

ORDINANCE NUMBER 13 - 12

ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER  
157, ZONING, SECTIONS 157.065, GENERAL REGULATIONS BY  
ADDING SECTION 157.065(A)(1)(L)(3)

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, The President and Board of Trustees have determined that it is necessary and desirable to make amendments to Residence Districts requirements under Section 157.065(A)(1)(L)(3) to add solid waste amendments; and

WHEREAS, the Planning and Zoning commission (hereinafter the "Commission") of the Village of East Dundee, pursuant to notice and pursuant to the East Dundee Code of Ordinances, held a public hearing on March 14, 2013 on the Village Initiated Text Amendment to add Sec. 157.065(a)(1)(L)(3); and

WHEREAS, pursuant to said hearing, the Commission voted to deny the Petition by a vote of 4 ayes, 0 naves, 1 abstain, and 2 absent.

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.** The President and Board of Trustees hereby amend sec. 157.065, General Regulations to add the following:

(A)(1)(L)(3). Waste transfer, storage and treatment facilities; as defined in the Illinois Environmental Protection Act in 415 ILCS 5/ that are not otherwise defined in such Act as Pollution Control Facilities and subject to the provisions of § 157.065(A)(2)(d) shall be allowed as special uses in the M-1 and M-2 districts

(A)(2)(d) Waste transfer, storage and treatment facilities; as defined in the Illinois Environmental Protection Act in 415 ILCS 5/ that are not otherwise defined in such Act as Pollution Control Facilities.

1. Such facilities shall only include the following:
  - a. Facilities accepting exclusively general construction or demolition debris for transfer, storage, or treatment;
  - b. Landscape waste compost facilities;
  - c. Landscape waste transfer stations; and
  - d. Other recycling, materials recovery and waste minimization/waste diversion facilities.

2. All facilities listed hereunder shall comply fully with all applicable requirements contained in the Environmental Protection Act and its implementing regulations, as both may be amended from time to time, in addition to all applicable requirements contained in this chapter provided that in the event that those requirements imposed by the state of Illinois conflict with those of this chapter, the more restrictive provisions shall apply.

(B)(2) To the extent that a Pollution Control Facility subject to local siting review as provided for in 415 ILCS 5/39.2 is proposed to be located in the Village of East Dundee, those areas designated as manufacturing districts on the Village of East Dundee, Illinois, Zoning Map are deemed the most appropriate locations for such a facility provided that the facility, and its location, otherwise comply with all applicable requirements of the Illinois Environmental Protection Act and its implementing administrative codes, as both may be amended from time to time, and notwithstanding that local zoning or other local land use requirements shall not be applicable to such siting decisions.

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

**Section Four. 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 1 day of April, 2013, pursuant to a roll call vote as follows:

AYES:

Trustees Gorman, Lynam, Miller, VanOstenbridge, Skellicorn and President Bartels

NAYES:

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ABSENT:

Trustee Ruffalo

Approved by me this 1 day of April, 2013.

Jerald Bartels

JERALD BARTELS, President

Published in pamphlet form this 3 day of April, 2013, under the authority of the President and Board of Trustees.

ATTEST:

Hugh Lenth

Village Clerk

Recorded in the Village Records on April 3<sup>rd</sup>, 2013.