk requirements for institutional uses, such as churches and schools, in agricultural and residential districts.  
<sup>2</sup>May be reduced to 20,000 square feet with a special use permit.  
<sup>3</sup>5 feet from side and rear lot lines, except where modified along district boundary by required bufferyard; see Section 150.607. 5 feet from front or street line.  
<sup>4</sup>Zero feet where property line divides attached buildings.  
<sup>5</sup>Accessory buildings shall be 3 feet from the property line; 5 feet from an alley.  
<sup>6</sup>Greater with special use permit.  
<sup>7</sup>25 feet, 40 feet for a lot adjacent to a street with a right-of-way equal to or exceeding 100 feet.

Section 27. That Appendix C: Land Use Summary Chart, be and is hereby amended, to read as follows:

**APPENDIX C: LAND USE SUMMARY CHART**  
**Tables of Land Uses (Residential)**

Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																	<b>Conventional Dwelling Unit Types (150.204(A)(1))</b>
P	P	P	P	P	P	P	P		P								(A) Single-Family Detached <i>40 acre lot</i>
	P	P	P	P	P	P	P		P								(A) Single-Family Detached <i>15,000 sf lot</i>
		P	P	P	P	P	P		P								(A) Single-Family Detached <i>10,000 sf lot</i>
			P	P	P	P	P		P								(A) Single-Family Detached <i>7,000 sf lot</i>
			S	P	P	P	S		S								(B/C) Duplex/Twin House
			S	S	S	S	S		S								(D) Two-Flat
				P	P	P	S		S								(E) Townhouse
				P	P	P	S		S								(F) Multiplex
				S	P	S	S		S		S						(G) Apartment 3-4
					S												(G) Apartment 5-8
			S														(H) Mobile Home
	P	P	P	P	P	P											(I) Modular Dwelling
												P					(J) Residential Units Above 1 <sup>st</sup> Floor (or greater depending on district regulations)
						S											<b>Mobile Home Subdivision or Park (150.204(A)(4) and (5))</b>

**Tables of Land Uses (Agricultural and Institutional)**

Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																	<b>NON-RESIDENTIAL LAND USES</b>
																	<b>Agricultural Uses (150.204(B))</b>
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1) Cultivation
S																	(2) Husbandry
S																	(3) Intensive Agriculture
S														S			(4) Agricultural Services
P																	(5) On-Site Agricultural Retail
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(6) Selective Cutting
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(7) Clear Cutting
																	<b>Institutional Uses (150.204(C))</b>
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1) Passive Outdoor Public Recreational
P	P	P	P	P	P	P	P	P	P	P	P	P				P	(2) Active Outdoor Public Recreational
												P				P	(3) Indoor Institutional (minor)
												S				S	(4) Indoor Institutional (major)
P												S				S	(5) Outdoor Institutional
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(6) Public Services and Utilities
				S	S	S	S		S			S				S	(7) Institutional Residential

Tables of Land Uses (Commercial)

Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																	<b>Commercial Uses (150.204(D))</b>
							P	P	P	P	P	P	P	P	P		(1) Office
							P	P	P	P	P	P	P				(2) Personal or Professional Service
							S	S	P	P	P	P	S				(3) Indoor Sales or Service
										S	S						(4) Large-Scale Development
										S	S						(5) Outdoor Display
									P	P	P	P	P	P	P		(6) Indoor Maintenance Service
															S		(7) Outdoor Maintenance Service
									S	S	S	S	S				(8) In-Vehicle Sales or Service
							S	S	S	S	S	S	S				(9) Indoor Commercial Entertainment
S										S	S	S					(10) Outdoor Commercial Entertainment
S										S	S						(11) Commercial Animal Boarding
								S		S	S	S					(12) Commercial Indoor Lodging
S	S	S	S	S	S	S	S		S	S	S	S					(13) Bed and Breakfast Establishments
				S	S	S	S	S	S	S	S	S	S	S	S	S	(14) Day Care Center (3+ children)
S													S	S			(15) Campground
					S	S	S		S		S	S					(16) Boarding House



Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
															S		(17) Sexually-Oriented Land Use
										S	S		S	P	P		(18) Vehicle Repair and Maintenance
										P	P						(19) Car Detailing Shop
							S	S	S	S	S	P		S	S		(20) Artisan Studio
										S	S		S	S	S		(21) Shooting Range
										S	S	S	S				(22) Adult-use Cannabis Dispensing Organization
													S	S	S		Adult-use Cannabis Craft Grower
													S	S	S		Adult-use Cannabis Cultivation Center
										S	S	S	S	S	S		Adult-use Cannabis Infuser Organization or Infuser
													S	S	S		Adult-use Cannabis Processing Organization or Processor
										S	S		S	S	S		Adult-use Cannabis Transporting Organization or Transporter
											S	S	S	S	S		(23) On-site Parking Garage (above & below ground)



Tables of Land Uses (Storage/Disposal, Transportation, and Industrial)

Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																	<b>Storage/Disposal (150.204(E))</b>
													P	P	P		(1) Indoor Storage or Wholesaling
													S	S	P		(2) Outdoor Storage or Wholesaling
											S		S	P			(3) Personal Storage Facility
															S		(4) Junkyard or Salvage Yard
															S		(5) Waste Disposal Facility
															S		(6) Composting Operation
																	<b>Transportation Uses (150.204(F))</b>
											P	P	S	P	P		(1) Off-Site Parking Lot
								S					S	S	S		(2) Airport/Heliport
														S	S		(3) Freight Terminal
													S	S	P		(4) Distribution Center
																	<b>Industrial Uses (150.204(G))</b>
													P	P	P		(1) Light Industrial
														S	P		(2) Heavy Industrial
													S	S	S		(3) Communication Tower
															S		(4) Extraction Use
													S	S	S		(5) Non-building mounted solar installations for export of energy for use by a Public Utility
							P	P	P	P	P	P	P	P	P	P	(6) Small Wireless Facility

Tables of Land Uses (Accessory)

Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																	<b>Accessory Uses (150.204(H))</b>
							S		S	S	S	P					(1) Commercial Apartment
P	P	P	P	P	P	P	P		P			P					(2) Private Residential Garage <sup>2</sup> , and/or Shed
							P	P		P	P	P	P	P	P	P	(3) Company Cafeteria
							P	P			P	P	P	P	P		(4) Company-Provided On-Site Recreation
S										S	P	P					(5) Outdoor Display Incidental
								S	S	S	P	S	S				(6) In-Vehicle Sales and Service
													P	P	P		(7) Indoor Sales Incident to Light Ind. Use
									S	S	S	S					(8) Light Ind. Incident to Indoor Sales
P	P	P	P	P	P	P	P		P			P				P	(9) Home Occupation
S	S	S	S	S	S	S											(10) In-Family Suite
P	P	P	P	P	P	P	P										(11) Day Care Home (3-12 children)
P	P	P	P	P	P	P	P										(12) Day Care Group Home (3-16 children)
S															S		(13) Migrant Labor Camp
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(14) On-Site Parking Lot
P	P	P	P	P	P	P		S	P			P					(15) Private Residential Recreational Facility
P																	(16) Private Residential Kennel
P																	(17) Private Residential Stable

Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(18) Drainage Structure
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(19) Filling
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(20) Lawn Care
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(21) Exterior Communication Devices
	S																(22) Caretaker's Residence
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(23) Wind Energy System
													S				(24) Outdoor Storage
S																	(25) Batch Plant
							S	S	S								(26) Animated Sign
										S	S		S	S	S		(27) Roof, above peak Sign

**Tables of Land Uses (Temporary)**

Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																	<b>Temporary Uses (150.204(I))</b>
									T	T	T	T					(1) General Temporary Outdoor Sales
T							T	T	T	T	T	T	T	T	T	T	(2) Outdoor Assembly
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(3) Contractor's Project Office
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(4) Contractor's On-Site Equipment Storage
T							T	T	T	T	T	T	T	T	T	T	(5) Re-locatable Building
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(6) On-Site Real Estate Sales Office
T									T	T	T	T	T				(7) Outdoor Sales of Farm Products
T	T	T	T	T	T	T	T		T								(8) Garage Sales
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(9) Construction Dumpsters
												T					(10) Outdoor Food Stands
										T	T	T	T				(11) Outdoor Seating and Services

**Section 28.** That Section 151.62 Maintenance of improvements, be and is hereby amended, to read as follows:

**SUBDIVISION CODE Sec. 151.62. - Maintenance of improvements.**

The Subdivider or Owner of land being subdivided shall maintain all public improvements until acceptance of the public improvements by the City Council.

**PASSED** by the City Council of the City of Belvidere this \_\_\_\_ day of \_\_\_\_\_, 2024.

**APPROVED** by the Mayor of the City of Belvidere this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Clinton Morris, Mayor

**ATTEST:**

\_\_\_\_\_  
Erica Bluege, City Clerk

Ayes: \_\_\_\_ Nays: \_\_\_\_ Absent \_\_\_\_

City Council Members Voting Aye: \_\_\_\_\_

City Council Members Voting Nay: \_\_\_\_\_

Date Published:

Sponsor: \_\_\_\_\_

## MEMO

**DATE:** October 9, 2024  
**TO:** Mayor and Members of the City Council  
**FROM:** City of Belvidere Planning and Zoning Commission  
**SUBJECT:** Recommendation for Case 2024-16; City of Belvidere

**REQUEST:**

The City of Belvidere, 401 Whitney Boulevard, Belvidere, IL 61008 is requesting a text amendment to the City of Belvidere Zoning Ordinance (Chapter 150 as amended) pertaining to Sections 150.101: Purpose, 150.102: Standard Zoning Districts and Standard Zoning District Categories, 150.105(A)(1) Rural Holding (RH) District, 150.105(B)(1) Single-Family Residential-3 (SR-3) District, 150.105(B)(2) Single-Family Residential-4 (SR-4) District, 150.105(B)(3) Single-Family Residential-6 (SR-6) District, 150.105(B)(4) Two-family Residential-7 (TR-7) District, 150.105(B)(5) Multi-family Residential-8 Small (MR-8S) District, 150.105(B)(6) Multi-family Residential-8 Large (MR-8L) District, 150.105(C)(6) Central Business (CB) District, 150.105(C)(7) Planned Industrial (PI) District, 150.105(C)(8) General Industrial (GI) District, 150.105(C)(9) Heavy Industrial (HI) District, 150.105(E) Tollway Corridor Districts, 150.204(G)(5) Small Wireless Facility, 150.204(H)(2) Private Residential Garage and/or Utility/Storage Shed, 150.204(H)(15) Private Residential Recreational Facility, Table 150.604: Landscaping Requirements for Regular Development, Table 150.607(C)(2)A: Required Bufferyard Opacity Values, 150.710(D) Building Design and Construction Requirements: Planned Office and Commercial Districts (PB, GB, CB) and Tollway Corridor Districts (PM1, PM2, PM4, CC and TC), 150.904(J) Termination of an Approved Special Use, Table 150.1007(A)1, Table 150.1007(B)1, Table 150.1007(C)1, Figure 150.1007(C)(1)a, Appendix A: City of Belvidere Density and Intensity Standards, Appendix B: City of Belvidere Bulk Regulations, Appendix C: Land Use Summary Chart; 150.902 Amendment of Zoning Regulations and Text Amendments and Section 151.62 Maintenance of Improvements of the Belvidere Subdivision Ordinance.

**RECOMMENDATION:**

The Planning and Zoning Commission motioned to approve the amendments as presented. Motion carried with a 7-0 roll call vote.

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Paul Engelman, Chairman  
City of Belvidere Planning and Zoning Commission



**CITY OF BELVIDERE**

*Community Development*



**BUILDING DEPARTMENT**

**PLANNING DEPARTMENT**

**401 WHITNEY BLVD. SUITE 300 BELVIDERE, IL 61008 \* PH (815)547-7177 FAX (815)547-0789**

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September 25, 2024

**ADVISORY REPORT**

**CASE NO:** 2024-16

**APPLICANT:** City of Belvidere (TA)

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**REQUEST:**

The City of Belvidere, 401 Whitney Boulevard, Belvidere, IL 61008 is requesting a text amendment to the City of Belvidere Zoning Ordinance (Chapter 150 as amended) pertaining to Sections 150.101: Purpose, 150.102: Standard Zoning Districts and Standard Zoning District Categories, 150.105(A)(1) Rural Holding (RH) District, 150.105(B)(1) Single-Family Residential-3 (SR-3) District, 150.105(B)(2) Single-Family Residential-4 (SR-4) District, 150.105(B)(3) Single-Family Residential-6 (SR-6) District, 150.105(B)(4) Two-family Residential-7 (TR-7) District, 150.105(B)(5) Multi-family Residential-8 Small (MR-8S) District, 150.105(B)(6) Multi-family Residential-8 Large (MR-8L) District, 150.105(C)(6) Central Business (CB) District, 150.105(C)(7) Planned Industrial (PI) District, 150.105(C)(8) General Industrial (GI) District, 150.105(C)(9) Heavy Industrial (HI) District, 150.105(E) Tollway Corridor Districts, 150.204(G)(5) Small Wireless Facility, 150.204(H)(2) Private Residential Garage and/or Utility/Storage Shed, 150.204(H)(15) Private Residential Recreational Facility, Table 150.604: Landscaping Requirements for Regular Development, Table 150.607(C)(2)A: Required Bufferyard Opacity Values, 150.710(D) Building Design and Construction Requirements: Planned Office and Commercial Districts (PB, GB, CB) and Tollway Corridor Districts (PM1, PM2, PM4, CC and TC), 150.904(J) Termination of an Approved Special Use, Table 150.1007(A)1, Table 150.1007(B)1, Table 150.1007(C)1, Figure 150.1007(C)(1)a, Appendix A: City of Belvidere Density and Intensity Standards, Appendix B: City of Belvidere Bulk Regulations, Appendix C: Land Use Summary Chart; 150.902 Amendment of Zoning Regulations and Text Amendments and Section 151.62 Maintenance of Improvements of the Belvidere Subdivision Ordinance.

Specifically, the amendments are in regards to annexations, Tollway Corridor Districts, garages, private residential recreational facilities, accessory structures, parking garages, shooting ranges, small wireless facilities, special uses and maintenance of public improvements.

The methods used to show changes are:

xxxxxxxxxx = (Standard text) existing text within the zoning code; no changes proposed.

~~xxxxxxxxxx~~ = (Strike through red text) text that is proposed to be deleted from the zoning code.

xxxxxxxxxx = (Highlighted and underlined text) new text that is proposed to be inserted into the zoning code.

**Sections to be amended:**

**§150.101: Purpose**

- A) The area located within the jurisdiction of this Chapter (See §150.007) is hereby divided into zoning districts of such number and community character as are necessary to achieve compatibility of land uses within each district, to implement the officially adopted City of Belvidere Comprehensive Plan, and to achieve the other purposes of this Chapter (See §150.003).
- (B) Zoning of annexed property. All territories ~~not specially zoned through an annexation ordinance~~ shall be annexed and zoned RH, Rural Holding District until otherwise properly rezoned by ordinance. Parcels of ten or more acres of land utilized for crop production are permitted in any zoning district pursuant to annexation.
- (C) Zoning of “pre-annexed” property. Pre-annexed territory means only territory subject to an annexation agreement within the City that is not within the corporate limits of the City. All territories shall be “pre-annexed” and zoned RH, Rural Holding District until otherwise properly rezoned by ordinance. Parcels of ten or more acres of land utilized for crop production are permitted in any zoning district pursuant to “pre-annexation”.
- (D) All territories annexed and “pre-annexed” shall be subject to all City of Belvidere codes, ordinances, resolutions and policies, including but not limited to the City’s Zoning Ordinance.

**§150.102: Standard Zoning Districts and Standard Zoning District Categories**

For the purpose of this Chapter, all areas within the jurisdiction of this Chapter (See §150.007) are hereby divided into the following standard zoning districts, and standard zoning district categories (listed in underlined text), which shall be designated as follows:

Agricultural District:

Rural Holding (RH) District

Residential Districts:

Single-family Residential-3 (SR-3) District

Single-family Residential-4 (SR-4) District

Single-family Residential-6 (SR-6) District

Two-family Residential-7 (TR-7) District

Multi-family Residential-8S (MR-8S) District

Multi-family Residential-8L (MR-8L) District

Office Districts:

Neighborhood Office (NO) District

Planned Office (PO) District

Commercial Districts:

Neighborhood Business (NB) District

Planned Business (PB) District

General Business (GB) District

Central Business (CB) District

Industrial Districts:

Planned Industrial (PI) District



General Industrial (GI) District  
Heavy Industrial (HI) District

Institutional District:

Institutional (I) District

~~Tollway Corridor Districts:~~

~~Planned Mixed Use 1 (PM 1)~~

~~Planned Mixed Use 2 (PM 2)~~

~~Planned Mixed Use 4 (PM 4)~~

~~Corporate Center (CC)~~

~~Technology Center (TC)~~

Planned Development Districts:

Planned Development District (year-order of approval in that year) e.g.: (PD 2003-2)

**§150.105(A)(1) Rural Holding (RH) District**

The following subsections specify the purpose and intent of the standard zoning districts established by this Chapter.

**(A) Agricultural District**

**(1) Rural Holding (RH) District**

A. **Description and Purpose.** This district is intended to permit development that is solely of a rural community character. The land use standards for this district permit very low-density single-family residential development at a density of 1 dwelling unit for every 40 gross acres, as well as a variety of agricultural and agricultural support land uses. Density and intensity standards for this district are designed to ensure that development that requires even a minimum of urban services does not occur until such services are available. As such, the Rural Holding (RH) District shall either serve as a designation which preserves and protects agricultural activities, or as a "holding zone" which provides for an interim land use (agriculture) that will easily permit further development (with rezoning to another district) at the appropriate time.

Rationale: This district is used to provide for the protection of agricultural activities, and a very low density residential area for those who want to live in a rural environment and who retain enough land with their residence to ensure that the rural environment is maintained as long as the Rural Holding (RH) District designation is retained. In this manner, even if all property were developed in a given area with the Rural Holding (RH) District designation, the rural community character of that area would still be maintained.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

Single-Family - 40 acre lot  
Cultivation  
On-Site Agricultural Retail  
Selective Cutting  
Passive Outdoor Public Recreation  
Active Outdoor Public Recreation  
Outdoor Institutional  
Public Services and Utilities

**2. Permitted as Special Use**

Husbandry  
Intensive Agriculture  
Agricultural Services  
Clear Cutting  
Outdoor Commercial Entertainment  
Commercial Animal Boarding  
Bed and Breakfast Establishments  
Campground  
Waste Disposal Facility  
Composting Operation

Airport/Heliport  
Extraction Use  
Non-building mounted solar installations for export of energy for use by a Public Utility

C. List of Allowable Accessory Uses (per Article 2)

1. Permitted by Right

Private Residential Garage and/or Shed  
Home Occupation  
Day care group home  
Day care home w/ Occupation Permit  
On-Site Parking Lot  
Private Residential Recreational Facility  
Private Residential Kennel  
Drainage Structure  
Filling  
Lawn Care  
Private Residential Stable  
Exterior Communication Devices

2. Permitted as Special Use

Outdoor Display Incidental  
Migrant Labor Camp  
In-Family Suite  
Attached/Detached garage **in aggregate exceeding over** 900 square feet  
Wind Energy Systems  
Batch Plant  
**Private Residential Recreational Facility over 900 square feet**

**§150.105(B)(1) Single-Family Residential-3 (SR-3) District**

(1) Single-Family Residential-3 (SR-3) District

A. **Description and Purpose.** This district is intended to permit development that has a low-density, community character. Density and intensity standards for this district are designed to ensure that the Single-family Residential-3 (SR-3) District shall serve as a designation that preserves and protects the residential community character of its area. Residential development with a Maximum Gross Density (MGD) of 3 dwelling units per gross acre is available within this district.

**Rationale:** This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in a suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the community character is maintained as long as the SR-3 District designation is retained, regardless of how much development occurs within that area.

B. List of Allowable Principal Land Uses (per Article 2)

1. Permitted by Right

Single-Family  
Modular Dwelling  
Cultivation  
Selective Cutting  
Passive Outdoor Public Recreation  
Active Outdoor Public Recreation  
Public Services and Utilities

2. Permitted as Special Use

Clear Cutting  
Bed and Breakfast Establishments

C. List of Allowable Accessory Uses (per Article 2)

1. Permitted by Right

2. Permitted as Special Use

Private Residential Garage and/or Shed  
Home Occupation

Day care home  
On-Site Parking Lot  
Private Residential Recreational Facility

Drainage Structure  
Filling  
Lawn Care  
Day care group home  
Exterior Communication Devices

Caretaker's Residence  
Attached/Detached garage in aggregate exceeding over 900 square feet  
In-Family Suite  
Wind Energy Systems  
Private Residential Recreational Facility over 900 square feet

**D. List of Allowable Temporary Uses (per Article 2)...**

**E. Regulations Applicable to All Uses...**

**F. Regulations Applicable to Residential Uses**

**1. Residential Density and Intensity Requirements:**

- A. Minimum Zoning District Area: 15,000 square feet
- B. Maximum Gross Density (MGD): 2.9 du/acre
- C. Minimum Landscape Surface Ratio (LSR): 60%
- ~~D. Maximum Attached/Detached Garage Size: 10% of total lot size or 900 square feet, whichever is less.~~
- ~~(E) Maximum Accessory Structure, not including garage: 120 sq. ft. Said structures do not require a building permit or concrete floor.~~

**2. Residential Bulk Requirements:...**

3....

**§150.105(B)(2) Single-Family Residential-4 (SR-4) District**

**(2) Single-family Residential-4 (SR-4) District**

A. **Description and Purpose.** This district is intended to permit development that has a moderate density, community character. Density and intensity standards for this district are designed to ensure that the Single-family Residential-4 (SR-4) District shall serve as a designation that preserves and protects the residential community character of its area. Residential development with a Maximum Gross Density (MGD) of 4 dwelling units per gross acre is available within this district.

Rationale: This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in a suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the community character is maintained as long as the SR-4 District designation is retained, regardless of how much development occurs within that area.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

Single-Family  
Modular Dwelling  
Cultivation  
Selective Cutting

**2. Permitted as Special Use**

Clear Cutting  
Bed and Breakfast Establishments

Passive Outdoor Public Recreation  
Active Outdoor Public Recreation  
Public Services and Utilities

C. List of Allowable Accessory Uses (per Article 2)

1. Permitted by Right

Private Residential Garage and/or Shed

Home Occupation  
Day care home  
Day care group home

On-Site Parking Lot  
Private Residential Recreational Facility  
Drainage Structure  
Filling  
Lawn Care  
Exterior Communication Devices

2. Permitted as Special Use

Attached/Detached garage in aggregate exceeding over 900 square feet

In-Family Suite

Wind Energy Systems

Private Residential Recreational Facility over 900 square feet

D. List of Allowable Temporary Uses (per Article 2)...

E. Regulations Applicable to All Uses...

F. Regulations Applicable to Residential Uses

1. Residential Density and Intensity Requirements:

- A. Minimum Zoning District Area: 10,000 square feet
- B. Maximum Gross Density (MGD): 4.4 du/acre
- C. Minimum Landscape Surface Ratio (LSR): 50%

~~D. Maximum Attached/Detached Garage Size: 10% of total lot size or 900 square feet, whichever is less.~~

~~(E) Maximum Accessory Structure, not including garage: 120 sq. ft. Said structures do not require a building permit or concrete floor.~~

2. Residential Bulk Requirements:...

3.....

**§150.105(B)(3) Single-Family Residential-6 (SR-6) District**

**(3) Single-family Residential-6 (SR-6) District**

A. **Description and Purpose.** This district is intended to permit development that has a moderate density, community character. Density and intensity standards for this district are designed to ensure that the Single-family Residential-6 (SR-6) District shall serve as a designation that preserves and protects the residential community character of its area. Residential development with a Maximum Gross Density (MGD) of 6 dwelling units per gross acre is available within this district.

Rationale: This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in a suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the community character is maintained as long as the SR-6 District designation is retained, regardless of how much development occurs within that area.

**B. List of Allowable Principal Land Uses (per Article 2)**

- |   |   |
|---|---|
| <p><b>1. Permitted by Right</b></p> <ul style="list-style-type: none"><li>Single-Family</li><li>Modular Dwelling</li><li>Cultivation</li><li>Selective Cutting</li><li>Passive Outdoor Public Recreation</li><li>Active Outdoor Public Recreation</li><li>Public Services and Utilities</li></ul> | <p><b>2. Permitted as Special Use</b></p> <ul style="list-style-type: none"><li>Clear Cutting</li><li>Bed and Breakfast Establishments</li><li>Two-Flat/Duplex/Twin House</li></ul> |
|---|---|

**C. List of Allowable Accessory Uses (per Article 2)**

- |  |   |
|--|---|
| <p><b>1. Permitted by Right</b></p> <ul style="list-style-type: none"><li>Private Residential Garage and/or Shed</li><br/><li>Home Occupation</li><li>Day care group home</li><li>Day care home</li><br/><li>On-Site Parking Lot</li><li>Private Residential Recreational Facility</li><li>Drainage Structure</li><li>Filling</li><li>Lawn Care</li><li>Exterior Communication Devices</li></ul> | <p><b>2. Permitted as Special Use</b></p> <ul style="list-style-type: none"><li>Attached/Detached garage <b>in aggregate exceeding over</b> 900 square feet</li><li>In-Family Suite</li><li>Wind Energy Systems</li><li><b>Private Residential Recreational Facility over 900 square feet</b></li></ul> |
|--|---|

**D. List of Allowable Temporary Uses (per Article 2)...**

**E. Regulations Applicable to All Uses...**

**F. Regulations Applicable to Residential Uses**

- 1. Residential Density and Intensity Requirements:**
- A. Minimum Zoning District Area: 7,000 square feet
  - B. Maximum Gross Density (MGD): 6.2 du/acre
  - C. Minimum Landscape Surface Ratio (LSR): 50%
  - ~~D. Maximum Attached/Detached Garage Size: 10% of total lot size or 900 square feet, whichever is less.~~
  - ~~(E) Maximum Accessory Structure, not including garage: 120 sq. ft. Said structures do not require a building permit or concrete floor.~~
- 2. Residential Bulk Requirements:...**
- 3....

**§150.105(B)(4) Two-family Residential-7 (TR-7) District**

**(4) Two-family Residential-7 (TR-7) District**

- A. Description and Purpose.** This district is intended to permit development that has a moderate density community character. The land use standards for this district permit both single-family detached residential development and twin house/duplexes permitted by right and two flat, mobile home parks, and mobile

home subdivisions permitted as a Special Use. Density and intensity standards for this district are designed to ensure that the Two-family Residential-7 District shall serve as a designation that preserves and protects the moderate density residential community character of its area. Various residential development options are available in this district, with a Maximum Gross Density (MGD) of 7 dwelling units per gross acre.

Rationale: This district is used to provide for the permanent protection of an area for those who want to live in a moderate density residential environment and who retain enough land with their residence, or in their development, to ensure that the desired community character is maintained as long as the TR-7 District designation is retained, regardless of how much development occurs within that area. As such, this district is intended to provide the principal location for a wide range of single-family attached dwelling types, including single-family, duplexes, twin houses, and two flats.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

Single-Family  
Modular Dwelling  
Twin House/Duplex  
Cultivation  
Selective Cutting  
Passive Outdoor Public Recreation  
Active Outdoor Public Recreation  
Public Services and Utilities

**2. Permitted as Special Use**

Two-Flat  
Clear Cutting  
Bed and Breakfast Establishments  
Day care center (3+ children)  
Institutional Residential  
Mobile Home

**C. List of Allowable Accessory Uses (per Article 2)**

**1. Permitted by Right**

Private Residential Garage and/or Shed  
  
Home Occupation  
Day care group home  
Day care home  
  
On-Site Parking Lot  
Private Residential Recreational Facility  
Drainage Structure  
Filling  
Lawn Care  
Exterior Communication Devices

**2. Permitted as Special Use**

Attached/Detached garage in aggregate exceeding ~~over~~ 900 square feet for Single-Family and 1,200 square feet for two-family  
In-Family Suite  
Wind Energy Systems  
Private Residential Recreational Facility over 900 square feet

**D. List of Allowable Temporary Uses (per Article 2)...**

**E. Regulations Applicable to All Uses...**

**F. Regulations Applicable to Residential Uses.** For single-family dwellings, see the SR-6 District.

**1. Residential Density and Intensity Requirements:**

- A. Minimum Zoning District Area: 12,000 square feet
- B. Maximum Gross Density (MGD): 7.3 du/acre
- C. Minimum Landscape Surface Ratio (LSR): 50%

~~D. Maximum Accessory Structure Size: 10% of total lot size or 1200 square feet, whichever is less.~~



2. Residential Bulk Requirements:...

§150.105(B)(5) Multi-family Residential-8 Small (MR-8S) District

(5) Multi-family Residential-8 Small (MR-8S) District

A. **Description and Purpose.** This district is intended to permit development that has a higher density community character. The land use standards for this district permit single-family detached, twin house/duplex, two flats, townhouses, and multiplexes permitted by right and related land uses. Density and intensity standards for this district are designed to ensure that the Multi-family Residential-8 Small District shall serve as a designation that preserves and protects the community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 8 dwelling units per gross acre.

Rationale: This district is used to provide for the permanent protection of an area for those who want to live in a higher density residential environment, with housing units that are smaller than those for MR-8L, and who retain enough land with their residence, or in their development, to ensure that the urban community character is maintained as long as the MR-8S District designation is retained, regardless of how much development occurs within that area. As such, it is intended to provide the principal location for mixed residential development.

B. List of Allowable Principal Land Uses (per Article 2)

1. Permitted by Right

- Single-Family
- Twin House/Duplex
- Townhouse (3 or 4 unit building)
- Multiplex (3 or 4 unit building)
- Modular Dwelling
- Cultivation
- Selective Cutting
- Passive Outdoor Public Recreation
- Active Outdoor Public Recreation
- Public Services and Utilities

2. Permitted as Special Use

- Two-Flat
- Apartment (3 or 4 unit building)
- Clear Cutting
- Bed and Breakfast Establishments
- Day care center (9+ children)
- Boarding House
- Institutional Residential

C. List of Allowable Accessory Uses (per Article 2)

1. Permitted by Right

- Private Residential Garage and/or Shed
- Home Occupation
- Day care group home
  
- Day care home
- On-Site Parking Lot
- Private Residential Recreational Facility
- Drainage Structure
- Filling
- Lawn Care

2. Permitted as Special Use

- In-Family Suite
- Wind Energy Systems
- Private Residential Recreational Facility over 900 square feet

Exterior Communication Devices

**§150.105(B)(6) Multi-family Residential-8 Large (MR-8L) District**

**(6) Multi-family Residential-8 Large (MR-8L) District**

- A. **Description and Purpose.** This district is intended to permit development that has a higher density community character. The land use standards for this district permit single-family detached, twin house/duplex, townhouses, multiplexes, and apartments permitted by right and related land uses. Density and intensity standards for this district are designed to ensure that the Multi-family Residential-8 Large District shall serve as a designation that preserves and protects the community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 8 dwelling units per gross acre, with housing units typically larger than those in the MR-8S.

Rationale: This district is used to provide for the permanent protection of an area for those who want to live in a higher density residential environment and who retain enough land with their residence, or in their development, to ensure that the urban community character is maintained as long as the MR-8L District designation is retained, regardless of how much development occurs within that area. As such, it is intended to provide the principal location for mixed residential development.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

Single-Family  
Twin House/Duplex  
Townhouse (3 or 4 unit building)  
Multiplex (3 or 4 unit building)  
Apartment (3 or 4 unit building)  
Public Services and Utilities  
Modular Dwelling  
Cultivation  
Selective Cutting  
Passive Outdoor Public Recreation  
Active Outdoor Public Recreation

**2. Permitted as Special Use**

Two-Flat  
Apartment (5 to 8 unit building)  
Mobile Home Subdivision or Park  
Clear Cutting  
Bed and Breakfast Establishments  
Day care center (3+ children)  
Institutional Residential  
Boarding House

**C. List of Allowable Accessory Uses (per Article 2)**

**1. Permitted by Right**

Private Residential Garage and/or Shed  
Home Occupation  
Day care group home  
  
Day care home  
On-Site Parking Lot  
Private Residential Recreational Facility

**2. Permitted as Special Use**

In-Family Suite  
Wind Energy Systems  
Private Residential Recreational Facility  
over 900 square feet



- Drainage Structure
- Filling
- Lawn Care
- Exterior Communication Devices

**§150.105(C)(6) Central Business (CB) District**

**(6) Central Business (CB) District**

**A. Description and Purpose.** This district is intended to permit both large and small-scale "downtown" commercial development at an intensity that provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. To accomplish this effect, minimum Landscape Surface Ratios (LSRs) permitted in this district are much lower than those allowed in the Planned Business and General Business Districts. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street. No requirements for on site landscaping or parking are required in this district. This district is strictly limited to the central city locations.

Rationale: This district is intended to provide an alternative, primarily infill development, designation for commercial activity to the Planned Business (PB) and General Business (GB) Districts are designed to assist in maintaining the long-term viability of the central city.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

- Cultivation
- Selective Cutting
- Passive Outdoor Public Recreation
- Active Outdoor Public Recreation
- Public Services and Utilities
- Office
- Personal or Professional Services
- Indoor Sales or Service
- Indoor Maintenance Service
- Off-Site Parking Lot
- Residential units above the first floor
- Artisan Studio/Production Shop
- Indoor Institutional (minor)
  
- Small Wireless Facility

**2. Permitted as Special Use**

- Clear Cutting
- Indoor Institutional (major)
- Outdoor Institutional
- Institutional Residential
- In-Vehicle Sales or Service
- Indoor Commercial Entertainment
- Outdoor Commercial Entertainment
- Commercial Indoor Lodging
- Bed and Breakfast Establishments
- Day care center (3+ children)
- Boarding House
- Apartment (3 or 4 unit building)
- Adult-use Cannabis Dispensing Organization
- Adult-use Cannabis Infuser Organization or Infuser
- On-Site Parking Garage (above & underground)

**§150.105(C)(7) Planned Industrial (PI) District**

**(7) Planned Industrial (PI) District**

**A. Description and Purpose.** This district is intended to permit both large and small scale industrial and office development at an intensity that is consistent with the overall desired suburban community character of the community. Beyond a relatively high minimum Green

Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide a location for suburban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the General Industrial (GI) District. In addition, land uses shall comply with the minimum performance standards presented in Article 7.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

Cultivation  
Selective Cutting  
Passive Outdoor Public Recreation  
Active Outdoor Public Recreation  
Public Services and Utilities  
Office  
Personal or Professional Services  
Indoor Maintenance Service  
Indoor Storage or Wholesaling  
Light Industrial  
Small Wireless Facility

**2. Permitted as Special Use**

Clear Cutting  
Indoor Commercial Entertainment  
Indoor Sales or Service  
Day care center (3+ children)  
Artisan Studio/Production Shop  
Personal Storage Facility  
Airport/Heliport  
Distribution Center  
Communication Tower  
Campground  
Off-Site Parking Lot  
Vehicle Repair and Maintenance  
In-vehicle Sales or Service  
Non-building mounted solar installations for export of energy for use by a Public Utility  
Adult-use Cannabis Dispensing Organization  
Adult-use Cannabis Craft Crower  
Adult-use Cannabis Cultivation Center  
Adult-use Cannabis Infuser Organization or Infuser  
Adult-use Cannabis Processing Organization or Processor  
Adult-use Cannabis Transporting Organization or Transporter  
Shooting Range  
On-Site Parking Garage (above & underground)

**§150.105(C)(8) General Industrial (GI) District**

**(8) General Industrial (GI) District**

A. **Description and Purpose.** This district is intended to permit both large and small scale industrial and office development at an intensity that is consistent with existing transition and urban intensity development. Beyond a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. To ensure a minimum

of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide a location for urban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the Heavy Industrial (HI) District. In addition, uses shall comply with the minimum performance standards presented in Article 7.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

Cultivation  
Selective Cutting  
Passive Outdoor Public Recreation  
Public Services and Utilities  
Office  
Indoor Maintenance Service  
Indoor Storage or Wholesaling  
Off-Site Parking Lot  
Vehicle Repair and Maintenance  
Personal Storage Facility  
Light Industrial  
Small Wireless Facility

**2. Permitted as Special Use**

Clear Cutting  
Day care center (3+ children)  
Artisan Studio/Production Shop  
Outdoor Storage or Wholesaling  
Airport/Heliport  
Freight Terminal  
Communication Tower  
Campground  
Distribution Center  
Heavy Industrial  
Shooting Range  
Non-building mounted solar installations for export of energy for use by a Public Utility  
Adult-use Cannabis Craft Grower  
Adult-use Cannabis Cultivation Center  
Adult-use Cannabis Infuser Organization or Infuser  
Adult-use Cannabis Processing Organization or Processor  
Adult-use Cannabis Transporting Organization or Transporter  
On-Site Parking Garage (above & underground)

**§150.105(C)(9) Heavy Industrial (HI) District**

**(9) Heavy Industrial (HI) District**

**A. Description and Purpose.** This district is intended to permit both large and small scale industrial and office development at an intensity that provides ample incentive for infill development and redevelopment of industrial areas existing as of the effective date of this Chapter. This district is designed to permit a very wide variety of industrial uses which may occur both indoors and outdoors, including certain land uses which are permitted in no other zoning district because of their potential to create nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide a location for both light and heavy industrial uses in a zoning district in which the potential for nuisance complaints from nearby properties is minimized. It must be emphasized that this is not a district where virtually any land use is permitted, as all uses shall comply with the minimum performance standards presented in Article 7. In addition, certain land uses such as extraction, junkyards and salvage operations, and freight terminals are permitted within this district only upon the granting of a Special Use permit.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

- Cultivation
- Selective Cutting
- Passive Outdoor Public Recreation
- Public Services and Utilities
- Office
- Indoor Maintenance Service
- Indoor Storage or Wholesaling
- Outdoor Storage or Wholesaling
- Off-Site Parking Lot
- Distribution Center
- Light Industrial
- Heavy Industrial
- Vehicle Repair and Maintenance
- Small Wireless Facility

**2. Permitted as Special Use**

- Agricultural Services
- Clear Cutting
- Outdoor Maintenance Service
- Sexually Oriented Land Use
- Junkyard or Salvage Yard
- Waste Disposal Facility
- Composting Operation
- Airport/Heliport
- Freight Terminal
- Communication Tower
- Extraction Use
- Shooting Range
- Non-building mounted solar installations for export of energy for use by a Public Utility
- Adult-use Cannabis Craft Grower
- Adult-use Cannabis Cultivation Center
- Adult-use Cannabis Infuser Organization or Infuser
- Adult-use Cannabis Processing Organization or Processor
- Adult-use Cannabis Transporting Organization or Transporter
- On-Site Parking Garage (above & underground)

**§150.105(E) Tollway Corridor Districts**

**(1) Planned Mixed Use 1 (PM-1) District**

~~**A. Description and Purpose.** This district is intended to be similar to a Transit Oriented District (TOD). While TOD developments are mixed use, higher density communities that encourage people to live near transit services and decrease their dependence on driving, this district will be located near a Tollway interchange and is anticipated to be near transit services in the future. TOD developments typically include a mix of land uses including moderate to high density residential, commercial and retail, both of which have easy, nearby access and walking routes to transit stations. To accomplish this effect, minimum Landscape Surface Ratios (LSRs) and parking ratios permitted in this district are lower than those allowed in other Business Districts. A wide range of institutional, commercial, office, residential and transit uses are permitted within this district. Densities are greater nearer to the transit center.~~

~~Rationale: This district is generally located along the I-90 Corridor providing necessary services to both the southern portion of Boone County and the surrounding municipalities. This district is intended to provide a carefully controlled mix of institutional, commercial, office, residential, and transit uses based on high quality detailed plans. Buildings will be developed at one to three stories.~~

**B. List of Allowable Principal Land Uses (per Article 2)**

- |              |              |                       |           |
|--------------|--------------|-----------------------|-----------|
| 1. _____     | Permitted by | 2. _____              | Permitted |
| <b>Right</b> |              | <b>as Special Use</b> |           |
| Cultivation  |              | Clear Cutting         |           |



~~Selective Cutting  
Passive Outdoor Public Recreation  
Active Outdoor Public Recreation  
Public Services and Utilities  
Indoor Institutional (minor)  
Office  
Personal or Professional Services  
Indoor Sales or Service  
Day care center (3+ children)  
Commercial Indoor Lodging  
Indoor Maintenance Service  
On-Site Parking Garage (above & underground)  
Residential units above the first floor  
Small Wireless Facility~~

~~Outdoor Institutional  
Institutional Residential  
In-Vehicle Sales or Service  
Indoor Commercial Entertainment  
Outdoor Commercial Entertainment  
Vehicle Repair and Maintenance  
Artisan Studio/Production Shop  
Commercial Animal Boarding  
Off-Site Parking Lot/Garage  
Indoor Institutional (major)~~

**C. List of Allowable Accessory Uses (per Article 2)**

**1. ~~Permitted by Right~~**

~~Commercial Apartment Above the 1<sup>st</sup> Floor  
Outdoor Display Incidental  
Private Residential Garage and/or Shed  
Company Cafeteria  
Company Provided On-Site Recreation  
Home Occupation  
On-Site Parking Lot  
Private Residential Recreational Facility  
Drainage Structure  
Filling  
Lawn Care  
Exterior Communication Devices~~

**2. Permitted as Special Use**

~~In-Vehicle Sales and Service  
Light Industrial Incidental to Indoor Sales  
Outdoor Storage~~

**D. List of Allowable Temporary Uses (per Article 2)**

~~General Temporary Outdoor Sales  
Contractor's Project Office  
Contractor's On-Site Equipment Storage  
Re-locatable Building  
On-Site Real Estate Sales Office  
Outdoor Sales of Farm Products  
Construction Dumpster  
Outdoor Seating and Services~~

**E. Regulations Applicable to All Uses**

- ~~1. Landscaping Regulations: (See Article 6)~~
- ~~2. Performance Standards: (See Article 7)~~
- ~~3. Signage Regulations: (See Article 10)~~

~~A. Only a bedroom shall serve as a regularly occupied sleeping area. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Every bedroom shall have access to at least one water closet and~~

~~one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story. Kitchens and non-habitable spaces (e.g. utility rooms, storage spaces, closets, garages and bathrooms) shall not be used for sleeping purposes and shall not be deemed a bedroom.~~

~~B. Every bedroom occupied by one (1) person shall contain at least 70 square feet of floor area and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.~~

~~C. In addition to the requirements of (B) above, every residential unit shall contain a minimum of 200 square feet of habitable space for each occupant.~~

~~D. No dwelling unit shall be occupied by more persons than permitted under (B) or (C) above. The legal Owner as well as each of the occupants shall be jointly and severally liable for a violation of this provision and shall be assessed a fine in accordance with the general fine provision of the Belvidere Municipal Code. Each day that a violation of this provision continues shall be deemed a separate offense. Additionally, the City may seek any other remedy available at law or in equity, including equitable relief requiring compliance with this provision.~~

#### ~~F. Regulations Applicable to Nonresidential Uses~~

##### ~~1. Nonresidential Intensity Requirements~~

~~A. Minimum Landscape Surface Ratio (LSR): 15%~~

~~B. Maximum Floor Area Ratio (FAR): 1.0~~

~~B. Maximum Impervious Surface Ratio (ISR): .85~~

~~C. Minimum Lot Area (MLA): 40,000~~

~~D. Maximum Building Size (MBS): N/A~~

##### ~~2. Nonresidential Bulk Requirements:~~

~~A. Minimum Lot Area: 40,000 sf~~

~~B. Minimum Lot Width: 100 feet~~

##### ~~C. Minimum Setbacks:~~

~~Building to Front or Street Side Lot Line: 15 feet~~

~~Building to Side Lot Line: 10 feet~~

~~Building to Rear Lot Line: 20 feet~~

~~Side Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley~~

~~Rear Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley~~

~~Required Buffer yard: See §150.607 along zoning district boundary~~

~~Minimum Paved Surface Setback: 5 feet~~

~~D. Maximum Building Setback: 20 feet from right-of-way~~

~~E. Minimum Building Separation: 0 feet~~

~~E. Maximum Number of Stories: 3; greater with Special Use permit.~~

~~F. Minimum Number of Stories: 1~~

~~G. Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in §150.204 with the exception of residential parking units. Residential parking units shall require one (1) parking space per dwelling unit.~~

#### ~~(2) Planned Mixed Use 2 (PM-2) District~~

~~A. Description and Purpose. This district is intended to be similar to a Transit Oriented District (TOD). While TOD developments are mixed-use, higher density communities that encourage people to live near transit services and decrease their dependence on driving, this district will be located near a Tollway interchange and is anticipated to be near transit services in the future. TOD developments typically include a mix of land uses including moderate to high density residential, commercial and retail, both of which have easy, nearby access~~



and walking routes to transit stations. To accomplish this effect, minimum Landscape Surface Ratios (LSRs) and parking ratios permitted in this district are lower than those allowed in other Business Districts. A wide range of institutional, commercial, office, residential and transit uses are permitted within this district. Densities are greater nearer to the transit center.

Rationale: This district is generally located along the I-90 Corridor and will be comprised of a higher density level of both commercial and residential units. This district is intended to provide a carefully controlled mix of institutional, commercial, office, residential, and transit uses based on high quality detailed plans. Buildings will be developed at two to six stories.

**B. — List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

- Cultivation
- Selective Cutting
- Passive Outdoor Public Recreation
- Active Outdoor Public Recreation
- Public Services and Utilities
- Office
- Personal or Professional Services
- Indoor Sales or Service
- Day care center (3+ children)
- Commercial Indoor Lodging
- Indoor Maintenance Service
- On-Site Parking Garage (above & underground)
- Residential units above the second floor
- Small Wireless Facility

**2. Permitted as Special Use**

- Clear Cutting
- Outdoor Institutional
- Indoor Institutional (minor and major)
- Institutional Residential
- In-Vehicle Sales or Service
- Indoor Commercial Entertainment
- Outdoor Commercial Entertainment
- Artisan Studio/Production Shop
- Off-Site Parking Lot/Garage
- Large Scale Developments

**C. — List of Allowable Accessory Uses (per Article 2)**

**1. Permitted by Right**

- Commercial Apartment above 2<sup>nd</sup> Floor
- Outdoor Display Incidental
- Private Residential Garage and/or Shed
- Company Cafeteria
- Company Provided On-Site Recreation
- Home Occupation
- On-Site Parking Lot
- Private Residential Recreational Facility
- Drainage Structure
- Filling
- Lawn Care
- Exterior Communication Devices

**2. Permitted as Special Use**

- In-Vehicle Sales and Service
- Light Industrial Incidental to Indoor Sales
- Outdoor Storage

**D. — List of Allowable Temporary Uses (per Article 2)**

- General Temporary Outdoor Sales
- Contractor's Project Office
- Contractor's On-Site Equipment Storage
- Re-locatable Building
- On-Site Real Estate Sales Office
- Outdoor Sales of Farm Products
- Construction Dumpster

Outdoor Seating and Services

~~E. Regulations Applicable to All Uses~~

- ~~A. Landscaping Regulations: (See Article 6)~~
- ~~B. Performance Standards: (See Article 7)~~
- ~~C. Signage Regulations: (See Article 10)~~

~~F. Regulations Applicable to Residential Uses:~~

- ~~A. Only a bedroom shall serve as a regularly occupied sleeping area. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story. Kitchens and non-habitable spaces (e.g. utility rooms, storage spaces, closets, garages and bathrooms) shall not be used for sleeping purposes and shall not be deemed a bedroom.~~
- ~~B. Every bedroom occupied by one (1) person shall contain at least 70 square feet of floor area and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.~~
- ~~C. In addition to the requirements of (B) above, every residential unit shall contain a minimum of 200 square feet of habitable space for each occupant.~~
- ~~D. No dwelling unit shall be occupied by more persons than permitted under (B) or (C) above. The legal Owner as well as each of the occupants shall be jointly and severally liable for a violation of this provision and shall be assessed a fine in accordance with the general fine provision of the Belvidere Municipal Code. Each day that a violation of this provision continues shall be deemed a separate offense. Additionally, the City may seek any other remedy available at law or in equity, including equitable relief requiring compliance with this provision.~~

~~G. Regulations Applicable to Nonresidential Uses~~

~~1. Nonresidential Intensity Requirements~~

- ~~A. Minimum Landscape Surface Ratio (LSR): 12.5%~~
- ~~B. Maximum Floor Area Ratio (FAR): 2.0~~
- ~~C. Maximum Impervious Surface Ratio (ISR): .875~~
- ~~D. Minimum Lot Area (MLA): 20,000~~
- ~~E. Maximum Building Size (MBS): N/A~~

~~2. Nonresidential Bulk Requirements:~~

- ~~A. Minimum Lot Area: 20,000 sf~~
- ~~B. Minimum Lot Width: 100 feet~~
- ~~C. Minimum Setbacks:  
Building to Front or Street Side Lot Line: 10 feet  
Building to Side Lot Line: 5 feet  
Building to Rear Lot Line: 15 feet  
Side Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley  
Rear Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley  
Required Buffer yard: See §150.607 along zoning district boundary  
Minimum Paved Surface Setback: 0 feet~~
- ~~D. Maximum Building Setback: 15 feet from right-of-way~~
- ~~E. Minimum Building Separation: 0 feet~~
- ~~F. Maximum Number of Stories: 6; greater with Special Use permit.~~



~~G. Minimum Number of Stories: 2~~

~~H. Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in §150.204 with the exception of residential parking units. Residential parking units shall require one (1) parking space per dwelling unit.~~

~~(3) Planned Mixed Use 4 (PM-4) District~~

~~A. Description and Purpose. This district is intended to be similar to a Transit Oriented District (TOD). While TOD developments are mixed use, higher density communities that encourage people to live near transit services and decrease their dependence on driving, this district will be located near a Tollway interchange and is anticipated to be near transit services in the future. TOD developments typically include a mix of land uses including moderate to high density residential, commercial and retail, both of which have easy, nearby access and walking routes to transit stations. To accomplish this effect, minimum Landscape Surface Ratios (LSRs) and parking ratios permitted in this district are lower than those allowed in other Business Districts. A wide range of institutional, commercial, office, residential and transit uses are permitted within this district. Densities are greater nearer to the transit center.~~

~~Rationale: This district is primarily located south of US Highway 20 and south of Interstate 90, with close proximity to both the Irene interchange and any future transit stop. Development in this district is at a higher density allowing commuters to access businesses easier while the compact design helps prevent sprawl. This district is intended to provide an intensive but carefully controlled mix of institutional, commercial, office, residential, and transit uses based on high quality detailed plans. Buildings will be developed at four to ten stories.~~

~~B. List of Allowable Principal Land Uses (per Article 2)~~

~~1. Permitted by Right~~

- ~~Cultivation~~
- ~~Selective Cutting~~
- ~~Passive Outdoor Public Recreation~~
- ~~Active Outdoor Public Recreation~~
- ~~Public Services and Utilities~~
- ~~Day care center (3+ children)~~
- ~~Office~~
- ~~Personal or Professional Services~~
- ~~Indoor Sales or Service~~
- ~~Commercial Indoor Lodging~~
- ~~Indoor Maintenance Service~~
- ~~On-Site Parking Garage (above & underground)~~
- ~~Residential units above the third floor~~
- ~~— Small Wireless Facility~~

~~2. Permitted as Special Use~~

- ~~Clear-Cutting~~
- ~~Indoor Institutional (minor and major)~~
- ~~Institutional Residential~~
- ~~In-Vehicle Sales or Service~~
- ~~Indoor Commercial Entertainment~~
- ~~Commercial Indoor Lodging~~
- ~~Artisan Studio/Production Shop~~
- ~~Commercial Animal Boarding~~
- ~~Off-Site Parking Lot/Garage~~
- ~~Large-scale Development~~

~~C. List of Allowable Accessory Uses (per Article 2)~~

~~1. Permitted by Right~~

- ~~Commercial Apartment Above the 4<sup>th</sup> Floor~~
- ~~Outdoor Display Incidental~~
- ~~Private Residential Garage and/or Shed~~
- ~~Company Cafeteria~~
- ~~Company Provided On-Site Recreation~~
- ~~Home Occupation~~
- ~~On-Site Parking Lot~~
- ~~Private Residential Recreational Facility~~
- ~~Drainage Structure~~

~~2. Permitted as Special Use~~

- ~~In-Vehicle Sales and Service~~
- ~~Light Industrial Incidental to Indoor Sales~~
- ~~Outdoor Storage~~

- Filling
- Lawn Care
- Exterior Communication Devices

**D.—List of Allowable Temporary Uses (per Article 2)**

- General Temporary Outdoor Sales
- Contractor's Project Office
- Contractor's On-Site Equipment Storage
- Re-locatable Building
- On-Site Real Estate Sales Office
- Outdoor Sales of Farm Products
- Construction Dumpster
- Outdoor Seating and Services

**E.—Regulations Applicable to All Uses**

- A.—Landscaping Regulations: (See Article 6)
- B.—Performance Standards: (See Article 7)
- C.—Signage Regulations: (See Article 10)

**F.—Regulations Applicable to Residential Uses:**

- A.—Only a bedroom shall serve as a regularly occupied sleeping area. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story. Kitchens and non-habitable spaces (e.g. utility rooms, storage spaces, closets, garages and bathrooms) shall not be used for sleeping purposes and shall not be deemed a bedroom.
- B.—Every bedroom occupied by one (1) person shall contain at least 70 square feet of floor area and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.
- C.—In addition to the requirements of (B) above, every residential unit shall contain a minimum of 200 square feet of habitable space for each occupant.
- D.—No dwelling unit shall be occupied by more persons than permitted under (B) or (C) above. The legal Owner as well as each of the occupants shall be jointly and severally liable for a violation of this provision and shall be assessed a fine in accordance with the general fine provision of the Belvidere Municipal Code. Each day that a violation of this provision continues shall be deemed a separate offense. Additionally, the City may seek any other remedy available at law or in equity, including equitable relief requiring compliance with this provision.

**G.—Regulations Applicable to Nonresidential Uses**

**1.—Nonresidential Intensity Requirements**

- A.—Minimum Landscape Surface Ratio (LSR): 10%
- B.—Maximum Floor Area Ratio (FAR): 3.0
- C.—Maximum Impervious Surface Ratio (ISR): .90
- D.—Minimum Lot Area (MLA): 20,000
- E.—Maximum Building Size (MBS): NA

**2.—Nonresidential Bulk Requirements:**

- A.—Minimum Lot Area: 20,000 sf
- B.—Minimum Lot Width: 75 feet



~~C. Minimum Setbacks:~~

- ~~Building to Front or Street Side Lot Line: 0 feet~~
- ~~Building to Side Lot Line: 0 feet~~
- ~~Building to Rear Lot Line: 0 feet~~
- ~~Side Lot Line to Accessory Structure: 0 feet from property line, 5 feet from alley~~
- ~~Rear Lot Line to Accessory Structure: 0 feet from property line, 5 feet from alley~~
- ~~Required Buffer yard: See §150.607 along zoning district boundary~~
- ~~Minimum Paved Surface Setback: 0 feet~~

~~D. Maximum Building Setback: 10 feet from right-of-way~~

~~E. Minimum Building Separation: 0 feet~~

~~F. Maximum Number of Stories: 10; greater with Special Use permit.~~

~~G. Minimum Number of Stories: 4~~

~~H. Minimum Number of Off-Street Parking Spaces Required on the Lot: One (1) parking space per every 400 GSF of commercial/retail space. Residential parking units shall require one (1) parking space per dwelling unit.~~

~~(10) Corporate Center (CC) District~~

~~**Description and Purpose.** This district is intended for the placement of corporate headquarters and employment centers that are traditionally found along highway/tollway corridors. Corporate Center development shall contain a carefully controlled mix of moderate to very high-intensity office-orientated mixed use buildings at a minimum of one story above ground level. Office space shall be the predominate land use while personal and professional services, retail, entertainment, institutional and parking shall be accessory uses. The accessory uses shall be catered to the employees of the buildings and not the general public. No residential development is permitted.~~

~~Rationale: This district is generally located just east of the Irene Interchange and south of I-90 and will be comprised of a higher density level of both commercial and office uses based on high quality detailed plans. Buildings will be developed at one to six stories.~~

~~List of Allowable Principal Land Uses (per Article 2)~~

~~1. Permitted by Right~~

- ~~Cultivation~~
- ~~Selective Cutting~~
- ~~Passive Outdoor Public Recreation~~
- ~~Active Outdoor Public Recreation~~
- ~~Public Services and Utilities~~
- ~~Office~~
- ~~On-Site Parking Garage (above & underground)~~
- ~~Small Wireless Facility~~

~~2. Permitted as Special Use~~

- ~~Clear-Cutting~~
- ~~Outdoor Institutional~~
- ~~Indoor Institutional (minor and major)~~
- ~~Large Scale Developments~~
- ~~Off-Site Parking Lot/Garage~~

~~List of Allowable Accessory Uses (per Article 2)~~

~~1. Permitted by Right~~

- ~~Personal or Professional Services~~
- ~~Indoor Sales or Service~~
- ~~Day care center (3+ children)~~
- ~~Commercial Indoor Lodging~~
- ~~Indoor Maintenance Service~~
- ~~On-Site Parking Garage (above & underground)~~
- ~~Exterior Communication Devices~~
- ~~Outdoor Display Incidental~~
- ~~On-Site Parking Lot~~

~~2. Permitted as Special Use~~

- ~~In-Vehicle Sales and Service~~
- ~~Light Industrial Incidental to Indoor Sales~~
- ~~In-Vehicle Sales or Service~~
- ~~Indoor Commercial Entertainment~~
- ~~Outdoor Commercial Entertainment~~
- ~~Artisan Studio/ Production Shop~~

~~Company Cafeteria  
Company Provided On-Site Recreation  
Drainage Structure  
Filling  
Lawn Care~~

**List of Allowable Temporary Uses (per Article 2)**

~~General Temporary Outdoor Sales  
Contractor's Project Office  
Contractor's On-Site Equipment Storage  
Re-locatable Building  
On-Site Real Estate Sales Office  
Construction Dumpster~~

**Regulations Applicable to All Uses**

~~Landscaping Regulations: (See Article 6)  
Performance Standards: (See Article 7)  
Signage Regulations: (See Article 10)~~

**Regulations Applicable to Nonresidential Uses**

**1. Nonresidential Intensity Requirements**

~~A. Minimum Landscape Surface Ratio (LSR): 20%  
B. Maximum Floor Area Ratio (FAR): 3.0  
C. Maximum Impervious Surface Ratio (ISR): .8  
D. Minimum Lot Area (MLA): 20,000  
E. Maximum Building Size (MBS): NA~~

**2. Nonresidential Bulk Requirements:**

~~A. Minimum Lot Area: 20,000 sf  
B. Minimum Lot Width: 100 feet~~

**C. Minimum Setbacks:**

~~Building to Front or Street Side Lot Line: 20 feet  
Building to Side Lot Line: 20 feet  
Building to Rear Lot Line: 30 feet  
Side Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley  
Rear Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley  
Required Buffer yard: See §150.607 along zoning district boundary  
Minimum Paved Surface Setback: 5 feet~~

~~D. Maximum Building Setback: 30 feet from right-of-way  
E. Minimum Building Separation: 0 feet  
F. Maximum Number of Stories: 6; greater with Special Use permit.  
G. Minimum Number of Stories: 1~~

~~H. Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in §150.204 with the exception of residential parking units. Residential parking units shall require one (1) parking space per dwelling unit.~~

**(5) Technology Center (TC) District**

**A. Description and Purpose.** This district is intended for the placement of office, research and testing facilities that are traditionally found along highway/tollway corridors. Technology Center development shall contain a



carefully controlled mix of low to high intensity research-orientated buildings—containing research and development land uses and associated testing, office, and test production, storage and distribution and parking uses. No residential development is permitted.

Rationale: This district is generally located between Townhall Road and Stone Quarry Road and west of Pearl Street Road and will be comprised of a higher density level of research, office, test production and limited storage based on high quality detailed plans. Buildings will be developed at one to six stories.

**B. List of Allowable Principal Land Uses (per Article 2)**

**1. Permitted by Right**

- Cultivation
- Selective Cutting
- Passive Outdoor Public Recreation
- Public Services and Utilities
- Office
- Day care center (3+ children)
- On-Site Parking Garage (above & underground)
- Small Wireless Facility

**2. Permitted as Special Use**

- Clear Cutting
- Indoor Institutional (minor and major)
- Artisan Studio/Production Shop
- Large Scale Developments
- Distribution Center
- Indoor Storage
- Off-Site Parking Lot/Garage

**C. List of Allowable Accessory Uses (per Article 2)**

**1. Permitted by Right**

- Exterior Communication Devices
- On-Site Parking Lot
- Company Cafeteria
- Company Provided On-Site Recreation
- Lawn Care
- Drainage Structure
- Filling

**2. Permitted as Special Use**

- In-Vehicle Sales and Service
- Light Industrial Incidental to Indoor Sales

**D. List of Allowable Temporary Uses (per Article 2)**

- General Temporary Outdoor Sales
- Contractor's Project Office
- Contractor's On-Site Equipment Storage
- Re-locatable Building
- On-Site Real Estate Sales Office
- Construction Dumpster

**E. Regulations Applicable to All Uses**

- A. Landscaping Regulations: (See Article 6)
- B. Performance Standards: (See Article 7)
- C. Signage Regulations: (See Article 10)

**F. Regulations Applicable to Nonresidential Uses**

**1. Nonresidential Intensity Requirements**

- A. Minimum Landscape Surface Ratio (LSR): 20%
- B. Maximum Floor Area Ratio (FAR): 3.0
- C. Maximum Impervious Surface Ratio (ISR): .80
- D. Minimum Lot Area (MLA): 20,000

~~E. Maximum Building Size (MBS): NA~~

~~2. Nonresidential Bulk Requirements:~~

~~A. Minimum Lot Area: 20,000 sf~~

~~B. Minimum Lot Width: 100 feet~~

~~C. Minimum Setbacks:~~

~~Building to Front or Street Side Lot Line: 20 feet~~

~~Building to Side Lot Line: 20 feet~~

~~Building to Rear Lot Line: 30 feet~~

~~Side Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley~~

~~Rear Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley~~

~~Required Buffer yard: See §150.607 along zoning district boundary~~

~~Minimum Paved Surface Setback: 5 feet~~

~~A. Maximum Building Setback: 30 feet from right-of-way~~

~~B. Minimum Building Separation: 0 feet~~

~~C. Maximum Number of Stories: 6; greater with Special Use permit.~~

~~D. Minimum Number of Stories: 4~~

~~E. Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in §150.204 with the exception of residential parking units. Residential parking units shall require one (1) parking space per dwelling unit.~~

**§150.204(G)(5) Small Wireless Facility**

- (5) **Small Wireless Facility.** A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

**A. Requirements**

- (1) Small Wireless Facilities shall be located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property, unless a variance is granted.
- (2) Small Wireless Facilities shall be no taller than 50 45 feet above ground or 10 feet taller than the tallest existing utility pole within 300 feet, whichever is taller, without a variance.

**B. Parking Requirements.** Not required.

**§150.204(H)(2) Private Residential Garage and/or Utility/Storage Shed**

- (2) **Private Residential Garage and/or Utility/Storage Shed.** A private garage or carport is a structure which primarily accommodates the sheltered parking of a passenger vehicle and/or the storage of maintenance equipment of the subject property. A utility/storage shed is an accessory structure which accommodates the storage of maintenance equipment and shall not be used to store cars, trucks or related non-recreational vehicles. These structures must be located so as to be accessory to a principal land use on the same lot. Utility sheds in excess of 120 square feet of gross

floor area, garages, and carports ~~which exceed 30% coverage of the rear yard area, or~~ which exceed the lot coverage of the principle structure, are not permitted in residential districts.

**A. Regulations**

1. One **detached** garage or carport **and one attached garage or carport** shall be permitted by right as set forth in §§150.105(B).
2. One utility/storage shed **(120 square feet or less)** shall be permitted by right as set forth in §§150.105(B). **Said structures do not require a building permit or concrete floor.**
3. No detached accessory building shall be located closer than ten (10) feet to the principal building. In cases where at least one-hour fire-rated wall and ceiling are provided, the Zoning Administrator may allow a distance of less than ten (10) feet but not less than five (5) feet. Building overhangs shall be no less than three feet apart.

**§150.204(H)(15) Private Residential Recreational Facility**

(15) **Private Residential Recreational Facility.** This land use includes all active **outdoor** recreational facilities located on a private residential lot which are not otherwise listed in Appendix C. Materials and lighting shall limit light levels at said property line are to be equal to or less than 0.5 foot candles (see §150.707). All private residential recreation facilities and their attendant structures shall comply with the bulk requirements for accessory structures. (See Article 4.) Common examples of these accessory uses include swing sets, tree houses, playhouses, basketball courts, tennis courts, swimming pools, and recreation-type equipment. **Private residential recreational facilities shall not be open to the public or used for commercial purposes.**

**A. Regulations**

1. Swimming pools shall be regulated by the performance standards provided in the Building Code.
2. Playhouses shall not exceed 120 square feet or 12 feet in height and no more than 1 per lot. Utilities and storage are prohibited within the playhouse.

**Table 150.604: Landscaping Requirements for Regular Development**

	a) Building Foundation	b) Street Frontages	c) Paved Areas	d) Developed Lots
Types of Landscaping	Climax trees and tall trees shall not be used to meet this requirement	Shrubs not allowed; A min. of 50% of points devoted to climax/tall trees and 30% to med. Trees	A min. of 30% of points devoted to climax/tall trees and 40% to shrubs	All plant categories can be used to meet requirements
Placement of Landscaping	Located so that at maturity the plant's drip line is located within 10' of building foundation	Located within 10' of the public right-of-way	Within paved area or within 10' of the paved area	Located away from areas that meet other landscaping requirements
Calculation of Landscaping Points	Points per 100' of building foundation	Points per 100 linear feet of street frontage	Greater of: points per 20 parking stalls or 10,000 sq.ft. of parking area	Points per 1,000 sq. ft. of building footprint
Rural Holding (RH)	20	20	40	10
Single-family Residential-3 (SR-3)	40	40	80	20



Case: 2024-16; City of Belvidere (TA)

	a) Building Foundation	b) Street Frontages	c) Paved Areas	d) Developed Lots
Types of Landscaping	Climax trees and tall trees shall not be used to meet this requirement	Shrubs not allowed; A min. of 50% of points devoted to climax/tall trees and 30% to med. Trees	A min. of 30% of points devoted to climax/tall trees and 40% to shrubs	All plant categories can be used to meet requirements
Placement of Landscaping	Located so that at maturity the plant's drip line is located within 10' of building foundation	Located within 10' of the public right-of-way	Within paved area or within 10' of the paved area	Located away from areas that meet other landscaping requirements
Calculation of Landscaping Points	Points per 100' of building foundation	Points per 100 linear feet of street frontage	Greater of: points per 20 parking stalls or 10,000 sq.ft. of parking area	Points per 1,000 sq. ft. of building footprint
Single-family Residential-4 (SR-4)	40	40	80	20
Single-family Residential-6 (SR-6)	40	40	80	20
Two-family Residential-7 (TR-7)	45	45	90	20
Multi-family Residential-8S (MR-8S)	50	50	100	20
Multi-family Residential-8L (MR-8L)	50	50	100	20
Mobile Home (MH)	40	40	80	20
Neighborhood Office (NO)	45	45	80	20
Planned Office(PO)	40	40	60	15
Neighborhood Business (NB)	40	40	80	15
Planned Business (PB)	40	40	60	10
General Business(GB)	20	20	40	5
Central Business (CB)	0	0	20	0
<del>Planned Mixed Use-1 (PM 1)</del>	<del>40</del>	<del>20</del>	<del>40</del>	<del>5</del>
<del>Planned Mixed Use-2 (PM 2)</del>	<del>0</del>	<del>20</del>	<del>40</del>	<del>0</del>
<del>Planned Mixed Use-4 (PM 4)</del>	<del>0</del>	<del>0</del>	<del>40</del>	<del>0</del>
<del>Corporate Center (CC)</del>	<del>40</del>	<del>40</del>	<del>60</del>	<del>10</del>
<del>Technology Center (TC)</del>	<del>40</del>	<del>40</del>	<del>60</del>	<del>10</del>
Planned Industrial (PI)	40	40	60	10
General Industrial (GI)	20	20	40	5
Heavy Industrial (HI)	20	20	40	5
Institutional (I)	40	40	60	15



**Table 150.607(C)(2)A: Required Bufferyard Opacity Values**

Adjacent Property's Zoning	RH	SR-3	SR-4	SR-6	TR-7	MR-8S	MR-8L	SNR	MH	NO	PO	NB	PB	GB	CB	PM-1	PM-2	PM-4	CC	TC	PI	GI	HI	I
RH		*	*	*	*	*	*	*	*	*	*	*	*	*	*	F	F	F	F	F	*	*	*	*
SR-3					0.2	0.3	0.3	0.3	0.3	0.3	0.4	0.4	0.4	0.5	0.6	0.6	0.6	0.6	0.4	0.5	0.4	0.5	1	0.4
SR-4					0.2	0.3	0.3	0.3	0.3	0.3	0.4	0.4	0.4	0.5	0.6	0.6	0.6	0.6	0.4	0.5	0.4	0.5	1	0.4
SR-6					0.2	0.3	0.3	0.3	0.3	0.3	0.4	0.4	0.4	0.5	0.6	0.6	0.6	0.6	0.4	0.5	0.4	0.5	1	0.4
TR-7						0.2	0.2	0.2	0.2	0.2	0.3	0.3	0.3	0.4	0.5	0.5	0.5	0.5	0.3	0.4	0.3	0.4	1	0.3
MR-8S							0.1	0.1	0.2	0.1	0.2	0.2	0.2	0.3	0.4	0.4	0.4	0.4	0.2	0.3	0.2	0.3	1	0.2
MR-8L								0.1	0.2	0.1	0.2	0.2	0.2	0.3	0.4	0.4	0.4	0.4	0.2	0.3	0.2	0.3	1	0.2
SNR									0.2	0.1	0.2	0.2	0.2	0.3	0.4	0.4	0.4	0.4	0.2	0.3	0.2	0.3	1	0.2
MH										0.2	0.2	0.2	0.2	0.3	0.4	0.4	0.4	0.4	0.2	0.3	0.2	0.3	1	0.2
NO											0.1	0.2	0.2	0.3	0.4	0.4	0.4	0.4	0.2	0.3	0.2	0.3	0.6	0.1
PO												0.1	0.1	0.2	0.3	0.3	0.3	0.3	0.4	0.2	0.1	0.2	0.6	0.1
NB													0.1	0.1	0.2	0.2	0.2	0.2	0.4	0.2	0.1	0.1	0.6	0.1
PB														0.2	0.3	0.3	0.3	0.3	0.4	0.2	0.1	0.2	0.6	0.1
GB															0.1	0.4	0.4	0.4	0.4	0.2	0.2	0.1	0.6	0.2
CB																0.4	0.4	0.4	0.4	0.2	0.1	0.1	0.6	0.3
PM-1	-																		0.4	0.2	0.4	0.2	0.6	0.3
PM-2	-																		0.4	0.2	0.4	0.2	0.6	0.3
PM-4	-																		0.4	0.2	0.4	0.2	0.6	0.3
CC	-																			0.4	0.4	0.2	0.6	0.2
TC	-																				0.4	0.2	0.6	0.2
PI																						0.2	0.6	0.1
GI																							0.5	0.2
HI																								0.6
I																								

\* For properties zoned in the Rural Holding District (RH), refer to the Comprehensive Plan's Planned Land Use Map to determine the proposed zoning district for said property. For example, if the Planned Land Use Map recommends that in the future a property currently zoned RH should develop as Planned Business, one would use the Planned Business Zoning District to determine the required bufferyard opacity value.

**§150.710(D) Building Design and Construction Requirements: Planned Office and Commercial Districts (PB, GB, CB) and Tollway Corridor Districts (PM1, PM2, PM4, CC and TC)**

(D) Building Design and Construction Requirements: Planned Office and ~~(PO)~~ Commercial Districts (PB, GB, CB) and ~~Tollway Corridor Districts (PM 1, PM 2, PM 4, CC and TC)~~. All buildings hereinafter

constructed, expanded, remodeled or otherwise improved within these Districts shall be designed in such a manner so that it provides a basic harmony with and does not detract from the overall attractiveness of surrounding development and shall be constructed of the following materials:

- (1) Brick.
- (2) Concrete masonry. Units shall be those generally described by the National Concrete Masonry Association as "customized architectural concrete masonry units" or shall be broken faced brick type units with marble aggregate or split face or broke off concrete block. There shall be no exposed concrete block on the exterior of any building. Any concrete masonry units that have a gray cement color shall be coated.
- (3) Concrete may be poured-in-place, tilt-up, or precast. Poured-in-place and tilt-up walls shall have a finish of stone, a texture or a coating. Textured finish, except in special cases, shall be coated. Precast units which are not uniform in color shall be coated. Coating shall be an approved cementitious or epoxy type with a ten (10) year minimum life expectancy.
- (4) Natural stone.
- (5) Any other material approved by City Staff
- (6) Metal panels may be used only to accentuate or as a finish material within these districts. Any metal panel proposed for use within these districts as a finish material or to accentuate building shall be entirely coated with a colorfast, abrasion, and corrosion resistant, long life (minimum of 20 years) finish that is resistant to chemicals, withstands temperature extremes, and has a low permeability. Any material utilized to attach the metal panels to the building shall be concealed or the utilization of shadow panels or semi-concealed fastener panels with fasteners painted to match the panels shall be required.

**§150.904(J) Termination of an Approved Special Use**

- (J) **Termination of an Approved Special Use.** The Applicant must demonstrate that the proposed special use meets all general and specific special use requirements in the site plan required for initiation of development activity on the subject property. Once a special use is granted, no Erosion Control Permit, Site Plan approval, Occupancy Permit, or Building Permit shall be issued for any development which does not comply with all requirements of this Chapter. Any special use found not to be in compliance with the terms of this Chapter and any "conditions of approval" identified in the ordinance approving the special use shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A special use may be revoked for such a violation by majority vote of the City Council.

**TABLE 150.1007(A)1**

**Table 150.1007 (A)1 Freestanding Signs**

Design Dimensions	Zoning Districts										
	RH	SR-3, SR-4 & SR-6	TR-7, MR-8S & MR-8L	NO, PO, NB & *NC	PB &GB	CB	PI	GI & HI	I	PM 1, PM-2 &-PM 4	CC & TC
<b>Area per foot of street frontage (square feet)</b>	NA	NA	NA	½	½	½	½	½	NA	½	½
<b>Maximum area (square feet)</b>	32* (lots under 1 acre)  48* (lots 1 to 4 acres)  60* (lots over 4 acres)	6	16	60	150	150	150	150	32* (lots under 1 acre)  48* (lots 1 to 4 acres)  60* (lots over 4 acres)	<del>150</del>	<del>150</del>
<b>Height (feet)</b>	15	5	5	15*	40	10	40	40	12	<del>15</del>	<del>40</del>
<b>Setback (feet)***</b>	10	2	2	10*	10	10	10	10	5	<del>5</del>	<del>10</del>
<b>Number per street frontage****</b>	1	**	1	1	1	1	1	1	1	<del>4</del>	<del>4</del>

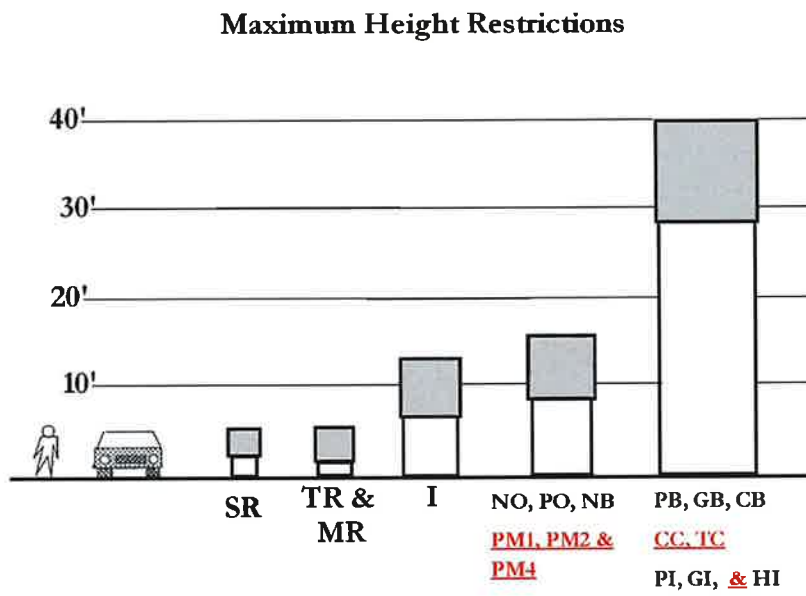
**TABLE 150.1007(B)1**  
**Table 150.1007 (B)1 Building Signs**

Design Dimensions	Zoning Districts										
	RH	SR-3, SR-4 & SR-6	TR-7, MR-8S & MR-8L	NO, PO, NB & *NC	PB &GB	CB	PI	GI & HI	I	PM-1, PM-2 &-PM 4	CC & TC
Sign area per linear foot of wall on which sign is (square feet)	2	NA	NA	2	2	2	2	2	NA	<del>2</del>	<del>2</del>
Max total area per wall (square feet)	24	6	16	200	300	300	300	2,000	24	<del>300</del>	<del>300</del>
Number per establishment for each side of principal building not abutting a residential district	1	NA	1	1	2	2	2	2	2	<del>2</del>	<del>2</del>

**TABLE 150.1007(C)1**

<b>Table 150.1007 (C)1 Permitted Building and Freestanding Sign By Type and Zoning District</b>											
<b>Sign Type</b>	<b>Zoning District</b>										
	<b>RH</b>	<b>SR-3, SR-4 &amp; SR-6</b>	<b>TR-7, MR-8S &amp; MR-8L</b>	<b>NO, PO, NB &amp; *NC</b>	<b>PB &amp;GB</b>	<b>CB</b>	<b>PI</b>	<b>GI &amp; HI</b>	<b>I</b>	<b>PM-1, PM-2 &amp; PM-4</b>	<b>CC &amp; TC</b>
<b>Animated</b>	P	N	N	SU	P	P	P	P	P	<del>P</del>	<del>P</del>
<b>Banner</b>	P	N	P	P	P	P	P	P	P	<del>P</del>	<del>P</del>
<b>Canopy</b>	P	N	P	P	P	P	P	P	P	<del>P</del>	<del>P</del>
<b>Marquee</b>	N	N	N	N	P	P	N	N	N	<del>P</del>	<del>N</del>
<b>Projecting</b>	P	N	N	P	P	P	P	P	P	<del>P</del>	<del>P</del>
<b>Residential</b>	N	P	N	N	N	N	N	N	N	<del>N</del>	<del>N</del>
<b>Roof, below peak</b>	N	N	N	P	P	P	P	P	N	<del>P</del>	<del>P</del>
<b>Roof, above peak</b>	N	N	N	N	SU	N	SU	SU	N	<del>N</del>	<del>N</del>
<b>Suspended</b>	P	N	N	P	P	P	N	N	N	<del>P</del>	<del>P</del>
<b>Wall</b>	P	P	P	P	P	P	P	P	P	<del>P</del>	<del>P</del>

Figure 150.1007(C)(1)a



**APPENDIX A: CITY OF BELVIDERE DENSITY AND INTENSITY STANDARDS**

**City of Belvidere Nonresidential Intensity Standards**

Zoning District	Max Number of Floors (F)	Min Number of Floors (MF)	Min Landscape Surface Ratio	Max Floor Area Ratio (FAR)	Min Lot Area (MLA)	Max BLDG Size (MBS)
Rural Holding**	2	na	90%	0.100	40,000 sf	na
Single-family Res-3	2	na	60%	0.100	15,000 sf	na
Single-family Res-4	2	na	50%	0.200	10,000 sf	na
Single-family Res-6	2	na	50%	0.250	7,000 sf	na
Two-family Res-7	2	na	50%	0.250	8,500 sf	na
Multi-family Res-8S	2	na	25%	0.275	10,000 sf	na
Multi-family Res-8L	2	na	25%	0.275	10,000 sf	na
Institutional	2 or more with special use permit	na	50%	0.20	10,000 sf	na
Neighborhood Office	2	na	40%	0.250	10,000 sf	5,000 sf
Planned Office	4	na	25%	0.300	20,000 sf	na
Neighborhood Business	2	na	40%	0.275	10,000 sf	5,000 sf
Planned Business	4	na	25%	0.300	20,000 sf	na
General Business	4	na	15%	0.400	20,000 sf	na
Central Business	4	na	0%	3.000	2,000 sf	na
<del>Planned Mixed Use 1</del>	<del>3</del>	<del>na</del>	<del>15%</del>	<del>1.0</del>	<del>40,000 sf</del>	<del>na</del>
<del>Planned Mixed Use 2</del>	<del>6</del>	<del>2</del>	<del>12.5%</del>	<del>2.0</del>	<del>20,000 sf</del>	<del>na</del>
<del>Planned Mixed Use 4</del>	<del>10</del>	<del>4</del>	<del>10%</del>	<del>3.0</del>	<del>20,000 sf</del>	<del>na</del>
<del>Corporate Center</del>	<del>6</del>	<del>2</del>	<del>20%</del>	<del>3.0</del>	<del>20,000 sf</del>	<del>na</del>
<del>Technology Center</del>	<del>6</del>	<del>2</del>	<del>20%</del>	<del>3.0</del>	<del>20,000 sf</del>	<del>na</del>
Planned Industrial	5	na	25%	0.600	20,000 sf	na
General Industrial	4	na	15%	1.000	20,000 sf	na
Heavy Industrial	2 or more with special use permit	na	15%	1.000	20,000 sf	na



APPENDIX B: CITY OF BELVIDERE BULK REGULATIONS

City of Belvidere Nonresidential Bulk Standards

Zoning District ↓	Min Lot Area (sq ft)	Min Lot Width (ft)	Minimum Setbacks						Minimum Building Separation	Minimum Building Height	Maximum Building Height
			Front/Street (ft)	Side From		Rear (ft)	Rear/Side to Accessory building (ft)	Pavement from rear or side/street (ft)			
				Res (ft)	Non-Res (ft)						
Rural Holding <sup>1</sup>	40,000 <sup>2</sup>	100	35 -	40	40	40	5/10	5/5 <sup>3</sup>	80	na	50
Single-family Res-3	15,000	100	35	15	15	35	3/5 <sup>5</sup>	5/5 <sup>3</sup>	30	na	35
Single Family Res-4 <sup>1</sup>	10,000	80	30	10	10	25	3/5 <sup>5</sup>	5/5 <sup>3</sup>	20	na	35
Single Family Res-6 <sup>1</sup>	7,000	100	20	6	6	20	3/5 <sup>5</sup>	5/5 <sup>3</sup>	12	na	35
Two-Family Res-7 <sup>1</sup>	8,500	100	20	6	6	20	3/5 <sup>5</sup>	5/5 <sup>3</sup>	12	na	35
Multi-Family Res-8S <sup>1</sup>	10,000	75	30	10	10	25	3/5 <sup>5</sup>	5/5 <sup>3</sup>	20	na	35
Multi-Family Res-8L <sup>1</sup>	10,000	75	30	10	10	25	3/5 <sup>5</sup>	3/5 <sup>3</sup>	20	na	35
Institutional <sup>1</sup>	10,000	80	30	10	10	25	3/5 <sup>5</sup>	5/5 <sup>3</sup>	20	na	35
Neighborhood Office	10,000	60	25	15	15	25	3/5 <sup>5</sup>	5/5 <sup>3</sup>	30	na	35
Planned Office	20,000	130	30	20	10	20	3/5 <sup>5</sup>	5	20	na	45 <sup>8</sup>
Neighborhood Business	10,000	60	25/40 <sup>7</sup>	15	15	25	3/5 <sup>5</sup>	5/5 <sup>3</sup>	30	na	35
Planned Business	20,000	100	30	20	0/20 <sup>4</sup>	0/20	3/5 <sup>5</sup>	5/10 <sup>3</sup>	0/40 <sup>4</sup>	na	35 <sup>6</sup>
General Business	20,000	100	20	20	0	0/20	3/5 <sup>5</sup>	5/5 <sup>3</sup>	0/40 <sup>4</sup>	na	35 <sup>6</sup>
Central Business	2,000	10	0	0	0	0/10	3/5 <sup>5</sup>	0	Minimum is 0. Maximum is 5 feet from right-of-way	na	50 <sup>8</sup> ; minimum is 20.
Planned-Mixed Use 1	40,000	100	15	-	10	20	3/5	5	0	1	1 <sup>6</sup>
Planned-Mixed Use 2	20,000	75	10	-	5	15	3/5	0	0	2	6-stories <sup>6</sup>
Planned-Mixed Use 4	20,000	75	0	-	0	0	0/5	0	0	4	10-stories <sup>6</sup>
Corporate Center	20,000	100	20	-	20	30	3/5	5	0	2	6-stories <sup>6</sup>
Technology Center	20,000	100	20	-	20	30	3/5	5	0	1	6-stories <sup>6</sup>
Planned Industrial	20,000	90	30	20	15	20	N/A	5/5 <sup>3</sup>	40	na	45 <sup>6</sup>
General Industrial	20,000	90	45	50	20	30/20	N/A	5/5 <sup>3</sup>	40	na	45 <sup>6</sup>
Heavy Industrial	20,000	90	45	50	20	40/20	N/A	5/5 <sup>3</sup>	40	na	45 <sup>6</sup>

<sup>1</sup> Bulk requirements for institutional uses, such as churches and schools, in agricultural and residential districts.  
<sup>2</sup> May be reduced to 20,000 square feet with a special use permit.  
<sup>3</sup> 5 feet from side and rear lot lines, except where modified along district boundary by required buffer/yard; see Section 150.607. 5 feet from front or street line.  
<sup>4</sup> Zero feet where property line divides attached buildings.  
<sup>5</sup> Accessory buildings shall be 3 feet from the property line; 5 feet from an alley.  
<sup>6</sup> Greater with special use permit.  
<sup>7</sup> 25 feet, 40 feet for a lot adjacent to a street with a right-of-way equal to or exceeding 100 feet.



## APPENDIX C: LAND USE SUMMARY CHART

### Tables of Land Uses (Residential)

Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned Mixed Use 1 (PM 1)	Planned Mixed Use 2 (PM 2)	Planned Mixed Use 4 (PM 4)	Corporate Center (CC)	Technology Center (TC)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																						<b>Conventional Dwelling Unit Types (150.204(A)(1))</b>
P	P	P	P	P	P	P	P		P													(A) Single-Family Detached <i>40 acre lot</i>
	P	P	P	P	P	P	P		P													(A) Single-Family Detached <i>15,000 sf lot</i>
		P	P	P	P	P	P		P													(A) Single-Family Detached <i>10,000 sf lot</i>
			P	P	P	P	P		P													(A) Single-Family Detached <i>7,000 sf lot</i>
			S	P	P	P	S		S													(B/C) Duplex/Twin House
			S	S	S	S	S		S													(D) Two-Flat
					P	P	S		S													(E) Townhouse
					P	P	S		S													(F) Multiplex
					S	P	S		S			S										(G) Apartment 3-4
					S																	(G) Apartment 5-8
				S																		(H) Mobile Home
	P	P	P	P	P	P																(I) Modular Dwelling
												P	P	P	P							(J) Residential Units Above 1 <sup>st</sup> Floor (or greater depending on district regulations)
						S																<b>Mobile Home Subdivision or Park (150.204(A)(4) and (5))</b>

Tables of Land Uses (Agricultural and Institutional)

Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned Mixed-Use 1 (PM-1)	Planned Mixed-Use 2 (PM-2)	Planned Mixed-Use 4 (PM-4)	Corporate Center (CC)	Technology Center (TC)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																						NON-RESIDENTIAL LAND USES
																						<b>Agricultural Uses (150.204(B))</b>
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1) Cultivation
S																						(2) Husbandry
S																						(3) Intensive Agriculture
S																				S		(4) Agricultural Services
P																						(5) On-Site Agricultural Retail
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(6) Selective Cutting
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(7) Clear Cutting
																						<b>Institutional Uses (150.204(C))</b>
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1) Passive Outdoor Public Recreational
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(2) Active Outdoor Public Recreational
												P	P	P	P	P	P					(3) Indoor Institutional (minor)
												S	S	S	S	S	S					(4) Indoor Institutional (major)
P												S	S	S	S	S	S					(5) Outdoor Institutional
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(6) Public Services and Utilities
				S	S	S	S		S			S	S	S	S							(7) Institutional Residential

Tables of Land Uses (Commercial)

Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned-Mixed-Use 1 (PM-1)	Planned-Mixed-Use 2 (PM-2)	Planned-Mixed-Use 4 (PM-4)	Corporate Center (CC)	Technology Center (TC)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																						<b>Commercial Uses (150.204(D))</b>
							P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1) Office
							P	P	P	P	P	P	P	P	P	A		P				(2) Personal or Professional Service
							S	S	P	P	P	P	P	P	P	A		S				(3) Indoor Sales or Service
										S	S		S	S	S	S	S					(4) Large-Scale Development
										S	S		S	S	S	S	S					(5) Outdoor Display
									P	P	P	P	P	P	P	A		P	P	P		(6) Indoor Maintenance Service
																				S		(7) Outdoor Maintenance Service
									S	S	S	S	S	S	S	A		S				(8) In-Vehicle Sales or Service
							S	S	S	S	S	S	S	S	S	A		S				(9) Indoor Commercial Entertainment
S										S	S	S	S	S	S	A						(10) Outdoor Commercial Entertainment
S										S	S		S	S	S							(11) Commercial Animal Boarding
								S		S	S	S	P	P	S	A						(12) Commercial Indoor Lodging
S	S	S	S	S	S	S	S	S	S	S	S	S										(13) Bed and Breakfast Establishments
				S	S	S	S	S	S	S	S	S	P	P	P	A	P	S	S		S	(14) Day Care Center (3+ children)
S																		S	S			(15) Campground
					S	S	S		S		S	S										(16) Boarding House
																				S		(17) Sexually-Oriented Land



Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned Mixed Use 1 (PM-1)	Planned Mixed Use 2 (PM-2)	Planned Mixed Use 4 (PM-4)	Corporate Center (CC)	Technology Center (TC)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																						Use
										S	S		S					S	P	P		(18) Vehicle Repair and Maintenance
										P	P											(19) Car Detailing Shop
							S	S	S	S	S	P	S	S	S	S	S	S	S	S	S	(20) Artisan Studio
										S	S							S	S	S		(21) Shooting Range
										S	S	S						S				(22) Adult-use Cannabis Dispensing Organization
																		S	S	S		Adult-use Cannabis Craft Grower
																		S	S	S		Adult-use Cannabis Cultivation Center
										S	S	S						S	S	S		Adult-use Cannabis Infuser Organization or Infuser
																		S	S	S		Adult-use Cannabis Processing Organization or Processor
										S	S							S	S	S		Adult-use Cannabis Transporting Organization or Transporter
											S	P	P	P	P	A	P	S	S	S		(23) On-site Parking Garage (above & below ground)

**Tables of Land Uses (Storage/Disposal, Transportation, and Industrial)**

Tables of Land Uses (Storage/Disposal, Transportation, and Industrial)																	
Type of Land Use																	
Storage/Disposal (150.204(E))																	
(1) Indoor Storage or Wholesaling																	
(2) Outdoor Storage or Wholesaling																	
(3) Personal Storage Facility																	
(4) Junkyard or Salvage Yard																	
(5) Waste Disposal Facility																	
(6) Composting Operation																	
Transportation Uses (150.204(F))																	
(1) Off-Site Parking Lot																	
(2) Airport/Heliport																	
(3) Freight Terminal																	
(4) Distribution Center																	
Industrial Uses (150.204(G))																	
(1) Light Industrial																	
(2) Heavy Industrial																	
(3) Communication Tower																	
(4) Extraction Use																	
(5) Non-building mounted solar installations for export of energy for use by a Public Utility																	
(6) Small Wireless Facility																	
Rural Holding (RH)																	
Single-Family Residential (SR-3)																	
Single-Family Residential (SR-4)																	
Single-Family Residential (SR-6)																	
Two-Family Residential (TR-7)																	
Multi-Family (MR-8S)																	
Multi-Family (MR-8L)																	
Neighborhood Office (NO)																	
Planned Office (PO)																	
Neighborhood Business (NB)																	
Planned Business (PB)																	
General Business (GB)								S									
Central Business (CB)																	
<del>Planned-Mixed-Use-1 (PM-1)</del>																	
<del>Planned-Mixed-Use-2 (PM-2)</del>																	
<del>Planned-Mixed-Use-4 (PM-4)</del>																	
<del>Corporate Center (CC)</del>																	
<del>Technology Center (TC)</del>																	
Planned Industrial (PI)																	
General Industrial (GI)																	
Heavy Industrial (HI)																	
Institutional (I)																	

**Tables of Land Uses (Accessory)**

Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned Mixed Use 1 (PM-1)	Planned Mixed Use 2 (PM-2)	Planned Mixed Use 4 (PM-4)	Corporate Center (CC)	Technology Center (TC)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use	
																						<b>Accessory Uses (150.204(H))</b>	
							S		S	S	S	P	P	P	P								(1) Commercial Apartment
P	P	P	P	P	P	P	P		P			P	P	P	P								(2) Private Residential Garage <sup>2</sup> , and/or Shed
							P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	(3) Company Cafeteria
							P	P			P	P	P	P	P	P	P	P	P	P	P	P	(4) Company-Provided On-Site Recreation
S										S	P	P	P	P	P	P							(5) Outdoor Display Incidental
								S	S	S	P	S	S	S	S	S	S	S	S				(6) In-Vehicle Sales and Service
													S	S	S	S	S	P	P	P			(7) Indoor Sales Incident to Light Ind. Use
									S	S	S	S											(8) Light Ind. Incident to Indoor Sales
P	P	P	P	P	P	P	P		P			P	P	P	P							P	(9) Home Occupation
S	S	S	S	S	S	S																	(10) In-Family Suite
P	P	P	P	P	P	P	P																(11) Day Care Home (3-12 children)
P	P	P	P	P	P	P	P																(12) Day Care Group Home (3-16 children)
S																					S		(13) Migrant Labor Camp
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(14) On-Site Parking Lot
P	P	P	P	P	P	P	P	S	P			P	P	P	P								(15) Private Residential Recreational Facility
P																							(16) Private Residential Kennel
P																							(17) Private Residential



Rural Holding (RH)																				Type of Land Use	
Single-Family Residential (SR-3)																					
Single-Family Residential (SR-4)																					
Single-Family Residential (SR-6)																					
Two-Family Residential (TR-7)																					
Multi-Family (MR-8S)																					
Multi-Family (MR-8L)																					
Neighborhood Office (NO)																					
Planned Office (PO)																					
Neighborhood Business (NB)																					
Planned Business (PB)																					
General Business (GB)																					
Central Business (CB)																					
Planned Mixed Use 1 (PM-1)																					
Planned Mixed Use 2 (PM-2)																					
Planned Mixed Use 4 (PM-4)																					
Corporate Center (CC)																					
Technology Center (TC)																					
Planned Industrial (PI)																					
General Industrial (GI)																					
Heavy Industrial (HI)																					
Institutional (I)																					
																					Stable
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(18) Drainage Structure
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(19) Filling
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(20) Lawn Care
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(21) Exterior Communication Devices
	S																				(22) Caretaker's Residence
S	S	S	S	S	S	S	S	S	S	S	S	S					S	S	S	S	(23) Wind Energy System
													S	S	S						(24) Outdoor Storage
S																					(25) Batch Plant
							S	S	S												(26) Animated Sign
										S	S						S	S	S		(27) Roof, above peak Sign

<sup>2</sup> Total Attached or detached garage over 900 sf requires a Special Use permit.

**Tables of Land Uses (Temporary)**

Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned Mixed Use 1 (PM-1)	Planned Mixed Use 2 (PM-2)	Planned Mixed Use 4 (PM-4)	Corporate Center (CC)	Technology Center (TC)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																						<b>Temporary Uses (150.204(I))</b>
									T	T	T	T	F	F	F	F	F					(1) General Temporary Outdoor Sales
T							T	T	T	T	T	T						T	T	T	T	(2) Outdoor Assembly
T	T	T	T	T	T	T	T	T	T	T	T	T	F	F	F	F	F	T	T	T	T	(3) Contractor's Project Office
T	T	T	T	T	T	T	T	T	T	T	T	T	F	F	F	F	F	T	T	T	T	(4) Contractor's On-Site Equipment Storage
T							T	T	T	T	T	T	F	F	F	F	F	T	T	T	T	(5) Re-locatable Building
T	T	T	T	T	T	T	T	T	T	T	T	T	F	F	F	F	F	T	T	T	T	(6) On-Site Real Estate Sales Office
T									T	T	T	T	F	F	F			T	T			(7) Outdoor Sales of Farm Products
T	T	T	T	T	T	T	T		T													(8) Garage Sales
T	T	T	T	T	T	T	T	T	T	T	T	T	F	F	F	F	F	T	T	T	T	(9) Construction Dumpsters
												T										(10) Outdoor Food Stands
										T	T	T	F	F	F			T				(11) Outdoor Seating and Services

**SUBDIVISION CODE Sec. 151.62. - Maintenance of improvements.**

An applicant for The Subdivider or Owner of land being subdivided improvements shall be required to maintain all public improvements ~~on the individual subdivided lots~~ until acceptance of the public improvements by the City Council local government.



**BACKGROUND AND SUMMARY OF FINDINGS:**

The proposed text amendments are in regards to 11 different topics. The first being annexations. Section 150.101 defines “pre-annexed” properties and their default zoning of Rural Holding District, the same as annexed properties. The new language also states that annexed and “pre-annexed” properties are subjected to all City codes, ordinances, resolutions and policies. The language codifies what has been common practice for annexed and “pre-annexed” properties.

When the City of Belvidere adopted the new Comprehensive Plan in March of 2024, the Flora Neighborhood Plan was removed. The Flora Neighborhood Plan called for transit orientated development near the Irene Road interchange as well as a corporate center, technology center, senior neighborhood and an ag-tech village. Previously, in order to prepare for potential development within the Flora Neighborhood, the Zoning Ordinance was amended to include the Tollway Corridor Districts which includes Planned Mixed Use-1, Planned Mixed Use- 2, Planned Mixed Use-4, Corporate Center and Technology Center. Now that the Comprehensive Plan shows the area being a mix of commercial and industrial, such zoning districts are no longer needed. If a development should occur that is in-line with the Tollway Corridor Districts, it can be developed by a special use for a planned development. Section 150.105(E) defined the five zoning districts and Sections 150.102: Standard Zoning Districts and Standard Zoning District Categories, Table 150.604: Landscaping Requirements for Regular Development, Table 150.607(C)(2)A: Required Bufferyard Opacity Values, 150.710(D) Building Design and Construction Requirements: Planned Office and Commercial Districts (PB, GB, CB) and Tollway Corridor Districts (PM1, PM2, PM4, CC and TC), Table 150.1007(A)1, Table 150.1007(B)1, Table 150.1007(C)1, Figure 150.1007(C)(1)a, Appendix A: City of Belvidere Density and Intensity Standards, Appendix B: City of Belvidere Bulk Regulations and Appendix C: Land Use Summary Chart included cross references to the five districts.

The zoning ordinance references garages in multiple ways and has created confusion for residents and staff. Language within the individual zoning districts (Sections 150.105(A)(1) Rural Holding (RH) District, 150.105(B)(1) Single-Family Residential-3 (SR-3) District, 150.105(B)(2) Single-Family Residential-4 (SR-4) District, 150.105(B)(3) Single-Family Residential-6 (SR-6) District, and 150.105(B)(4) Two-family Residential-7 (TR-7) District) state that garages cannot exceed 10% of the total lot size and Section 150.204(H)(2) Private Residential Garage and/or Utility/Storage Shed states that garages cannot exceed 30% coverage of the rear yard. Also, according to the individual zoning districts, total lot development cannot exceed 50%. Staff believes that not only will the zoning ordinance be more user friendly, but maximum building size will be easier to determine if the garages continued to comply with the 50% lot coverage maximum and not also have to comply with the 10% lot size and 30% rear yard coverage. The code also states in the individual zoning districts that garages over 900 square feet require a special use but it does not clarify if that is a single garage or the combined total of garage space. Staff is proposing to clarify that the 900 square feet limit is in regards to the combined total of detached and attached garage space. Staff is also proposing that Section 150.104(H)(2) be amended to clarify that one detached and one attached garage is permitted per lot subject to meeting total lot coverage requirements.

Small wireless facilities are addressed in Section 150.204(G)(5) of the Zoning Ordinance and Section 98, Article 9 of the Belvidere Municipal Code. As the Federal Communications Commission updates their regulations, the Illinois Municipal League creates model codes for municipalities in order to incorporate the updates. The recent changes allow for variances to be requested to accommodate smaller setbacks and to increase the allowable height of a tower

from 45 feet to 50 feet. A separate ordinance will be presented to the City Council for additional amendments needing to be made to Section 98, Article 9 of the Belvidere Municipal Code.

Private residential recreational facilities include swing sets, playhouses, tennis courts, pools, etc. Language within the individual zoning districts (150.105(A)(1) Rural Holding (RH) District, 150.105(B)(1) Single-Family Residential-3 (SR-3) District, 150.105(B)(2) Single-Family Residential-4 (SR-4) District, 150.105(B)(3) Single-Family Residential-6 (SR-6) District, 150.105(B)(4) Two-family Residential-7 (TR-7) District, 150.105(B)(5) Multi-family Residential-8 Small (MR-8S) District and 150.105(B)(6) Multi-family Residential-8 Large (MR-8L) District) do not reference the size of private residential recreational facilities but does limit the size of accessory structures, which private residential recreational facilities fall under. Currently accessory structures are limited to 120 square feet, most likely due to not needing a building permit for a structure of that size or smaller. However, enclosed pools, athletic courts, etc. can be larger than 120 square feet. Planning staff is proposing to limit the size of private residential recreational facilities to 900 square feet unless a special use is granted. This will allow for enclosed pools and athletic courts to be constructed and a possibility for those properties large enough to allow a structure over 900 square feet while still adhering to the 50% lot coverage. Due to increasing the allowable size of the facilities, language was added clarifying that the use can not be open to the public or used for commercial purposes (150.204(H)(15) Private Residential Recreational Facility).

As previously stated, accessory structures have been limited to 120 square feet in size, most likely due to the building permit requirement associated with the 120 square-foot size. While it is common to buy the pre-fab sheds that meet the 120 square-foot size requirement in order to avoid needing architectural drawings and a permit, some uses require a larger footprint and some lots are large enough to accommodate the increased footprints while still maintaining 50% lot coverage. In order to allow accessory structures to be proportional to the lot size they are located on, staff is recommending to remove the 120 square-foot limit from the individual zoning districts (150.105(B)(1) Single-Family Residential-3 (SR-3) District, 150.105(B)(2) Single-Family Residential-4 (SR-4) District, 150.105(B)(3) Single-Family Residential-6 (SR-6) District and 150.105(B)(4) Two-family Residential-7 (TR-7) District) and let the lot coverage requirement dictate the allowable size.

Although parking garages are not prohibited, they are not listed as a permitted or special use either. Staff recommends allowing them as a special use within the downtown area and in the industrial districts (150.105(C)(6) Central Business (CB) District, 150.105(C)(7) Planned Industrial (PI) District, 150.105(C)(8) General Industrial (GI) District, 150.105(C)(9) Heavy Industrial (HI) District and Appendix C: Land Use Summary Chart). This will allow for a parking garage downtown if there is ever a need and for a potential large employer or transportation center to construct one in the industrial areas.

In 2016, the City of Belvidere approved a text amendment to allow shooting ranges in the general industrial and heavy industrial districts by special use. In 2017, a business owner petitioned for a text amendment to expand on the previous text amendment regarding shooting ranges and allow them as a special use in the planned business and general business districts. Between the two text amendments, the planned industrial district which allows for a mix of commercial and industrial uses was inadvertently left out. Planning staff recommends allowing shooting ranges as a special use in the Planned Industrial District (150.105(C)(7) Planned Industrial (PI) District and Appendix C: Land Use Summary Chart).

Special uses are approved by ordinance which oftentimes have conditions of approval within them. Section 150.904(J) Termination of an Approved Special Use of the Belvidere Zoning Ordinances states that special uses can be terminated if they do not comply with the requirements of the Zoning Ordinance. However, there are no references to the additional conditions of approval that may be placed upon the special use by ordinance. The proposed languages clarifies that the special use must comply with not only the Zoning Ordinance but any additional conditions of approval or it can be terminated.

Staff is recommending one amendment to the Belvidere Subdivision Ordinance. Within Section 151.62 Maintenance of Improvements of the Belvidere Subdivision Ordinance, it states that an applicant is responsible for all improvements on subdivided lots until accepted by local government. Staff recommends amending the language to clarify that the maintenance of the improvements falls not only onto the subdivider (often times the applicant) but the owner of the property as well. The improvements shall be the public improvements on all lots, not just recently subdivided lots and must be approved by the City Council not another form of local government. This clarification addresses those single lots that are often remnant pieces from past subdivisions or those lots that were never officially subdivided but still buildable.

Based upon this information, planning staff recommends approval of case **2024-16**.

**Submitted by:**

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Gina DelRose,  
Community Development Planner

**ORDINANCE NO. 702H**

**AN ORDINANCE GRANTING A SPECIAL USE  
TO ALLOW INDOOR COMMERCIAL ENTERTAINMENT  
WITHIN THE GB, GENERAL BUSINESS DISTRICT  
(1253 Logan Avenue)**

**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, Yash Musabji, 1455 Kennedy Drive, Belvidere, IL 61008 on behalf of the property owner, David Black, 2662 McFarland Road, Rockford, IL 61107 is requesting a special use to permit indoor commercial entertainment at 1253 Logan Avenue; 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 October 8, 2024 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 GB, General Business District to allow for indoor commercial entertainment on the property depicted in Attachment A and legally described as:

Lot Three (3) as designated upon the Plat of Concordia Heights Subdivision, the Plat of which is recorded in Book 4 of Plats on pages 24 and 25 in the Recorder's Office of Boone County, Illinois, situated in the County of Boone and State of Illinois. PIN: 05-36-230-012.

is hereby approved, subject to the following conditions:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.
2. Indoor commercial entertainment land uses are only permitted in the tenant space commonly known as 1253 Logan Avenue.
3. Indoor commercial entertainment land uses are only permitted within the area designated "gaming area" and "bar" on the site plan.
4. The video gaming and bar area must be enclosed and only accessible through a designated entrance.
5. If it is determined that additional parking spaces are required due to the occupancy level/available seating in the indoor commercial entertainment area, they shall be located west of the garage.
6. Compliance with all other applicable codes and ordinances including but not limited to the Boone County Health Department, the Belvidere Building Department (including plumbing) and the Belvidere Fire Department.

**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 \_\_\_\_ day of \_\_\_\_\_, 2024.

**APPROVED** by the Mayor of the City of Belvidere this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Clint Morris, Mayor

**ATTEST:**

\_\_\_\_\_  
Erica Bluege, City Clerk

Ayes: \_\_\_\_ Nays: \_\_\_\_ Absent: \_\_\_\_

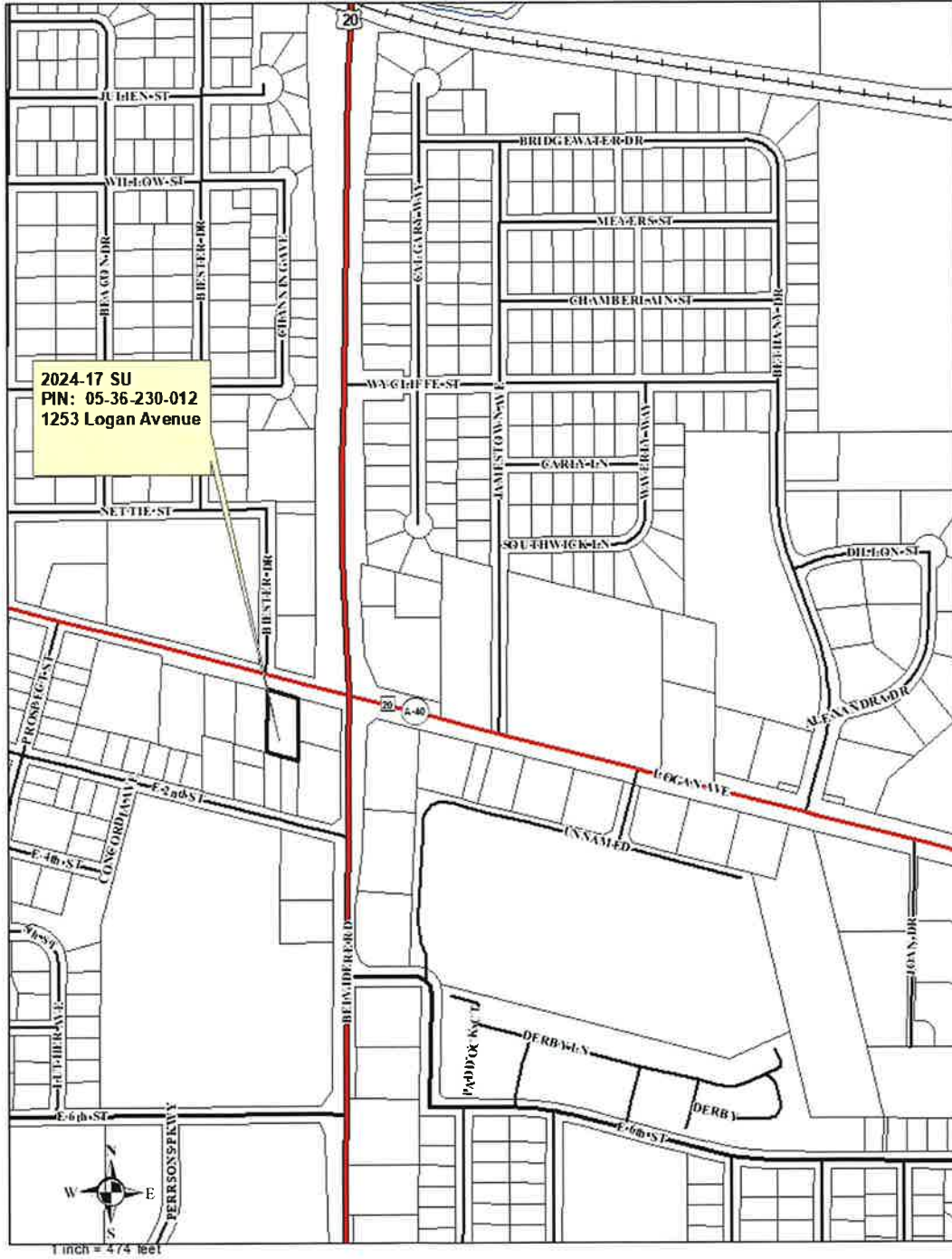
City Council Members Voting Aye: \_\_\_\_

City Council Members Voting Nay: \_\_\_\_

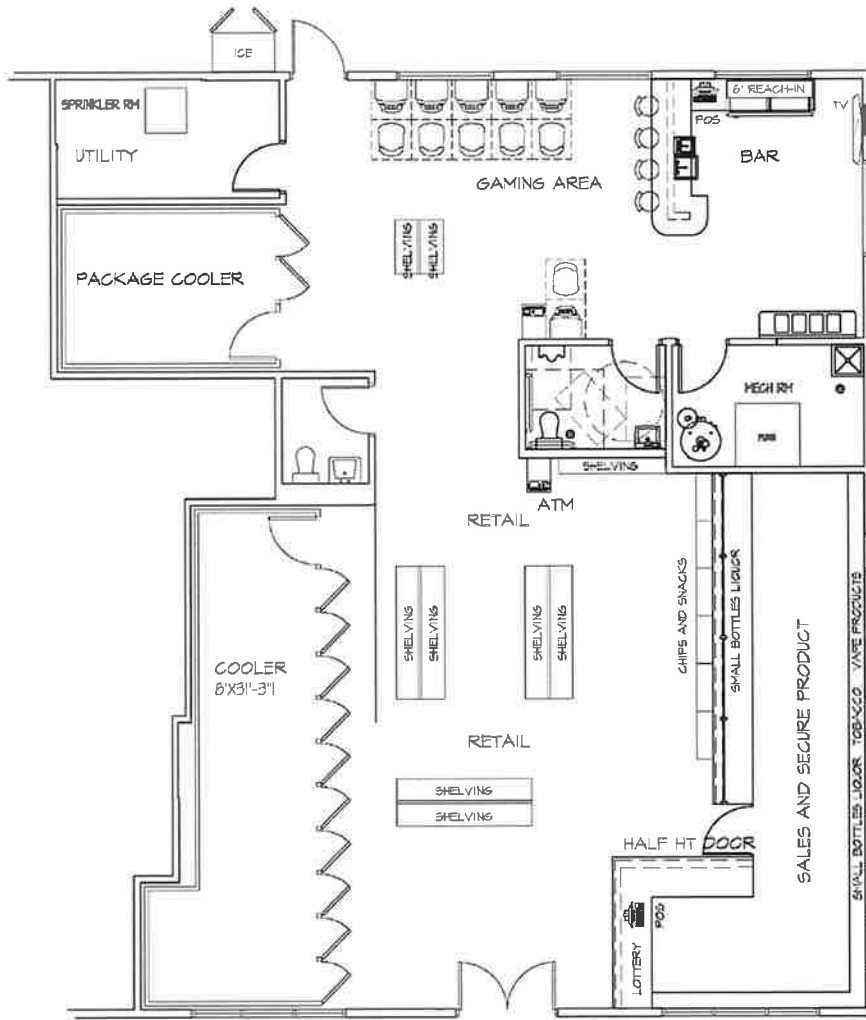
Date Published: \_\_\_\_\_

Sponsor: \_\_\_\_\_

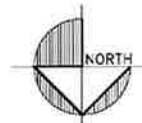
### ATTACHMENT A



ATTACHMENT B



**1** PROPOSED PLAN  
SCALE: 1/8" = 1'-0" 13/025



**BELLE FIRM OF**  
a r c h i t e c t u r e  
2905 Creekside Court, Suite B, Rockford, IL 61114  
(815) 961-0504 Bellefirm@yuboo.com  
License No. 184-001868

LIQUOR AND GAMING PERMIT DRAWINGS FOR  
**BY LIQUORS, LLC**  
1253 LOOAN  
BELLEVUE, ILLINOIS

DATE  
04-15-2024

PROJECT No.  
1224

SHEET No.  
Z2  
DWG FILE: Z2



## MEMO

**DATE:** October 9, 2024  
**TO:** Mayor and Members of the City Council  
**FROM:** City of Belvidere Planning and Zoning Commission  
**SUBJECT:** Recommendation for Case: 2024-17, By Liquors, 1253 Logan Avenue

### **REQUEST AND LOCATION:**

The applicant, Yash Musabji, 1455 Kennedy Drive, Belvidere, IL 61008 on behalf of the property owner, David Black, 2662 McFarland Road, Rockford, IL 61107 is requesting a special use to permit indoor commercial entertainment. The special use includes a bar and video gaming at 1253 Logan Avenue, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the GB, General Business District on less than 1 acre. The property is developed with a 6,500 square-foot building and parking area. PIN: 05-36-230-012.

### **RECOMMENDATION:**

The planning and zoning commission recommended the **approval** of case number **2024-17** for a special use for indoor commercial entertainment at 1253 Logan Avenue subject to the following conditions:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.
2. Indoor commercial entertainment land uses are only permitted in the tenant space commonly known as 1253 Logan Avenue.
3. Indoor commercial entertainment land uses are only permitted within the area designated "gaming area" and "bar" on the site plan.
4. The video gaming and bar area must be enclosed and only accessible through a designated entrance.
5. If it is determined that additional parking spaces are required due to the occupancy level/available seating in the indoor commercial entertainment area, they shall be located west of the garage.
6. Compliance with all other applicable codes and ordinances including but not limited to the Boone County Health Department, the Belvidere Building Department (including plumbing) and the Belvidere Fire Department.

**Motion to approve case 2024-17; By Liquors, 1253 Logan Avenue subject to the condition as presented carried with a (7-0) roll call vote.**

---

Paul Engelman, Chairman  
Belvidere Planning and Zoning Commission

## MEMO

**DATE:** October 9, 2024  
**TO:** Mayor and Members of the City Council  
**FROM:** City of Belvidere Planning and Zoning Commission  
**SUBJECT:** Findings of Fact for Case: 2024-17; By Liquors, 1253 Logan Avenue

### **REQUEST AND LOCATION:**

The applicant, Yash Musabji, 1455 Kennedy Drive, Belvidere, IL 61008 on behalf of the property owner, David Black, 2662 McFarland Road, Rockford, IL 61107 is requesting a special use to permit indoor commercial entertainment. The special use includes a bar and video gaming at 1253 Logan Avenue, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the GB, General Business District on less than 1 acre. The property is developed with a 6,500 square-foot building and parking area. PIN: 05-36-230-012.

### **FINDINGS OF FACT:**

Per Section 150.904 (G) of the City of Belvidere Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

- A. **Findings: The establishment, maintenance, or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The three properties immediately to the east have all received special uses to allow for indoor commercial entertainment, the most recent one being granted March 4, 2024. Two of the special uses are operational and contain bars with video gaming and one is still under construction. The operational ones are part of the bowling alley and a bar that occupies its own tenant space in a multi-tenant building. The one under construction will be in a multi-use building but not within its own tenant space.

The applicant is requesting that a bar with gaming area be allowed within a retail liquor store. There is adequate parking onsite to accommodate the mix of retail sales, indoor commercial entertainment and the adjacent tenant space. Conditions of approval to properly separate the indoor commercial entertainment area from the retail portion of the store will be placed on the special use request.

By granting the special use for indoor commercial entertainment, more intense land uses could occupy the property without proper conditions of approval regarding land use separation. With proper conditions of approval in addition to the size and location of the special use, staff does not anticipate a danger to the public health or general welfare.

- B. **Findings: The proposed special use, both its general use independent of its location and in its specific location, will be in harmony with the purposes, goals, objectives, policies, and standards of the City of Belvidere Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to Notice of Public Hearing by the City.**

The subject property is designated as "Commercial" by the City of Belvidere Comprehensive Plan, adopted May 7, 2024. Commercial land uses include service businesses, restaurants, entertainment, office buildings, healthcare facilities, and other similar uses. Smaller scale commercial uses provide the community with a variety of everyday goods and services at convenient locations, typically along the City's major roads such as Logan Avenue and State Street. Currently, larger-format commercial land uses are located along major roadways such as US Route 20.

Commercial areas should follow appropriate scales and intensities dependent on adjacent parcels and surrounding community character. Commercial uses will continue to be present along major roadways and the Downtown providing a range of services and needs for consumers.

- C. **Findings:** The special use will not in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to Notice of Public Hearing by the City or governmental agency having jurisdiction to guide development.

The indoor commercial entertainment land use will not be noticeable from the outside except for potential signage and increased vehicle traffic. There are numerous special uses for indoor commercial entertainment approved throughout Belvidere, eight being within 1,000 feet of the property.

Logan Avenue can accommodate an increase in traffic and the property has adequate onsite parking. The special use is not anticipated to negatively impact the accessibility of nearby properties.

- D. **Findings:** The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property, and maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

The planning staff is not aware of any business that chose not to locate or expand due to video gaming. The property is adjacent to a variety of businesses and limited mixed residential. The special use conditions limit the amount of space the special use can occupy, therefore, planning staff does not anticipate that this special use will deter redevelopment of nearby properties.

- E. **Findings:** The proposed special use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvement facilities, utilities or services provided by public agencies servicing the subject property.

The subject property is already developed with a two-unit commercial building that is served with municipal utilities.

- F. Findings: The potential public benefits of the proposed special use outweigh any and all potential adverse impacts of the proposed special use after taking into consideration the Applicant’s proposal and any requirements recommended by the Applicant to ameliorate such impacts.**

With the proper conditions of approval, there do not appear to be any public benefits or adverse impacts related to the special use request. Although there are residences nearby, two adjacent properties already contain a bar with video gaming and a third is preparing to open; it is not a unique business. Staff is not aware, however, of any negative impacts the other bars and video gaming have created.

**The motion to adopt the Findings of Fact as presented by staff for case 2024-17 for a special use to permit indoor commercial entertainment at 1253 Logan Avenue carried with a (7-0) roll call vote.**

---

Paul Engelman, Chairman  
Belvidere Planning and Zoning Commission

CITY OF BELVIDERE

*Community Development*



BUILDING DEPARTMENT

PLANNING DEPARTMENT

401 WHITNEY BLVD. SUITE 300 BELVIDERE, IL 61008 \* PII (815)547-7177 FAX (815)547-0789

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September 24, 2024

**ADVISORY REPORT**

**CASE NO:** 2024-17

**APPLICANT:** By Liquors, 1253 Logan Avenue

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**REQUEST AND LOCATION:**

The applicant, Yash Musabji, 1455 Kennedy Drive, Belvidere, IL 61008 on behalf of the property owner, David Black, 2662 McFarland Road, Rockford, IL 61107 is requesting a special use to permit indoor commercial entertainment. The special use includes a bar and video gaming at 1253 Logan Avenue, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the GB, General Business District on less than 1 acre. The property is developed with a 6,500 square-foot building and parking area. PIN: 05-36-230-012.

**EXISTING LAND USE:**

**Subject property:** Liquor on Logan and ORS Physical Therapy

**Adjacent property:**

**North:** Prospect Hills Office Center

**South:** Residential

**West:** Multi-tenant Commercial Building

**East:** BP Gas Station and Sipes Auto

**CURRENT ZONING:**

**Subject property:** GB, General Business District

**Adjacent property:**

**North, East and West:** GB, General Business District

**South:** SR-6, Single-family Residential-6 District

**COMPREHENSIVE PLAN:**

**Subject property:** Commercial

**Adjacent property:**

**North, East and West:** Commercial

**South:** Low Density Residential

**BACKGROUND:**

The property is Lot 3 of Concordia Heights Subdivision which was platted in 1956. The current 6,500 square-foot building was constructed in the 2000s. The property meets the minimum lot size and width requirements of the General Business District. However, it appears that the

## 2024-17; By Liquors, 1253 Logan Avenue

established pavement setbacks and lot coverage exceed what is permitted and were most likely established prior to the adoption of the current zoning ordinance.

The Belvidere Zoning Ordinance requires one parking space per 300 square feet of office and retail space. The approximately 6,500 square-foot building requires 22 parking spaces. The property has 20 striped parking spaces plus a large garage. The addition of indoor commercial entertainment may increase the required parking based on occupancy levels and/or available seating. If it is determined that additional parking spaces are required they can be installed west of the garage. In order to keep the indoor commercial entertainment land use separate from the retail land use, a barrier with a closeable door will need to be constructed.

The Zoning Ordinance was updated in 2006 requiring a special use for Indoor Commercial Entertainment. Bars and taverns that were in existence prior to that date have been considered "grandfathered" for the bar use. In 2013, Illinois State Law allowed municipalities to determine that video gaming would be permitted within their jurisdiction. The State limits the number of machines to six per establishment and every establishment must have a liquor license that allows for the pouring of alcohol (except for those that qualify as a truck stop). In 2013, Belvidere voted to allow video gaming and in 2023, the City Council voted to increase the limit the number of gaming establishments to from 40 to 50. The applicant is aware that granting the special use does not guarantee them a license.

### **TREND OF DEVELOPMENT:**

Logan Avenue is a mix of residential, commercial and governmental land uses. The City recently reconstructed Logan Avenue which increased the functionality of the sidewalks. This will hopefully encourage more traffic, both vehicle and pedestrian to patronize the businesses located along Logan Avenue.

### **FINDINGS OF FACT:**

Per Section 150.904 (G) of the City of Belvidere Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

- A. Findings: The establishment, maintenance, or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The three properties immediately to the east have all received special uses to allow for indoor commercial entertainment, the most recent one being granted March 4, 2024. Two of the special uses are operational and contain bars with video gaming and one is still under construction. The operational ones are part of the bowling alley and a bar that occupies its own tenant space in a multi-tenant building. The one under construction will be in a multi-use building but not within its own tenant space.

The applicant is requesting that a bar with gaming area be allowed within a retail liquor store. There is adequate parking onsite to accommodate the mix of retail sales, indoor commercial entertainment and the adjacent tenant space. Conditions of approval to properly separate the indoor commercial entertainment area from the retail portion of the store will be placed on the special use request.

By granting the special use for indoor commercial entertainment, more intense land uses could occupy the property without proper conditions of approval regarding land use

separation. With proper conditions of approval in addition to the size and location of the special use, staff does not anticipate a danger to the public health or general welfare.

- B. **Findings:** The proposed special use, both its general use independent of its location and in its specific location, will be in harmony with the purposes, goals, objectives, policies, and standards of the City of Belvidere Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to Notice of Public Hearing by the City.

The subject property is designated as "Commercial" by the City of Belvidere Comprehensive Plan, adopted May 7, 2024. Commercial land uses include service businesses, restaurants, entertainment, office buildings, healthcare facilities, and other similar uses. Smaller scale commercial uses provide the community with a variety of everyday goods and services at convenient locations, typically along the City's major roads such as Logan Avenue and State Street. Currently, larger-format commercial land uses are located along major roadways such as US Route 20.

Commercial areas should follow appropriate scales and intensities dependent on adjacent parcels and surrounding community character. Commercial uses will continue to be present along major roadways and the Downtown providing a range of services and needs for consumers.

- C. **Findings:** The special use will not in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to Notice of Public Hearing by the City or governmental agency having jurisdiction to guide development.

The indoor commercial entertainment land use will not be noticeable from the outside except for potential signage and increased vehicle traffic. There are numerous special uses for indoor commercial entertainment approved throughout Belvidere, eight being within 1,000 feet of the property.

Logan Avenue can accommodate an increase in traffic and the property has adequate onsite parking. The special use is not anticipated to negatively impact the accessibility of nearby properties.

- D. **Findings:** The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property, and maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

The planning staff is not aware of any business that chose not to locate or expand due to video gaming. The property is adjacent to a variety of businesses and limited mixed residential. The special use conditions limit the amount of space the special use can

**2024-17; By Liquors, 1253 Logan Avenue**

occupy, therefore, planning staff does not anticipate that this special use will deter redevelopment of nearby properties.

- E. **Findings: The proposed special use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvement facilities, utilities or services provided by public agencies servicing the subject property.**

The subject property is already developed with a two-unit commercial building that is served with municipal utilities.

- F. **Findings: The potential public benefits of the proposed special use outweigh any and all potential adverse impacts of the proposed special use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.**

With the proper conditions of approval, there do not appear to be any public benefits or adverse impacts related to the special use request. Although there are residences nearby, two adjacent properties already contain a bar with video gaming and a third is preparing to open; it is not a unique business. Staff is not aware, however, of any negative impacts the other bars and video gaming have created.

**SUMMARY OF FINDINGS:**

The three properties immediately to the east have all received special uses to allow for indoor commercial entertainment, the most recent one being granted March 4, 2024. Two of the special uses are operational and contain bars with video gaming and one is still under construction. The operational ones are part of the bowling alley and a bar that occupies its own tenant space in a multi-tenant building. The one under construction will be in a multi-use building but not within its own tenant space.

The applicant is requesting that a bar with gaming area be allowed within a retail liquor store. There is adequate parking onsite to accommodate the mix of retail sales, indoor commercial entertainment and the adjacent tenant space. Conditions of approval to properly separate the indoor commercial entertainment area from the retail portion of the store will be placed on the special use request.

By granting the special use for indoor commercial entertainment, more intense land uses could occupy the property without proper conditions of approval regarding land use separation. With proper conditions of approval in addition to the size and location of the special use, staff does not anticipate a danger to the public health or general welfare.

Logan Avenue can accommodate an increase in traffic and the property has adequate onsite parking. The special use is not anticipated to negatively impact the accessibility of nearby properties. The indoor commercial entertainment land use will not be noticeable from the outside except for potential signage and increased vehicle traffic. There are numerous special uses for indoor commercial entertainment approved throughout Belvidere, eight being within 1,000 feet of the property.

With the proper conditions of approval, there do not appear to be any public benefits or adverse impacts related to the special use request. Although there are residences nearby, two adjacent properties already contain a bar with video gaming and a third is preparing to open; it is not a



**2024-17; By Liquors, 1253 Logan Avenue**

unique business. Staff is not aware, however, of any negative impacts the other bars and video gaming have created.

**RECOMMENDATION:**

The planning staff recommends the **approval** of case number **2024-17** for a special use at 1253 Logan Avenue subject to the following conditions:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.
2. Indoor commercial entertainment land uses are only permitted in the tenant space commonly known as 1253 Logan Avenue.
3. Indoor commercial entertainment land uses are only permitted within the area designated "gaming area" and "bar" on the site plan.
4. The video gaming and bar area must be enclosed and only accessible through a designated entrance.
5. If it is determined that additional parking spaces are required due to the occupancy level/available seating in the indoor commercial entertainment area, they shall be located west of the garage.
6. Compliance with all other applicable codes and ordinances including but not limited to the Boone County Health Department, the Belvidere Building Department (including plumbing) and the Belvidere Fire Department.

**Submitted by:**

  
Gina DelRose  
Community Development Planner

**Review and Recommendation by the Planning and Zoning Commission.** The Planning and Zoning Commission shall review the application, adopt findings of fact, and make a recommendation to the City Council.

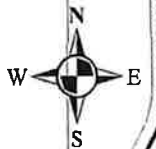
**Review and Action by the City Council.** The City Council shall consider the Planning and Zoning Commission's recommendation regarding the proposed special use. The City Council may approve or deny the special use as originally proposed, may approve the proposed special use with modifications or may remand the matter back to the Planning and Zoning Commission for further discussion or hearing. The City Council's approval of the requested special use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed special use.

**ATTACHMENTS**

1. Location Map by Planning Staff.
2. Aerial Photo with by Planning Staff.
3. Narrative submitted by Applicant
4. Site plans submitted by Applicant.
5. Letter submitted by the Boone County Soil and Water Conservation District, Heather VanTilburg, September 9, 2024.
6. Letter submitted by the Boone County Health Department, Alisen O'Hearn, September 17, 2024.



2024-17 SU  
 PIN: 05-36-230-012  
 1253 Logan Avenue



1 inch = 474 feet





2024-17 SU  
PIN: 05-36-230-012  
1253 Logan Avenue



1 inch = 63 feet

## **Statement of Request for Special Use Permit – Liquor on Logan Video Gaming Section**

We, at Liquor on Logan, are submitting this request for a special use permit to establish a dedicated video gaming area within our bar. This request is not a recent addition to our plans but has been part of the original blueprint since the conception of our establishment. Our aim has always been to offer a well-rounded, engaging experience to our patrons, and incorporating video gaming into our venue has been a key component of this vision from the start.

The decision to integrate a video gaming section is driven by multiple factors. First and foremost, it aligns with our original vision for the space. Additionally, there is a growing demand from our patrons who frequently express interest in video gaming as an added feature to their experience at Liquor on Logan. As we continue to evolve into a community hub, offering a video gaming area would complement our current offerings and further solidify our role in providing diverse entertainment options for our guests.

Liquor on Logan has quickly become a neighborhood fixture, hosting a variety of events that cater to our community. From being a local hangout for watching sports games to organizing community events, small celebrations, and even food truck gatherings, we have embraced our role as a community-centric venue. The addition of video gaming will enhance our ability to serve our patrons, offering them an additional form of entertainment in a comfortable, welcoming setting.

What sets Liquor on Logan apart from other establishments is that we have dedicated a significant portion of our venue specifically to this gaming area, comprising nearly a third of our space. This deliberate allocation underscores that the gaming section is not an afterthought but a well-planned and essential part of our business model. Unlike other businesses where video gaming may feel like an add-on, granting us this permit means that the space will be used exactly as intended from day one. We will attract actual, dedicated patrons who visit our establishment specifically to play slots and enjoy watching sports like football. This is not a stretch or an afterthought for us; it's a core part of our vision.

In addition to our own patrons, many customers from Slick Nickles, the bar next door, have expressed interest in having another location to play slots, believing it will increase their odds and luck. As a result, a significant number of Slick Nickles' patrons are also our patrons. When considering the potential impact on nearby businesses, we believe that adding this gaming section will not harm surrounding commerce but instead enhance it, drawing in a wider crowd and boosting overall business in the area.

We also want to highlight that Liquor on Logan provides ample parking for patrons, with about 20 parking spots available at any given time. These spots include parking in both the front and back of the establishment. Detailed parking arrangements can be found in the attached blueprints.

Furthermore, this gaming area will play a crucial role in our revenue model, contributing to roughly one-third of our income stream. Its success is vital to maintaining the financial health of our business and ensuring that we can continue to offer a space where the community can come together. We propose that the hours of operation for the gaming area would be from 9:00 AM to 2:00 AM, seven days a week, providing patrons ample opportunity to enjoy both gaming and our other services. It's also important to note that many other nearby establishments close at 10:00 PM, and we believe there are plenty of patrons who would like the opportunity to continue gaming late into the night at Liquor on Logan.

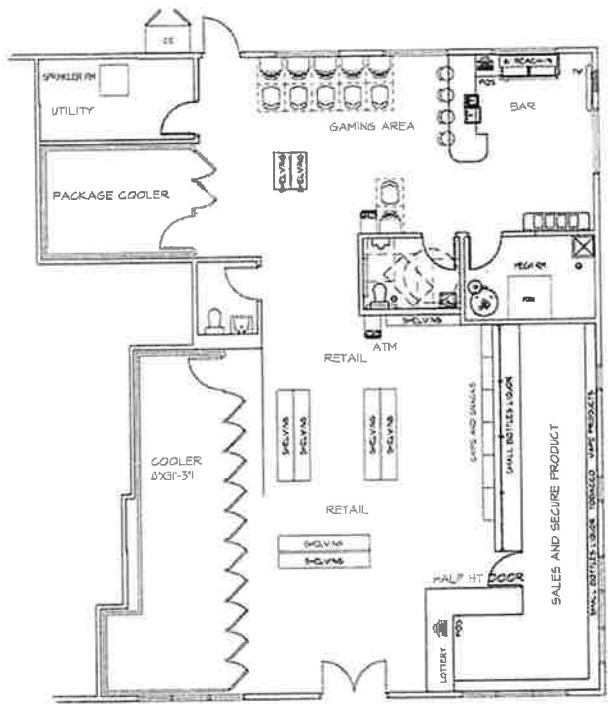
**\*\*Legal Description of the Property:\*\***

36-44-3 LOT 3 CONCORDIA HGTS SUB PT OF NE 1/4 SEC 36 TWP 44 R 3  
1255 LOGAN AVE (E Space - Belvidere Rehab & Sports Medicine) &  
1253 LOGAN AVE (W Space - Liquor On Logan)

In conclusion, we believe that the video gaming section will serve as a valuable addition to our establishment and will greatly benefit the local community by providing a well-designed, dedicated space for gaming entertainment. We respectfully ask for your consideration in approving this special use permit, allowing us to further contribute to the vibrancy and appeal of our community.

Thank you for your time and consideration.

Sincerely,  
Yash Musabji  
Liquor on Logan



1 PROPOSED PLAN  
SCALE: 1/8" = 1'-0"



**RELLIS FIRM, INC.**  
 2001 Chestnut Creek, Suite W, Blackfoot, ID 83406  
 (208) 762-0561 • 800-441-7777  
 Fax: (208) 762-0562

BY LIQUOR, LLC  
 2025 LODAN

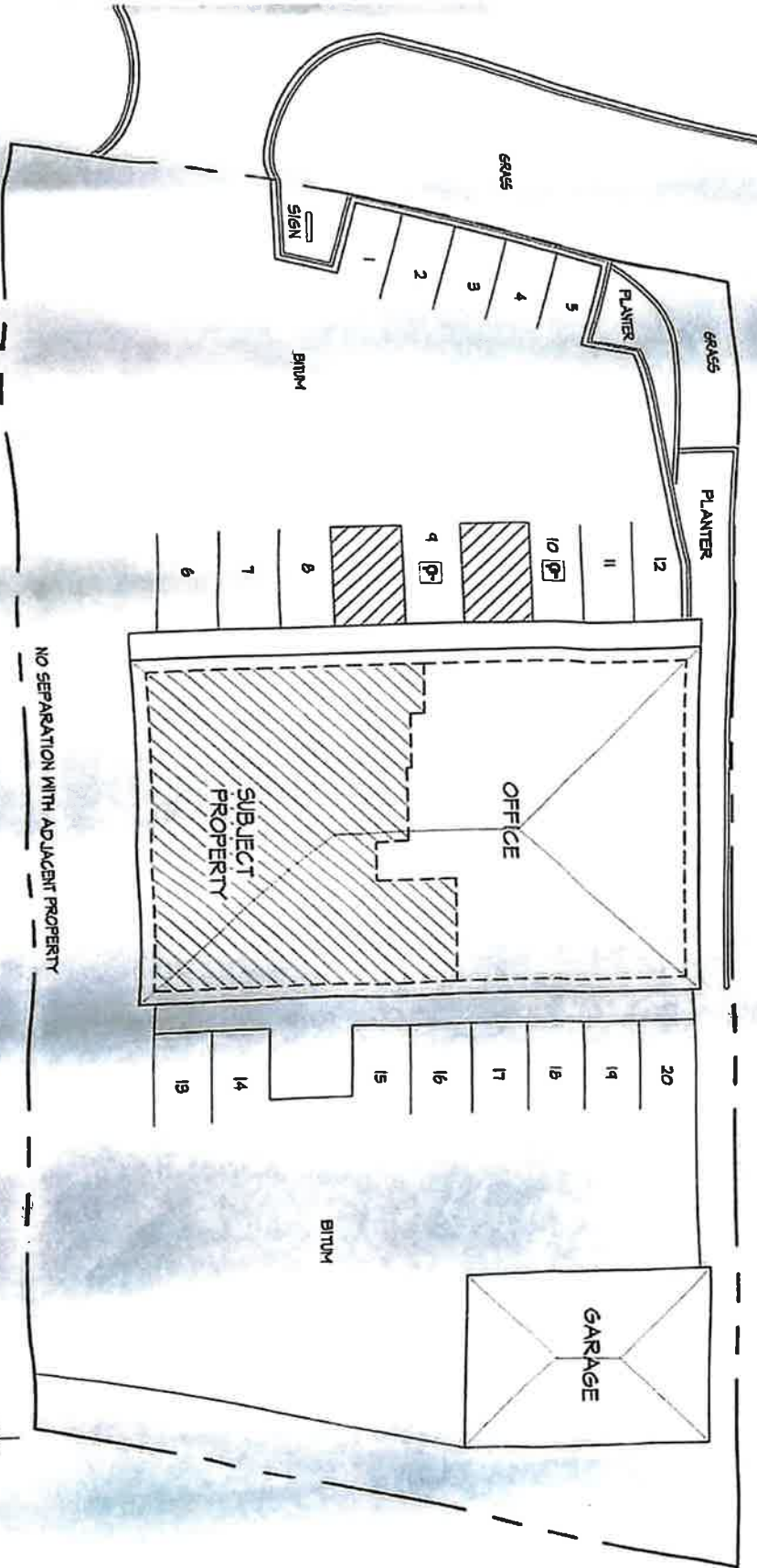
04-15-2024

1224

Z2



USE	REQUIREMENT	QUANTITY	REQUIRED PARKING
ENTERTAINMENT	1/3 PATRON SEATS	10 SEATS	4 SPACES REQUIRED
RETAIL	1/300 GROSS	1,450 SF	7 SPACES REQUIRED
OFFICE	1/300 GROSS	2,273 SF	8 SPACES REQUIRED
BUILDING TOTAL 6,000SF GAMING, BAR, AND RETAIL SALES 2,121 SQUARE FEET OFFICE (CURRENTLY EMPTY) 2,121 SQUARE FEET			
<b>20 TOTAL SPACES AVAILABLE, INCLUDING 2 ACCESSIBLE</b>			



1 PROPOSED SITE  
SCALE: 1/20



**BELLES FIRM OF**  
architecture  
2905 Creekside Court, Suite 101, Rockford, IL 61114  
(815)-961-0504 BellesFirm@yahoo.com  
License No. 184-001868

LIQUOR AND GAMING PERMIT DRAWINGS FOR  
**BY LIQUORS, llc**  
BELVIDERE, ILLINOIS  
1224 LOGAN

DATE: 01-26-2024  
PROJECT NO: 1224  
SHEET NO: Z1





**Boone County  
Soil & Water  
Conservation District**

211. N. Appleton Road  
Belvidere, IL 61008  
815-544-3465 x3

09 September 2024

**SWCD NRI #: 1775**

Belvidere Planning Department  
401 Whitney Blvd., Suite 300  
Belvidere, IL 61008

Dear Sir/Madam,

A request for a Natural Resource Information Report was submitted. We will supply a written reply to your office as indicated below:

Our review does not apply in this instance.  
 Other (see attached)

**Location of Site:** 1253 Logan Ave Belvidere, IL 61008  
**PIN(S):** 05-36-230-012

Contact	Petitioner	Owner
Yash Musabji 1455 Kennedy Dr Belvidere	Same as Contact	Denise Black
(815)231-6832 yashmusabji13@gmail.com		1255 Logan Ave Belvidere (815)222-6757

**Request:** Special Use Variance

**Notes, if any:** By considering the current zoning, current land use, Geographical Information Systems maps, and requested variance, the Boone County Soil and Water Conservation District has determined that the proposed use will have no significant impact on the natural resources on the property or surrounding area.

Sincerely,

Heather VanTilburg, Resource Conservationist  
Boone County Soil & Water Conservation District



**Public Health**  
Prevent. Promote. Protect.

## Boone County Health Department

1204 Logan Avenue, Belvidere, Illinois 61008  
Main Office 815.544.2951 Clinic 815.544.9730 Fax 815.544.2050  
[www.boonehealth.org](http://www.boonehealth.org)

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*The mission of the Boone County Health Department is to serve our community by preventing the spread of disease, promoting equitable wellness & protecting the public's health.*

September 17, 2024

City of Belvidere

Email: [GDelRose@BelvidereIL.gov](mailto:GDelRose@BelvidereIL.gov)

Community Development  
Gina DelRose  
401 Whitney Blvd Suite 300  
Belvidere, IL 61008

**Re:** Case: 2024-17; By Liquors, 1253 Logan Avenue

Dear City of Belvidere,

We are in receipt of a Special Use request to permit indoor commercial entertainment. The special use includes a bar and video gaming at 1253 Logan Avenue, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the GB, General Business District on less than 1 acre. PIN: 05-36-230-012

Appropriate food permit issued on June, 27, 2024.

At this time, the Boone County Health Department has no further comments.

If you have any questions or concerns, please contact us at (815) 544-2951 ext. 2 or at [info@boonehealth.org](mailto:info@boonehealth.org).

Sincerely,

Alisen O'Hearn, LEHP, REHS/RS  
Environmental Center Supervisor  
Boone County Health Department

**Ordinance #703H**  
**AN ORDINANCE AMENDING**  
**SECTIONS 22-31, 22-32, 22-33, 22-34, 22-67, 22-500, 22-501, and 22-502**  
**OF THE BELVIDERE MUNICIPAL CODE**  
**ADOPTING AND AMENDING THE 2021 INTERNATIONAL**  
**BUILDING CODE, THE 2021 INTERNATIONAL RESIDENTIAL CODE, THE 2021**  
**INTERNATIONAL FIRE CODE, THE 2021 INTERNATIONAL MECHANICAL CODE,**  
**THE 2021 INTERNATIONAL FUEL GAS CODE, PORTIONS OF THE 2024**  
**INTERNATIONAL FIRE CODE, NFPA 855-2023 AND THE 2021 INTERNATIONAL**  
**PROPERTY MAINTENANCE CODE**

BE IT ORDAINED by the Mayor and City Council of the City of Belvidere, Boone County, Illinois, as follows:

**SECTION 1:** Section 22-31 of the City of Belvidere Municipal Code is amended to read as set forth in the attached Exhibit A which is incorporated herein by this reference.

**SECTION 2:** Section 22-32 of the City of Belvidere Municipal Code is amended to read as set forth in the attached Exhibit B which is incorporated herein by this reference.

**SECTION 3:** Section 22-33 of the City of Belvidere Municipal Code is amended to read as set forth in the attached Exhibit C which is incorporated herein by this reference.

**SECTION 4:** Section 22-34 of the City of Belvidere Municipal Code is amended to read as set forth in the attached Exhibit D which is incorporated herein by this reference.

**SECTION 5:** Section 22-67 of the City of Belvidere Municipal Code is amended to read as set forth in the attached Exhibit E which is incorporated herein by this reference.

**SECTION 6:** Section 22-500 of the City of Belvidere Municipal Code is amended to read as set forth in the attached Exhibit F which is incorporated herein by this reference.

**SECTION 7:** Section 22-501 of the City of Belvidere Municipal Code is amended to read as set forth in the attached Exhibit G which is incorporated herein by this reference.

**SECTION 8:** Section 22-502 of the City of Belvidere Municipal Code is amended to read as set forth in the attached Exhibit H which is incorporated herein by this reference.

**SECTION 9:** 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 10:** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 11:** This Ordinance shall be effective January 1, 2025 after its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Ayes:

Nays: .

Absent: .

Passed:

Approved:

---

Mayor Clinton Morris

ATTEST: \_\_\_\_\_

City Clerk Erica Bluege

(SEAL)

EXHIBIT A

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## EXHIBIT A

### Sec. 22-31. Adoption.

- (a) The International Building Code, 2021 Edition , including Appendix K, (hereinafter the "building code" or "IBC") is hereby adopted by reference and made a part of this chapter, subject to the modifications set forth herein.
- (b) The International Residential Code For One And Two Family Dwellings 2021, (the IRC Code) is hereby adopted by reference and made a part of this chapter, subject to the modifications set forth herein.
- (c) The 2021 International Fire Code (IFC), 2023 NFPA 855, 2021 International Mechanical Code (IMC), 2021 International Fuel Gas Code (IFGC), the 2020 National Electrical Code (NFPA 70), and the 2021 International Existing Building Code (IEBC) are hereby adopted by reference, and made a part of this chapter, subject to the modifications set forth herein. In addition, the entirety of Sections 320, 322 and 1207 of the 2024 International Fire Code relating to Lithium-ion and lithium metal battery storage, powered micromobility devices and electrical storage systems, and NFPA 855-2023 are adopted by reference and made a part of this chapter, subject to modification set forth herein.
- (d) The IBC, IRC, NFPA 70, IFC, IMC, IFGC, 2023 NFPA 855, the adopted provisions of the 2024 IFC and IEBC may be jointly referred to as the Adopted Codes.
- (e) In the event of any conflict between any of the adopted codes and any other portion of this chapter 22, then the specific provision contained in this chapter 22 shall control and be enforced.
- (f) Appeals of any decision of the building inspector shall be made, in writing, to the city council and shall specifically set forth the relief sought and the reason therefor and shall cite specifically any provision of any code or case relied upon.

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## **EXHIBIT B**

### **Sec. 22-32. Exceptions.**

- (a) The following portions of the International Building Code are hereby excluded from adoption:
  - (1) Chapter 27, Electrical.
  - (2) Chapter 29, Plumbing Systems.
  - (3) Appendix H, Signs.
- (b) The following portions of the IRC Code are expressly excluded from adoption by reference:
  - (1) Plumbing, chapters 25, 26, 27, 28, 29, 30, 31 and 32.
  - (2) Electrical chapters 34, 35, 36, 37, 38, 39, 40, and 41.
  - (3) Appendix I.
- (c) The following portions of the IFC Code are hereby excluded from adoption:
  - (1) IPC-2021, the International Plumbing Code.
  - (2) IWUIC-2021, the International Wildland Urban Interface Code.
- (c) In addition, the following are expressly excluded from both the Adopted Codes:
  - (1) Any provision to the extent that it refers to a board of survey, board of appeals, or to the extent that it grants a right of appeal or hearing to any person. Provided, that nothing contained herein is intended to deny any person access to a court of competent jurisdiction.
  - (2) Any provision to the extent that it purports to grant civil service rights or hearing rights to any officer, official, or employee.
  - (3) Any provision which conflicts with or modifies Section 22-71, 22-72, 22-73, 22-74, and/or 22-96 through 22-275.

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## EXHIBIT C

### Sec. 22-33. Insertions.

The Adopted Codes provide that certain insertions be made to the text of those codes. The insertions of this section are inserted into the text of the International Building Code and International Residential Code as if fully written into the original text of that code at the specified locations.

- (1) Wherever the Adopted Codes call for the insertion of the "Name of Jurisdiction," insert "City of Belvidere."
- (2) Any reference in the Adopted Codes to the "Building Official" or "Fire Code Official" shall mean the Director of Buildings or the Fire Chief respectively or their designees. The Fire Chief and the Director of Buildings, or their designees, are hereby authorized to enforce all provisions of the Adopted Codes as well as the City of Belvidere Municipal Code.
- (2) All fees established pursuant to Section 108.2 of the IRC and 109.2 of the IBC, are set forth in Appendix A of this Code.



## EXHIBIT D

### Sec. 22-34. Amendments to Adopted Codes.

(a) General Amendments”

(1)Section 114 of the IBC, section 112.4 of the IFC, and section 113 of the IRC, Violations are amended to read as follows: It shall be unlawful for any person, firm or corporation to violate a provision of this code or fail to comply with any of its requirements or to erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Director of Buildings, the Fire Chief, or their designees, or of a permit or certificate issued under the provisions of this code. Each violation shall be punishable by a fine of not less than \$100.00 nor more than \$2,000.00. Each day that the violation continues shall constitute a separate violation. This section shall not be construed to prevent the City from seeking injunctive relief in appropriate cases.

(2)Unsafe structures and equipment. The Director of Buildings and the Fire Chief or their designees shall have concurrent authority to inspect buildings or structures which they have reason to believe may be dangerous and unsafe or uncompleted and abandoned. They shall make appropriate reports and recommendations to the mayor and city council.

(b) Adoption of FEMA Flood Insurance Survey: To establish flood hazard areas, the City of Belvidere adopts the Federal Emergency Management Agency engineering report entitled The Flood Insurance Study for the City of Belvidere, as amended or revised, with the accompanying flood insurance rate map (FIRM) and flood boundary and floodway map (FBFM) and related supporting data along with any revisions thereto as the flood hazard map for the city. The flood hazard map and supporting data are hereby adopted by this reference.

(c) Amendments to International Residential Code (IRC)

(1)Section 105.2(1) of the IRC is amended to replace "200 square feet (18.48m<sup>2</sup>)" with "120 square feet".

(2)Sections 105.2(2) and 105.2(10) of the IRC (under "Building") are deleted and removed.

(3)Section R313 of the IRC, Automatic Fire Sprinkler Systems is deleted and replaced with the following:

R313, Automatic Fire Sprinkler Systems:

R313.1 An automatic residential sprinkler system shall be installed in townhouses.

1. Exceptions: An automatic residential fire sprinkler system shall not be required where additions or alternations are made to existing townhouses that do not have an automatic residential sprinkler system installed.
2. Design and Installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with the current edition of the Illinois Plumbing Code, NFPA 13D and all other relevant codes and laws.
3. Other Code Requirements. All structures built without automatic fire sprinkler systems shall comply with all code requirements of the IRC for non-sprinklered construction.

R313.2 One- and two-family dwellings, automatic fire systems. An automatic residential fire sprinkler system is not required to be installed in one- and two-family dwellings, including additions and alterations to such dwellings.

R313.2.1. Where an automatic fire sprinkler system for a one- or two-family dwelling, it shall be installed in accordance with the current edition of the Illinois Plumbing Code, NFPA 13 D and all other codes and laws.

R313.2.2. All structures constructed without an automatic fire sprinkler system shall comply with all code requirements of the IRC for non-sprinklered construction.

(d) Amendments to the International Building Code (IBC):

- (1) Section 105.2(2) of the IBC (under "Building") is deleted and removed.
- (2) Section 913.2.1 Protection of fire pump rooms, is amended to add the following at: Each room where fire pumps are located shall include one interior and one accessible exterior door. The exterior door shall be accompanied by a lock box and accessible key complying with this Code.

(e) Amendments to the National Electrical Code NFPA 70 202:

- (1) Section 210.8(A) is amended to read as follows:

**210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.**

**(A) Dwelling Units.** All 125-volt receptacles installed in the locations specified in 210.8(A)(1) through (A)(11) and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

**(1) Bathrooms**

(2) Garages and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use

**(3) Outdoors**

Exception to (3): Receptacles that are not readily accessible and are supplied by a branch circuit dedicated to electric snow-melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.

**(4) Crawl spaces — at or below grade level**

**(5) Basements**

Single outlets for sump pump and sewer ejector may be installed and are not required to have GFCI protection.

*Exception to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.*

*Informational Note: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm systems.*

*Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).*

**(6) Kitchens — where the receptacles are installed to serve the countertop surfaces**

**(7) Sinks — where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink.**

**(8) Boathouses**

**(9) Bathtubs or shower stalls — where receptacles are installed within 1.8 m (6 ft.) of the outside edge of the bathtub or shower stall**

**(10) Laundry areas**

*Exception to (1) through (3), (5) through (8), and (10): Listed locking support and mounting receptacles utilized in combination with compatible attachment fittings installed for the purpose of serving a ceiling luminaire or ceiling fan shall not be required to be ground-fault circuit-interrupter protected. If a general-purpose convenience receptacle is integral to the ceiling luminaire or ceiling fan, GFCI protection shall be provided.*

**(11) Indoor damp and wet locations**

- (2) Section 210.8(B) shall be deleted in part and replaced as follows:

**210.8 Ground-Fault Circuit-Interrupter Protection for Personnel. (B) Other Than Dwelling Units.**

All 125-volt receptacles supplied by single-phase branch circuits rated 150 volts or less to ground, 50 amperes or less, and all receptacles supplied by three-phase branch circuits rated 150 volts or less to ground, 100 amperes or less, installed in the locations specified in 210.8(B)(1) through (B)(12) shall have ground-fault circuit-interrupter protection for personnel. (Remainder of 210.8(B) unchanged)

(3) Section 210.12 (A) shall be deleted in part as follows:

**210.12 Arc-Fault Circuit-Interrupter Protection. (A) Dwelling Units.** All 120-volt, single-phase, 15- and 20-ampere branch circuits supplying outlets or devices installed in dwelling unit or similar rooms or areas shall be protected by any of the means described in 210.12(A)(1) through (6): (Remainder of 210.12 unchanged)

(4) Section 210.19(A) (5) shall be added as follows:

**210.19 Conductors—Minimum Ampacity and Size. (A) Branch Circuits Not More Than 600 Volts. (5) Microwave Circuits.** The wiring used to supply power to a permanently installed microwave oven shall consist of a dedicated circuit installed with 12 AWG or larger conductors.

(5) Section 210.52(C) shall be amended to read as follows:

**210.52 Dwelling Unit Receptacle Outlets. (C) Countertops and Work Surfaces. (2) Island and Peninsular Countertops and Work Surfaces.** At least one receptacle outlet shall be installed at each peninsular countertop space with a long dimension of 600 mm (24 in.) or greater and a short dimension of 300 mm (12 in.) or greater. A peninsular countertop is measured from the connecting edge.

(6) Section 210.70(A) (1) shall be amended as follows:

**210.70 Lighting Outlets Required. (A) Dwelling Units. (1) Habitable rooms.** At least one lighting outlet controlled by a listed wall-mounted control device shall be installed in every habitable room, kitchen, and bathroom. The wall-mounted control device shall be located near an entrance to the room on a wall. The main lighting outlet in each room shall not be fed from the load side of a GFCI device. Unless 210.70(A)(1) Exception No. 1 is applied, provision shall be made in the wiring of each ceiling box of all habitable rooms (excluding dining rooms) for a luminaire to operate independently from a fan.

(7) Section 210.70 (C) shall be amended as follows:

**210.70 Lighting Outlets Required. (C) All Occupancies.** For attics and underfloor spaces, utility rooms, and basements, at least one lighting outlet containing a switch or controlled by a wall switch or listed wall-mounted control device shall be installed where these spaces are used for storage or contain equipment requiring servicing. A point of control shall be at each entry that permits access to the attic and underfloor space, utility room, or basement. Where a lighting outlet is installed for equipment requiring service, the lighting outlet shall be installed at or near the equipment. The switches shall not be fed from the load side of a GFCI device.

(8) Section 230.11 shall be added as follows:

**230.11 Service Modifications.** When any part of the service entrance equipment, branch circuit panel, or service conductor is replaced, modified, or required to be repaired, the service in its entirety must be installed to comply with the current codes. The main branch circuit panel shall be at least 16 spaces.

Exception: Replacement or addition of a branch-circuit overcurrent protective device.

(9) Section 230.43 shall be deleted and replaced as follows:

**230.43 Wiring Methods for 1000 Volts, Nominal, or Less.** Service-entrance conductors and service laterals overhead shall be installed in accordance with the applicable requirements of this *Code* covering the type of wiring method used and shall be limited to rigid metal conduit (RMC) or intermediate metal conduit (IMC). Electrical metallic tubing (EMT) may be used inside a building or structure.

(10) Section 230.67 is deleted.

(11) Section 230.70 (A) (1) is amended to read as follows:

**230.70 General. (A) Location. (1) Readily Accessible Location.** The service disconnecting means shall be installed at a readily accessible location, either outside of a building or structure, or inside at or within 5 feet of the meter enclosure.

(12) Section 250.52 shall be amended as follows:

**250.52 Grounding electrodes.** A concrete-encased electrode that complies with 250.52(A) (3) will be required in all new construction and shall be clearly marked for inspection. (Remainder of section unchanged).

(13) Section 250.53 (A)(2) shall be deleted in part as follows:

**250.53 Grounding Electrode System Installation. (A) Rod, Pipe, and Plate Electrodes. (2) Supplemental Electrode Required.** A single rod, pipe, or plate electrode shall be supplemented by an additional electrode of a type specified in 250.52(A)(2) through (A)(8). The supplemental electrode shall be permitted to be bonded to one of the following:

- (1) Rod, pipe, or plate electrode
- (2) Grounding electrode conductor
- (3) Grounded service-entrance conductor
- (4) Nonflexible grounded service raceway
- (5) Any grounded service enclosure

(14) Section 300.1(D) shall be added as follows:

**300.1 Scope. (D) Mixed Use and Occupancy Buildings.** The entire mixed use and occupancy building shall be wired by the most restrictive code.

(15) Section 300.1 Scope. (D) Mixed Use and Occupancy Buildings. The entire mixed use and occupancy building shall be wired by the most restrictive code.

(16) Section 300.5 (D) (3) is amended to read as follows:

**300.5 Underground Installations. (D) Protection from Damage (3) Service Conductors.** Underground service conductors shall be installed in galvanized or stainless steel rigid metal conduit (RMC) or intermediate metal conduit (IMC). Underground service conductors that are not subject to physical damage may be installed in Schedule 80 rigid electrical nonmetallic conduit (PVC), protected by galvanized or stainless steel rigid conduit (RMC) or intermediate metal conduit (IMC) to a minimum of 450 mm (18 inches) below grade. No exposed nonmetallic conduit shall be allowed. Underground service conductors that are not encased in concrete and that are buried 450 mm (18 inches) or more below grade shall have their location identified by warning ribbon that is placed in the trench at least 300 mm (12 inches) above the underground installation.

(17) Section 300.11(A) (1) is added as follows:

**300.11 Securing and Supporting. (A) Secured in Place. (1) Tie Wire.** Tie wire shall not be allowed as a sole means of supporting or securing conduit or cable in above ground applications.

(18) Section 300.13(C) shall be added as follows:

**300.13 Mechanical and Electrical Continuity--Conductors. (C) Multiple Conductors.** A device designed to be used for switching or as a receptacle may not be used to provide electrical continuity to any circuit conductor.

(19) Section 300.13(D) shall be added as follows:

**300.13 Mechanical and Electrical Continuity-Conductors. (D) Push-Type Clamping Devices.** No push-type or clamp-type connections for splices or for terminating to devices will be allowed unless the wire connection is secured with a screw or crimping tool.

Exception 1: Disconnecting means for ballasts.

Exception 2: Factory installed terminations in luminaires.

(20) Section 314.27 (A) (2) shall be amended to read as follows:

**314.27 Outlet Boxes. (A) Boxes at Luminaire or Lampholder Outlets. (2) Ceiling Outlets.** At every outlet used exclusively for lighting, the box shall be designed or installed so that a luminaire or lampholder may be attached. Boxes shall be required to support a luminaire weighing a minimum of 23 kg (50lb). A luminaire that weighs more than 23 kg (50lb) shall be supported independently of the outlet box, unless the outlet box is listed and marked on the interior of the box to indicate the maximum weight the box shall be permitted to support. In

all habitable rooms with a ceiling fixture (other than recessed fixtures) in a location acceptable for a ceiling-suspended (paddle) fan in single-family, two-family or multi-family dwellings, a box rated for ceiling fan support shall be installed.

(21) Section 334.10 shall be added as follows:

**334.10 Uses Permitted.** Type NM, Type NMC, and Type NMS cables shall be permitted to be used only in the following: R-2, R-3, and R-4 structures (as defined by the International Building Code) not exceeding three floors above grade.

(22) Section 334.15(D) shall be added as follows:

**334.15 Exposed Work. (D) All Unfinished Areas.** Any exposed cable 7 feet (213.36cm) or closer to the floor must be protected with a durable building material or sleeved in an approved manner.

(23) Article 334.40 (B) shall be deleted in part:

**334.40 Boxes and Fittings. (B) Devices of Insulating Material.** Delete “and for repair wiring in existing buildings where the cable is concealed.”

(24) Section 338.10 (A) shall be amended to read as follows:

**338.10 Uses Permitted. (A) Service-Entrance Conductors.** Type SE cables shall be permitted to be used only in the following: R-2, R-3, and R-4 structures (as defined by the International Building Code) not exceeding three floors above grade.

(25) Article 408.54 shall be amended as follows:

**408.54 Maximum Number of Overcurrent Devices.** A panelboard shall be provided with physical means to prevent the installation of more overcurrent devices than that number for which the panelboard was designed, rated, and listed. Newly installed panelboards shall not have tandem breakers or similar breakers. For the purposes of this section, a 2-pole circuit breaker or fusible switch shall be considered two overcurrent devices; a 3-pole circuit breaker or fusible switch shall be considered three overcurrent devices.

(26) Section 408.8 shall be amended to read as follows:

**408.8 Reconditioning of Equipment.** Reconditioning of equipment shall not be permitted.

(27) Section 410.36(B) shall be amended to read as follows:

**410.36 Means of Support. (B) Suspended Ceilings.** Framing members of suspended ceiling systems used to support luminaires shall be securely fastened to each other and shall be securely attached to the building structure at appropriate intervals. Luminaires smaller than 610 mm by 610 mm (24 inches by 24 inches) shall be securely fastened to the ceiling framing member by mechanical means such as bolts, screws, or rivets. Listed clips identified for the use with the type of ceiling framing member(s) and luminaire(s) shall also be permitted. Fixtures 610 mm by 610 mm (24 inches by 24 inches) or larger shall be supported independently of the ceiling grid by at least two wires on opposite corners of the fixture. The same size (or larger) wire used to support the ceiling system shall be used to support the fixture, but in no case shall the wire size be smaller than size No. 12 AWG steel.

(28) Section 690.13 (E) shall be deleted in part as follows:

**690.13 Photovoltaic System Disconnecting Means. (E) Type of Disconnect.** The PV system disconnecting means shall simultaneously disconnect the PV system conductors that are not solidly grounded from all conductors of other wiring systems. The PV system disconnecting means or its remote operating device or the enclosure providing access to the disconnecting means shall be capable of being locked in accordance with **110.25**. The PV system disconnecting means shall be one of the following:

(1) A manually operable switch or circuit breaker.

(2) Reserved

- (3) A pull-out switch with the required interrupting rating.
- (4) A remote-controlled switch or circuit breaker that is operable locally and opens automatically when control power is interrupted.
- (5) Reserved

(29) Section 705.11 (D) shall be amended to read as follows:

**705.11 Supply-Side Source Connections. (D) Connections.** The connection of power source output circuit conductors to the service conductors shall be made using listed connectors as described in 110.14 and comply with all enclosure fill requirements Any modifications to existing equipment shall be made in accordance with the manufacturer's instructions or the modification must be evaluated for the application and have a field label applied. For meter socket enclosures or other equipment under the exclusive control of the electric utility, only connections approved by the electric utility shall be permitted. No more than one tap per conductor.

(30) Section 705.20 shall be deleted in part as follows:

**705.20 Disconnecting Means, Source.** Means shall be provided to disconnect power source output circuit conductors of electric power production equipment from conductors of other systems.

The disconnecting means shall comply with the following:

(1) Be one of the following types:

- (a) A manually operable switch or circuit breaker
- (b) A load-break-rated pull-out switch
- (c) A power-operated or remote-controlled switch or circuit breaker that is manually operable locally and opens automatically when control power is interrupted.
- (d) Reserved

(2) Simultaneously disconnect all ungrounded conductors of the circuit.

(3) Located where readily accessible.

(4) Externally operable without exposed live parts.

(5) Enclosures with doors or hinged covers with exposed live parts when open that require a tool to open or are lockable where readily accessible to unqualified persons.

(6) Plainly indicate whether in the open (off) or closed (on) position.

(7) Have ratings sufficient for the maximum circuit current, available fault current, and voltage that is available at the terminals.

(8) Be marked in accordance with the warning in 690.13(B), where the line and load terminals are capable of being energized in the open position.

(f) Amendments to the International Fuel Gas Code:

- (1) Section 403.9.5(1) is amended to read as follows: Threaded fittings in sizes larger than two (2) inches (51 mm) shall not be used.
- (2) Section 404.1.1 is added as follows:

Additional Piping Requirements

- 1) Piping systems greater than 2 pounds per square inch (PSIG) shall be welded.
  - 2) Piping sizes over 2 inches shall be welded.
- (3) Section 404.2.1 is added as follows:  
404.2.1 Prohibited Use. Corrugated stainless steel tubing (CSST) shall not be installed outdoors.
- (4) Section 404.3 is amended to read as follows:  
Prohibited locations. *Piping* shall not be installed in or through a ducted supply, return or exhaust, or a clothes chute, chimney or gas vent, dumbwaiter or elevator shaft. *Piping* installed downstream of the *point of delivery* shall not extend through any townhouse or residential unit other than the unit served by such *piping*.
- (5) Section 404.3.1 is added as follows:  
404.3.1 Prohibited Use Underground. Corrugated stainless steel tubing (CSST) shall not be used underground.
- (6) Section 404.9.1 is added as follows:  
404.9.1 Roof Locations. Gas piping installed on roof surfaces shall be painted yellow. Paint and application method shall be approved by the code official.
- (7) Section 404.12 is amended to read as follows:  
Section 404.12 **Minimum burial depth.** Underground *piping systems* shall be installed a minimum depth of 18 inches (457.2 mm) below grade. Piping systems and electrical wiring shall be separated a minimum of 12 inches (304.8 mm) horizontal and a minimum of six inches (152.4mm) vertical when placed.
- (8) Section 409.4.1 is added as follows:  
409.4.1 Service Valves. Service valves installed within 24" (61 cm) of the regulator shall have no more than three screwed connections.
- (9) Section 411.1 is amended to read as follows:  
Connecting Appliances. Except as required by section 411.1.1, appliances shall be connected to the piping system by one of the following:
  1. Stationary gas appliances and the following fixtures: Water heaters, furnaces and boilers in commercial or residential applications. All package heating fixtures/equipment shall be piped with rigid piping.
  2. Reserved
- (10) Section 503.4.5(4) is amended to read as follows:  
4. For sizing a chimney venting system connected to appliances using mechanical draft, the effective area of the chimney flue shall not be greater than two sizes over the effective area required for the appliances.
- (11) Appendices A – D of the International Fuel Gas Code are added as a part of the code.
- (12) CATEGORY I APPLIANCES LISTED FOR USE WITH TYPE B VENTS (IFGS) is added as part of this code.
- (g) Amendments to the International Fire Code and the City of Belvidere Municipal Code fire provisions:
- (2) Section 102.7, referenced codes and standards is amended to read as follows: The codes and standards referenced in this Code, and which are listed in Chapter 80, are adopted by and

considered a part of this code only to the extent of any such reference and as further regulated by Sections 102.7.1 and 102.7.2.

- (3) Section 102.7.1, Conflicts, is amended to read as follows: Where conflicts occur between provisions of this code and referenced codes and standards, the stricter of the codes and standards shall apply.
- (4) Section 105.5.34, Open Burning, is amended to read as follows:

Open fire or a fire on any public street, alley, road, or other public property is prohibited without specific Authority and a permit issued by the Fire Code Official. Instructions and stipulations of the permit shall be complied with.

Exception: (a) Private Property recreation open fires are governed by section 74-215 of the City of Belvidere Municipal Code. (b) Governmental units engaging in open burning upon their own property are exempt from this provision.
- (5) Section 108.5 is added as follows:

108.5 Inspection change of ownership.  
A fire inspection report may be required for any occupancy regulated by Chapter 10, Means of Egress, that changes ownership or use. The Fire Code Official, or his designee shall complete the inspection.
- (6) Section 113.4, Failure to Comply, is amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to correct a violation or unsafe condition, shall be subject to fine as set forth in section 1-9 of the Belvidere Municipal Code.
- (7) Sections 304.1.1 and 304.1.2 are deleted. Applicable provisions of the Belvidere Municipal Code and IPMC shall control these issues.
- (8) Sections 307, Open Burning, Recreational Fires, And Portable Outdoor Fireplaces is deleted in its entirety. (See Section 74-215 of the City of Belvidere Municipal Code).
- (9) Section 308.1.6.3, Sky Lanterns, is amended to read as follows:

A person shall not release or cause to be released a sky lantern or any other airborne flame producing device.
- (10) Section 313.2, Group R. Occupancies, is amended to read as follows:

Vehicles powered by *flammable liquids*, Class II *combustible liquids* or compressed flammable gases shall not be stored within the living space of Group R buildings.
- (11) Section 320.4.2.3, Fire Protection Systems of the 2024 IFC is amended to read as follows:

Indoor storage areas for lithium-ion and lithium metal batteries shall be protected by an automatic sprinkler system complying with Section 903.3.1.1. The system shall be designed with a minimum density of 0.6 gpm/ft<sup>2</sup> (2.27 L/min) based over the area of room or 2,500 square feet (232 m<sup>2</sup>) design area, whichever is smaller or approved alternative fire suppression system. The system design shall be based on recommendations in the approved technical opinion and report required by Section 320.4.2.1.
- (12) A new Section 322, Peer Review is Added as follows:

### **322.1 Requiring peer review**



A peer review shall be conducted for the following lithium-ion battery system or storage as well as any building or process deemed by the Authority Having Jurisdiction (AHJ) to pose a significant hazard to the community, or first responders:

1. Stationary and mobile electrical storage systems (ESS).
2. Indoor storage areas for lithium-ion and lithium metal batteries, with the accumulation of more than 15 cubic feet (.042 m<sup>3</sup>).
3. Outdoor storage of lithium-ion or lithium metal batteries.
4. New construction projects or the addition of lithium-ion battery manufacturing and storage facilities must undergo a peer review of the fire safety plans and building design related to fire safety.
5. Any renovation or expansion that alters more than 25% of the facility's footprint or production capacity must be peer-reviewed.
6. The installation or significant modification of fire suppression systems specifically designed for lithium-ion battery risks requires peer review.
7. Any change in the manufacturing process involving new technology, materials, or methods related to lithium-ion batteries must undergo peer review.
8. Modifications to the storage layout, methods, or quantities of lithium-ion batteries that could impact fire safety must be peer-reviewed.
9. Following any fire-related incident or near-miss event within the facility, a peer review of the fire safety plans must be conducted.
10. Upon significant updates to existing codes, affected facilities must submit their fire safety plans for peer review to ensure compliance with the latest standards.
11. Significant changes in the facility's operational environment, such as the introduction of new chemical substances that pose fire or community hazards, must necessitate a peer review of the fire safety and facility design plans.
12. Any facility introducing a new alternate fuel source (e.g., hydrogen, biofuels, or other innovative energy storage systems) that may pose novel dangers must undergo a peer review of the fire safety plans.
13. Any building or process deemed by the Authority Having Jurisdiction (AHJ) to pose a significant hazard to the community, or first responders must undergo peer review.

### **322.2 Peer review**

The owner or the owner's agent, other than the registered design professionals for the project, shall employ independent registered engineers and design professionals to conduct a peer review of the design of the building and fire protection systems related to occupant safety, control of fire and other hazards, environmental hazards, and the safety of first responders. The peer review must include an opinion of the fire safety and evacuation plan, mitigation planning, and first responder mitigation training.

### **322.3 Peer reviewer disclosure**

The peer reviewer shall disclose to the owner's authorized agent and the authority having jurisdiction any possible conflicts of interests, financial or otherwise.

## 322.4 Peer reviewer qualifications

The peer reviewer shall provide written documentation to the owner or owner's authorized agent demonstrating relevant experience and training in the specific areas of practice being peer reviewed and for projects similar in the complexity to the type of system design under review.

## 322.5 Peer review report

A signed and sealed report shall be submitted to the owner or owner's authorized agent and to the authority having jurisdiction with the construction documents prior to the issuance of a permit for construction. The report shall describe the items reviewed, provide explanation of noncompliant issues, and recommend acceptance or rejection of the items reviewed.

(13) A new Section 403.10.6, Lithium-ion and lithium metal batteries fire safety and evacuation plan is added to the 2021 IFC as follows:

An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for occupancies that involves activities for the research and development, testing, manufacturing, handling or storage of lithium-ion batteries or lithium metal batteries, or the repair or servicing of vehicles powered by lithium-ion or lithium metal batteries.

Exceptions: A fire safety and evacuation plan is not required for the storage or merchandizing of any of the following:

1. New or refurbished batteries installed in the equipment or vehicles they are designed to power.
2. New or refurbished batteries packaged for use in the equipment or vehicles they are designed to power for merchandizing purposes.
3. New or refurbished lithium-ion batteries rated at not more than 300 watt-hours and lithium metal batteries containing not more than 25 grams of lithium metal in their original retail packaging.
4. The storage, repair, and charging activities in detached one and two family dwellings and townhouses, provided that such devices are for personal use.
5. The storage, repair, and charging activities associated with personal use in sleeping units and dwelling units of Group R-1 and R-2 occupancies.

(14) A new Section 403.10.6.1, Mitigation Planning, is added to the 2021 IFC as follows:

The approved fire safety and evacuation plan shall include thermal runaway event mitigation measures. These measures shall include activities undertaken to prevent thermal runaway, early detection of a thermal runaway event and mitigation measures to be undertaken to limit the size and impact of the event on occupants and the facility.

(15) A new Section 403.10.6.2, Mitigation Training, is added to the 2021 IFC as follows:

The occupant shall provide annual training as requested by the fire code official on emergency mitigation procedures for responding agency. Mitigation plan shall be reviewed annually by a fire protection engineer.

(16) Section 505.1, Address Identification, is amended to read as follows:

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed at a location that is plainly legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Numbers from the street edge to under 50 feet from the street shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm), numbers greater than 50 feet from the street edge to 100 feet from the street edge shall be minimum 5" high and numbers over 100 feet from the street edge shall be a minimum be 6" high. Temporary signs shall be installed on the site during construction subject to the above specifications. Where required by the *fire code official*, address identification shall be provided in additional *approved* locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

(17) A new Section 505.3, Building Main Door and Loading Dock Door Numbers, is added as follows:

Each exterior door shall be numbered starting at the front/street side of the building in a clockwise manner around the building. Numbers shall contrast with their background. Numbers will be Arabic and start with "1" and proceed up. Numbers shall not be spelled out. Numbering of man doors shall be minimum 6" on the interior and exterior of doors. Numbering of dock doors shall be a minimum of 12" on the interior and exterior above the door. This section does not apply to residential uses.

(18) A new Section 505.4, Strip Malls is added as follows:

When a strip mall has multiple tenant spaces and dedicated sprinkler control/fire alarm room, the room shall have its own address.

(19) Section 506.1, Where required, is amended to read as follows:

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the *fire code official* is authorized to require a key box to be installed in an *approved* location. The key box shall be a key box. listed as approved by the *fire code official* and in accordance with UL 1037. A key box is required for all buildings that are equipped with an approved fire alarm system, fire suppression system, hood suppression system and special suppression system and all buildings determined by the fire code official. The key box shall contain keys to gain necessary access (including gates and barriers) and a key for each alarm notification control panel within the building as required by the *fire code official*. The installation of an approved key box shall be approved by the fire code official. The box shall be located not more than (5') feet above grade at the approved location. (Street side, outside of door near FAAP / FACP / Sprinkler riser room).

(20) Section 507.2.1, Private fire service mains, is amended to read as follows:

If allowed by state law, Private fire service mains and appurtenances shall be installed in accordance with NFPA 24. Fire hydrants shall be located not more than 300 feet apart for commercial and 500 feet apart for residential sites. Additionally, at least one fire hydrant shall be located at each intersection and one fire hydrant shall be located within 75 feet of the any fire service connection in a building containing a fire suppression system.

(21) Section 507.5.1.1, Hydrant for standpipe systems, is amended to read as follows:

Buildings equipped with a standpipe system installed in accordance with Section 905 or an approved automatic sprinkler system installed in accordance with Section 903 shall have a fire hydrant within 75 feet of the fire department connection.

**Exception:** The distance shall be permitted to exceed 100 feet (30 480 mm) where *approved* by the *fire code official*.

(22) Section 507.5.3, Private fire service mains and water tanks, is amended to read as follows:

If allowed by State Law, Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25 at the following intervals:

1. Private fire hydrants of all types: Inspection annually and after each operation; flow test and maintenance annually.
2. Fire service main piping: Inspection of exposed, annually; flow test every 5 years.
3. Fire service main piping strainers: Inspection and maintenance after each use. Records of inspections, testing and maintenance shall be maintained.

4. A copy of the inspection, testing and maintenance report shall be submitted to the City of Belvidere Fire Department in a format to be determined by the Fire Code Official.

(23) A new Section 901.4.2.1, Discontinuance of use, is added as follows:

All non-required fire protection systems shall be approved for discontinuance by the fire code official. All discontinued equipment and devices, such as pull stations, nozzles, detectors, sprinklers, sensors, panels, and hose connections shall be removed so as not to give a false indication that the structure, area or space is protected.

(24) A new Section 901.4.8, Fire and life safety protection systems labels, tags and information plates is added as follows:

All required identification labels, tags, and information plates for fire and life safety protection systems shall be approved and constructed of material designed to resist weathering or loss of required information due to environmental exposures. All required labels on control valves and system deactivation switches shall be reflective with lettering contrasting to the background.

(25) A new Section 901.6.3.2, Fire protection and life safety systems records submittal, is added as follows:

All required service and maintenance records are to be submitted to the fire code official through in a manner prescribed by the fire code official.

(26) Section 903.2.4.2, Group F-1 distilled spirits is amended as follows:

The title is amended to read: 903.2.4.2 New and Existing Group F-1 distilled spirits.

The Section shall read: An automatic sprinkler system shall be provided throughout new and existing Group F-1 fire areas used for the manufacture of distilled spirits.

(27) Section 903.2.10, Group S-2 parking garages, is amended to read as follows:

An automatic sprinkler system shall be provided throughout buildings classified as parking garages where any of the following conditions exist:

1. Where the fire area of the enclosed parking garage, in accordance with Section 406.6 of the International Building Code, exceeds 12,000 square feet (1115 m<sup>2</sup>).
2. Where the enclosed parking garage, in accordance with Section 406.6 of the International Building Code, is located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

3. Where the fire area of the open parking garage, in accordance with Section 406.5 of the International Building Code, exceeds 48,000 square feet (4460 m<sup>2</sup>).
4. Any new or existing Group S-2 parking garages with electric vehicle charging stations.

(28) A new Section 903.2.10.3, Parking garages, is added as follows:

New sprinkler systems installed in any S-2 parking garage shall be designed to a minimum hazard classification of Ordinary Hazard 2.

(29) Section 903.2.11.1, Stories without openings, is amended to read as follows:

An *automatic sprinkler system* shall be installed throughout all *stories*, including *basements*, of all buildings where the floor area exceeds 1,500 square feet (139 m<sup>2</sup>) and where there is not provided fewer than one of the types of exterior wall openings:

1. Openings below grade that lead directly to ground level by an exterior *stairway* complying with Section 1011 or an outside *ramp* complying with Section 1012. Openings shall be located in each 50 linear feet (15 240 mm), or fraction thereof, of *exterior wall* in the story on not fewer than one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15 240 mm).
2. Openings entirely above the adjoining ground level totaling not less than 20 square feet (1.86 m<sup>2</sup>) in each 50 linear feet (15 240 mm), or fraction thereof, of *exterior wall* in the story on not fewer than one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15 240 mm). The height of the bottom of the clear opening shall not exceed 44 inches (1118 mm) measured from the floor.
3. An interior stairway that conforms to requirements of Section 1005 with a fire separation assembly enclosure of not less than 1 hour, which has a door directly to the exterior and the stairway does not connect more than 2 stories. The basement or windowless story floor level shall be 15 feet (4572mm) or less vertically from the exterior door threshold level and the door threshold shall be within 10 feet (3048mm) of grade. Interior stair doors or openings shall be provided in each 50 linear feet (5240mm) or fraction thereof on at least one side of the basement or windowless story.

(30) A new Section 903.3.9, Safety factor for fire protection systems, is added as follows:

Provide the greater of 10% or 5psi minimum safety factor in the fire protection system hydraulic calculation.

(31) A new Section 903.4.2.1, Outside audio/visual devices, is added as follows:

Provide an outside audio/visual device over the fire department connection. The visual indicator shall be a clear lens and activate upon activation of the sprinkler system.

(32) A new Section 903.4.4, Interior control valves, is added as follows:

The fire code official may require interior control valves to be installed to isolate occupancies that share a fire suppression system. Where valves are installed in a system, valves shall be supervised or locked in the "open" position.

(33) A new Section 905.1.1 Sprinklered Buildings, is added as follows:

In all buildings provided with an automatic fire sprinkler system where the distance between fire department vehicle access and any point within the building exceeds 200 feet, a horizontal standpipe system shall be provided. Class I standpipe connections shall be provided at locations in accordance with 905.4.

(34) Section 905.4, Location of Class I standpipe hose connections, is amended to add a new subsection 7 as follows: Location of standpipe hose connections. Class III standpipe hose connections shall be provided at locations within the building as directed by the *fire code official*. Hose connections shall include 2 ½ inch by 1 ½ inch reducing caps.

(35) A new Section 907.1.4, Strip malls, is added as follows:

Fire alarm systems shall be capable of identifying a fire alarm device activation or waterflow device activation in each tenant space. An audio/visual device shall be provided at the front entrance to each tenant space to identify the location of the activated device(s). Visual indicator shall be a red lens and activate upon activation of fire alarm system and/or the sprinkler system.

(36) A new Section 912.1.1, Fire department connections, is added as follows:

Fire department connections shall be 5" Storz connection with 30-degree downturn and shall comply with Sections 912.2 through 912.7

(37) Section 912.2.2, Existing Buildings is amended to read as follows:

On existing buildings, wherever the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall be reflective and constructed of material designed to resist weathering. The sign shall have a white background with all lettering and graphics red in color. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location not less than 3 inches (75mm) high.. Such signs shall be subject to the approval of the *fire code official*.

(38) Section 912.6, Backflow protection, is amended to read as follows:

A water supply serving a fire suppression system shall be protected against backflow with a Reduced Pressure Zone (RPZ) backflow device and comply with the requirements of Illinois Plumbing Code.

(39) Section 913.2.1, Protection of fire pump rooms, is amended to read as follows:

Rooms where fire pumps are located shall be separated from all other areas of the building in accordance with Section 913.2.1 of the International Building Code. Each room where fire pumps are located shall include one interior and one accessible exterior door. The exterior door shall be accompanied by a lock box and accessible key complying with this Code.

(40) Section 1103.5.3, Group I-2, Condition 2, is amended to read as follows:

In addition to the requirements of Section 1103.5.2, existing buildings of Group I-2, Condition 2 occupancy shall be equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1. The automatic sprinkler system shall be installed as established by a compliance plan submitted by the property owner and approved by the fire code official.

(41) Subsection 1 of Section 1207.5.5 of the 2024 IFC is amended to increase the minimum density from .3 gpm /sq ft (1.14 L/min) to .6 gpm / sq ft (2.27 L/min).

(42) Section 5608.1, General, is amended to read as follows:

Outdoor fireworks displays, use of pyrotechnics before an *audience* and pyrotechnic special effects in motion picture, television, theatrical and group entertainment productions shall comply with Sections 5608.2 through 5608.10 and NFPA 1123 or NFPA 1126.

(43) Section 5608.2.1, Outdoor fireworks displays, is amended to read as follows:

In addition to the requirements of Section 403, permit applications for outdoor fireworks displays using Division 1.3G fireworks shall include a diagram of the location at which the fireworks display will be conducted, including the site from which fireworks will be discharged; the location of buildings, highways, overhead obstructions and utilities; and the lines behind which the audience will be restrained. All outdoor firework displays shall be electronically fired using approved electronic firing units and approved mortar racks.

(44) Section 5608.2.3, Indoor special effects and flame displays is added to read as follows:

Any indoor special effects, pyrotechnic or Flame Effect Displays must comply with NFPA 160.

(a) The following provisions and other provisions of this article shall be construed to be additional provisions of the building code of the city even though they are not specifically contained in the Adopted Codes. Such

regulations shall be construed as supplemental to and in addition to the provisions of the Adopted Codes. All such regulations shall be deemed cumulative. In the event of a conflict between provisions of the adopted codes and the specific regulations otherwise established herein, the latter shall govern.

(1) *Moving buildings.*

- a. No person, firm or corporation shall move any building or structure on, through, or over any street, alley, sidewalk, or other public place in the city without having obtained a permit therefore from the city council.
- b. Applications for such permits shall be made in writing to the city clerk and shall state thereon the proposed route and shall specify the days on which it is intended that the building or structure shall occupy any portion of any street, alley, sidewalk, or other public place.
- c. No such permit shall be valid and no person, firm, or corporation shall move any building or structure on, through, or over any street, alley, sidewalk, or other public place in the city unless and until they cause a public notice to be published as specified in this subsection. The notice shall state the route to be followed and the dates and times that the building shall occupy any portion of any street, alley, sidewalk or other public place in the city. This notice shall be published at least once, not more than seven calendar days nor less than one calendar day before the building or structure occupies any portion of any street, alley, sidewalk or other public place in the city. This notice shall be published in at least one newspaper published in the city or if no newspaper is published therein, then in at least one newspaper having a general circulation within the city. The person, firm or corporation seeking to move the building or structure shall pay the full cost, if any, of such publication.
- d. Upon approval of the intended route and dates by the city council, a fee of \$15.00 for each day or fraction thereof that it is intended that the building shall occupy any such portion of any street, sidewalk, alley or other public place within the city shall be paid to the city clerk and the permit issued. An additional payment of \$15.00 for each day or fraction thereof over and above the time stated on the permit during or on which any building shall occupy such public place shall be paid.
- e. Every person, firm or corporation applying for a permit to move a building or structure shall submit with this application a bond in the amount of \$50,000.00 with surety to be approved by the city council conditioned to indemnify the city for any loss or damage resulting from the work undertaken or the manner of doing same and conditioned upon his compliance with all the provisions of this section, and agreeing to pay and hold the city harmless from any claim which may be made against it by reason of the occupation or use of any street, alley, sidewalk or other public place by the building or structure moved or by persons engaged in the moving operations.
- f. No building or structure shall be moved in whole or in part to any other location on the same or any other lot within the city or from any location outside the corporate limits of the city to any lot within the city, unless such structure conforms with the existing structures adjacent to it in design, height, and general appearance and every portion of such building or structure which is moved and unless the use thereof is made to conform to the building, plumbing, electrical, fire and zoning codes and other ordinances of the city.
- g. No permit shall be issued for the moving of any building or structure into or within the city until the building inspector has examined the structure or building to be moved and made a report thereof to the city council. The report of the building inspector shall include a description of the building or structure and the place of which it is to be moved and the physical condition of the building or structure and whether or not the building can be made to conform to all the building, plumbing, electrical, fire and zoning codes and other ordinances of the city.
- h. The person, firm or corporation moving any building or structure through the streets shall keep warning signs and lanterns or lights at night on the building or structure so as to guard against any person or vehicles from colliding with it.
- i. Whenever it shall be necessary to interfere with wires or cables of a public utility moving a building or structure, the terms of any special or franchise ordinance governing shall apply and the bond therein specified shall be given. If no such terms apply, then the mayor shall estimate the

expense of fixing the wires and the bond in an appropriate amount shall be given to cover the expense.

- j. When any such moving building or structure will approach any fire alarm wire or pole which shall or may be endangered by the moving of such building or structure, it shall be the duty of the mover to notify the fire chief at least six hours before reaching such wire or pole so that the wire or pole may be removed or otherwise cared for by the city authorities.
  - k. The fees required by this section shall be in addition to the licensing fee established in section 26-216(c) of the Belvidere Municipal Code dealing with house movers.
- (2) *Reinspection fees.* If after an initial inspection and one reinspection, the property failed in any respect to comply with the building, electrical, plumbing, HVAC, grading, sidewalks, driveways, and/or any other city code, all subsequent reinspections require payment of \$100.00 each prior to each reinspection.



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## EXHIBIT E

### **Sec. 22-67. Standards and specifications adopted.**

- (a) The 2021 National Electric Code International Code Electrical Series (NFPA 70) is hereby adopted by reference and made a part of this chapter, subject to the modifications set forth herein.
- (b) Building, electrical and fire inspectors shall apply these codes; and the most restrictive code shall be applied.

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## **EXHIBIT F**

### **Sec. 22-500. Adoption.**

The International Property Maintenance Code, 2021 Edition, (hereinafter, the property maintenance code or "IPMC") as published by the International Code Council, is hereby adopted as the property maintenance code for the city. The adoption of the property maintenance code does not in any way limit or abrogate the regulations or codes adopted in section 22-31 of this chapter.

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## EXHIBIT G

### Sec. 22-501. Exceptions.

The following portions of the property maintenance code, are hereby excluded from adoption:

- (1) Section 103.2;
- (2) Section 302.4;
- (3) Section 302.8;
- (4) Section 304.3;
- (5) Section 404.5;
- (6) Section 404.5.1;
- (7) Section 404.5.2;
- (8) Section 404.6;
- (9) Chapter 7.
- (10) Section 108
- (11) Section 113

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## EXHIBIT H

### Sec. 22-502. Insertions and amendments.

The International Property Maintenance Code, provides that certain insertions be made to the text. The following insertions and amendments are made to the text of the International Property Maintenance Code, as if fully set forth therein.

- (1) Any reference to the International Zoning Code shall instead be to the City of Belvidere Zoning Code.
- (2) Any reference to the ICC Electrical Code shall be to the City of Belvidere Municipal Code.
- (3) Any reference to the International Existing Building Code shall instead be to the City of Belvidere Municipal Code.
- (4) Any reference to the International Plumbing Code shall be to the Illinois Plumbing Code.
- (5) Any reference to the International Energy Conservation Code shall be to the Illinois Energy Code.
- (6) Section 103.1 is modified to read that: "The Building Director shall be the "Code Official."
- (6) Wherever the International Property Maintenance Code calls for the insertion of the name of jurisdiction, insert "the City of Belvidere."
- (7) In Section 103.5 delete "indicated in the ....[Jurisdiction to insert appropriate schedule]" and insert "set forth in Appendix A to the City of Belvidere Municipal Code" in its place.
- (8) In Section 109.3 the word "misdemeanor" is changed to "petty offense." Further, the phrase "served in accordance with Section 11.4" is deleted and is replaced with "served in accordance with law".
- (9) In Section 109.4 after the word "laws" the phrase "and in addition to any equitable relief, shall be fined in accordance with Section 1-9 of the City of Belvidere Municipal Code."
- (10) Add a new Section 111.1.6 as follows: "Unsafe structures, equipment and structures unfit for human occupancy are declared a nuisance."
- (11) Section 111.7 is amended to read as follows: "Upon failure of the owner, owners' agent or other person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or upon defective equipment a placard of condemnation prohibiting occupancy of the premises or use of the condemned equipment."
- (12) Add a new Section 111.10 as follows: "Nothing in this Code, or the Belvidere Municipal Code, shall limit any power or authority to abate nuisances available under statute or common law."
- (13) Section 112.1 Imminent Danger is amended to read as follows: "When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, or when the structure is unfit for human habitation, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at the primary entrance to such structure a notice of condemnation. It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same. Access to condemned property shall only be by persons authorized for such access by the City of Belvidere and as allowed by law."
- (14) Delete Section 113. Replace with a new Section 110 as follows: "All demolitions of dangerous and unsafe structures shall be pursuant to State statute."

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- (15) Section 202, the definition of "bedroom" is amended to read as follows "Any room or space used or intended to be used for sleeping purposes. However, no bathroom, toilet room, closet, hall, space customarily used for cooking or utility space shall constitute a bedroom."
  - (16) In Section 202, the definition of "public way" shall read as follows "Any public highway, street, alley or similar parcel of land which is deeded, or dedicated to a governmental unit or otherwise appropriated to the public for public use."
  - (17) In Section 202, the definition of "rubbish" shall be modified to remove "except garbage". After the word "include" insert "but is not limited to."
  - (18) In section 304.14 insert April 1 through October 1 as the required dates.
  - (19) Section 308.3.1 shall be amended to read as follows: "The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit* or an *approved* leakproof, covered, outside garbage container."
  - (20) In Section 602.2, delete "indicated in Appendix D of the International Plumbing Code."
  - (21) In Section 602.3 delete "during the period from [date] to [date]" and insert "sufficient".
  - (22) In Section 6.02.4 "during the period from [date] to [date]" and insert "sufficient".
  - (23) In Section 603.2 insert the phrase "designed and" before the word "labeled".
  - (24) Section 107 is amended to read as follows: "The Owner of record, or the beneficial owner in the case of a land trust, may appeal an adverse order of the Code Official or the Department to the City of Belvidere Committee of the Whole for Building and Planning within 20 days of receipt of the adverse decision by the Department/Code Official. Such a request for appeal must be in writing and filed with the City Clerk. The pendency of an appeal shall not prevent the City from enforcing the Property Maintenance Code or the decision of the Department/Code Official, including the initiation of enforcement proceedings in a court of competent jurisdiction. The decision of the Committee of the Whole for Building and Planning and Zoning shall be final subject to administrative review under the Administrative Review Law."

## Announcement of Estimated Tax Levy for Tax Year 2024

The estimated amount of the tax levy needed to finance the various City needs and activities is \$5,863,977 with an additional \$852,705 for the operations of the Ida Public Library.

To confirm and record this announcement, the following motion is recommended:

"Motion to approve the estimated tax levy of \$6,716,682 as announced by the Finance Director."

**Please note:**

**This will all come back in ordinance form.**

Per the Truth in Taxation Act: At least 20 days prior to the passage of the tax levy ordinance, the municipality's corporate authorities must estimate the amount of the tax levy. This estimate should be announced at a meeting of the corporate authorities and should be approved by a majority of the corporate authorities.

Announcement of estimated levy	October 28, 2024
Planned 1st reading of the tax levy ordinance	November 18, 2024
Public hearing of the levy ordinance	December 2, 2024
2nd reading and passage of the tax levy ordinance	December 2, 2024