

## ORDINANCE 18-10

### AN ORDINANCE GRANTING A SPECIAL USE FOR AN OUTDOOR PATIO FOR PABLO'S MEXICAN RESTAURANT LOCATED AT 1150 SPRING HILL MALL WEST DUNDEE, ILLINOIS

WHEREAS, The Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, The Village of West Dundee has been requested by a petition signed by Mr. Daniel Hill of Progressive AE representing Rouse Properties requesting a special use permit for a restaurant, where alcohol service and/or entertainment is conducted outdoors (outdoor patio) for Pablo's Mexican Restaurant at Spring Hill Mall; and

WHEREAS, a Public Hearing was held by the West Dundee Planning and Zoning Commission on April 23, 2018 after due notice in the manner provided by law; and

WHEREAS, the West Dundee Planning and Zoning Commission, after deliberation, has made a report and recommended the granting of said special use; and

WHEREAS, the Village Board has considered the findings of fact, based upon the evidence presented at the public hearing, presented to the West Dundee Planning and Zoning Commission by the petitioners.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES, VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS, as follows:

Section 1: That special use for an outdoor patio for Pablo's Mexican Restaurant at Spring Hill Mall is hereby granted for the property located at 1150 Spring Hill Mall, West Dundee, IL 60118.

Section 2: That all requirements set forth in the Zoning Ordinance of the Village of West Dundee, as would be required by any owner of property zoned in the same manner as the Subject Property shall be complied with, except as otherwise provided in this Ordinance.

Section 3: The findings and recommendations of the West Dundee Planning and Zoning Commission on the question of granting the special use for the Subject Property are hereby accepted and the special use is granted subject to the following conditions for approval:

1. Compliance with documents including site plan as submitted with the Planning and Zoning Application; and,
2. Compliance with all other applicable Village codes and ordinances.

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.

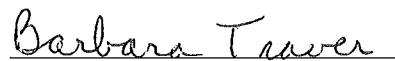
Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.


Section 6 That this Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form which publication is hereby authorized as provided by law.

PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois and approved by the President of said Village this 7th day of May, 2018.

AYES: Trustees Price, Yuscka, Anderley, Wilbrandt and Kembitzky  
NAYS: None  
ABSENT: Trustee Hanley

ATTEST:

  
Barbara Traver  
Village Clerk

  
Christopher Nelson  
Village President

Passed: May 7, 2018  
Approved: May 7, 2018  
Published: May 8, 2018

Prepared by:  
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