

ORDINANCE NUMBER 11 - 31

**ORDINANCE GRANTING A SPECIAL USE FOR
THE PROPERTY COMMONLY KNOWN AS
ROCK ROAD BUSINESS PARK, EAST DUNDEE, ILLINOIS**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, application has been made by Daniel Shepard under Petition No. P/Z 11-05-01 requesting a special use pursuant to 157.066(C) for accessory commercial operations yards at Lots 4 and 5 in the Rock Road Business Park, East Dundee, Illinois.

WHEREAS, the subject property is legally described as follows:

LOTS 4 AND 5 OF ROCK ROAD BUSINESS PARK, A SUBDIVISION IN THE EAST HALF OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 11, 2004 AS DOCUMENT NUMBER 2004K059306, IN KANE COUNTY, ILLINOIS.

WHEREAS, the Planning and Zoning Commission (hereinafter the "Commission") of the Village of East Dundee, pursuant to notice and in accordance with 65 ILCS 5/11-13-14 and pursuant to the Village of East Dundee Code of Ordinances, Chapter 156.05(B)(3) held a hearing on May 26, 2011, on Petition No. P/Z 11-05-01; and

WHEREAS, the Planning and Zoning Commission heard evidence and testimony of all interested persons and considered the standards as set forth in the East Dundee Code of Ordinances 157.224, and 65 ILCS 5/11-13-1.1, 11-13-6 and 11-13-7: and

WHEREAS, pursuant to said hearing, the Commission approved the Petition by a vote of 5 ayes, 0 nays and 4 absent. The Planning and Zoning Commissions Findings and Recommendation are incorporated here by reference.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, KANE AND COOK COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That the above recitals are hereby incorporated here.

Section Two. That the recommendation of the Commission is hereby approved and adopted.

Section Three. That a special use for the property commonly known as Rock Road Business Park, East Dundee is hereby granted to allow for accessory commercial operations yards at Lots 4 and 5 in the property legally described above pursuant to the application P/Z # 11-05-01 attached hereto, subject to the conditions set forth by the Planning and Zoning Commission.

Section Four. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Five. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Six. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 20th day of June, 2011, pursuant to a roll call vote as follows:

AYES: 5 - Trustees Gorman, Lynam, Miller, Skellicorn & President Bartels

NAYES: 0

ABSENT: 2 - Trustees Ruffalo & Van Ostenbridge

Approved by me this 20th day of June, 2011.

Jerald Bartels
Jerald Bartels, President

Published in pamphlet form this 26th day of June, 2011, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg
Jennifer Rehberg, Village Clerk

Recorded in the Village Records on June 26th, 2011.

