

ORDINANCE 2022-05

**AN ORDINANCE AMENDING TITLE 10 - ZONING REGULATIONS
OF THE MUNICIPAL CODE ADDRESSING SPECIMEN COLLECTION FACILITIES**

WHEREAS, The Village of West Dundee, Kane County, Illinois (the "Village"), is a home rule municipality pursuant to Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970 and, as such, may exercise any power and perform any function pertaining to its government and affairs; and,

WHEREAS, the Village President and Board of Trustees have contemplated the issue of special uses within B-2 Regional Business District, B-3 Business-Service District, and SD Special Development District and considered certain changes to the West Dundee Municipal Code to define "specimen collections facilities," and designate "specimen collection facilities" as a special use where appropriate; and,

WHEREAS, the West Dundee Planning and Zoning Commission considered the subject of specimen collection facilities via public hearing on February 28, 2022, pursuant to required public notice, to solicit public input regarding certain changes to the West Dundee Zoning Regulations; and,

WHEREAS, after careful consideration of the information, the Planning and Zoning Commission recommended to the West Dundee Village Board that said changes to the West Dundee Zoning Regulations be made; and,

WHEREAS, the President and Board of Trustees have carefully considered the recommendations of the Planning and Zoning Commission as well as the information presented and the impact such recommendations would have on individual properties and the community as a whole and have determined that the benefits provided by these changes will outweigh any potential adverse impacts and therefore would be in the best interest of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of West Dundee, Kane County, Illinois, as follows:

SECTION 1: Title 10 - Zoning Regulations, Chapter 2, Section 1 – Definitions (10-2-1) of the West Dundee Municipal Code is hereby amended as follows:

SPECIMEN COLLECTION FACILITY: A facility that collects materials derived from the human body for the purpose of testing to provide information for the diagnosis, prevention, or treatment of any disease or impairment of, or assessment of the health of, human beings.

SECTION 2: That Title 10 - Zoning Regulations, Chapter 5 – Business Districts, Section 2-6 - Use Matrix (10-5-2-6) of the West Dundee Municipal Code shall be amended as follows:

10-5-2-6: USE MATRIX:

Uses	B-1	B-2	B-3
Permitted: "P" Special Use: "S" Prohibited: "-"			
Accessory uses to permitted uses.	P	P	P
Adult media store.	-	-	S
Animal care facilities, including veterinarian offices, animal hospitals, and kennels.	S	S	P
Antique and consignment stores.	P	P	P
Art galleries, museums and other semipublic, indoor exhibition areas.	P	P	P

Automotive sales, including dealership, outdoor sales lots, parts and accessory stores, and retail gasoline sales.	-	S	S
Automotive services, including washing facilities, mechanical repair, and body and paint shops.	-	-	S
Banquet halls.	-	S	S
Behavioral/therapeutic day schools.	-	S	S
Body art studios.	-	-	S
Business and professional offices, including doctor, dentist, outpatient medical services, outpatient therapy and counseling services, attorney, insurance, financial establishments, and real estate.	P	P	P
Cannabis dispensary facility subject to the following: 1. Operations may only be permitted between nine o'clock (9:00) A.M. and ten o'clock (10:00) P.M.; 2. No drive-through windows permitted; 3. Deliveries permitted only at the rear entrance of the facility which must not be in any public area; 4. To be located no less than two hundred-fifty feet (250') from the property lines of schools, daycares and residential zoning districts; 5. No "on premise" consumption of cannabis permitted; and 6. Only one (1) cannabis dispensary facility shall be permitted.	-	-	S
Colleges and universities.	-	S	S
Commercial/recreational vehicles and trailers - rental	-	S	S
Commercial services including advertising, and media offices, interior decorating, office supplies, photography studios, printing, and appliance and electronics repair.	P	P	P
Commissaries/commercial kitchens.	-	S	S
Daycare centers.	S	P	P
Donation-based used merchandise stores; shall not be within seven hundred fifty feet (750') of another similar user.	-	-	S
Educational services including trade schools, dancing, music and singing schools.	S	P	P
Firearm and gun stores.	S	S	S
Game rooms and amusement centers.	S	S	S
Group and private fitness instruction.	S	S	S
Healthcare facilities, including clinics.	-	P	P
Hospitals.	-	S	S
Hotels, motels and resorts.	S	S	P
Indoor entertainment and recreation facilities including live music venue, move/live theater, bowling alley, pool hall, and roller and ice skating rinks.	S	S	S
Massage therapy but only as ancillary or supplementary to a full-service spa.	P	P	P
Massage therapy establishments as a standalone clinic.	S	S	S
Medical laboratories.	-	S	S
Messenger services.	S	S	S

Motor vehicle rental, including cars, motorcycles, motor scooters and mopeds.	-	S	S
Outdoor entertainment and recreation facilities, including miniature golf, driving ranges, and drive-in theaters.	-	S	S
Outdoor sales lots other than automobiles.	S	S	S
Outdoor stadiums.	-	S	S
Pawn stores.	-	-	S
Permanent make-up services as a standalone operation or the primary use within a hairstyling or beauty salon.	S	S	S
Permanent make-up services but only as ancillary or supplementary to a full-service hairstyling or beauty salon.	P	P	P
Personal services including hairstyling, clothes cleaning, and shoe repair.	P	P	P
Planned unit developments.	S	S	S
Public utility and public service uses, including fire stations, police stations, electric substations, telecommunications, and transit and transportation facilities.	S	S	S
Repair and improvement services, including carpentry, plastering, painting, plumbing, sewer, energy, heating, cooling, and electrical services.	-	S	P
Residential dwelling units above first floor only.	P	S	S
Restaurants.	P	P	P
Restaurants where alcoholic liquor is served in an outdoor area in conjunction with food service.	S	S	S
Restaurants where entertainment is permitted subject to the following: 1. Entertainment is ancillary or supplementary to a restaurant and is limited to the hours of food and liquor service; 2. Entertainment is limited to a maximum of three (3) musicians (including singers) playing acoustic, unamplified or limited-amplified instruments; and 3. Entertainment is provided only in the room(s) where food and liquor service is provided and maintained.	P	P	P
Restaurants where entertainment is permitted but does not meet at least one of the above criteria.	S	S	S
Retail sale of construction materials, but not including warehouse sales outlets.	-	P	P
Retail sales of household goods, garden supplies, sporting goods and personal products, including food, drugs, clothing, furniture, appliances, hardware, gifts and specialty items.	P	P	P
Senior citizen housing and retirement homes.	S	S	S
Short term rentals.	P	-	-
Specimen collection facilities. 1. Only one (1) specimen collection facility shall be permitted for each eligible business zoning district.	-	S	S

SECTION 4: Title 10 – Zoning Regulations, Chapter 7 – SD Special Development District, Section 4 – Definitions (10-7-4) of the West Dundee Municipal Code is hereby amended as follows:

SPECIMEN COLLECTION FACILITY: A facility that collects materials derived from the human body for the purpose of testing to provide information for the diagnosis, prevention, or treatment of any disease or impairment of, or assessment of the health of, human beings. Said facilities shall be limited to a maximum of two (2) within SD Special Development District Zoning.

SECTION 5: That Title 10 - Zoning Regulations, Chapter 7 – SD Special Development District, Section 5-1 - Office Park Use Area Regulations, Item B – Special Uses (10-7-5-1B) of the West Dundee Municipal Code is hereby amended as follows:

B. Special Uses:

- Colleges and universities.
- Daycare, adult and children.
- Health clubs.
- Heliports.
- Hotels and motels.
- Research and development facilities.
- Laboratories; research and testing.
- Libraries.
- Museums.
- Public parks and open space.
- Schools, primary or secondary, either public or private.
- Specimen collection facilities.
- Utility service buildings, towers and uses, excluding ordinary transmission lines, wires, poles, etc., providing service to individual uses.

SECTION 6: That Title 10 - Zoning Regulations, Chapter 7 – SD Special Development District, Section 5-2 – Light Industrial Park Use Area Regulations, Item B – Special Uses (10-7-5-2B) of the West Dundee Municipal Code is hereby amended as follows:

B. Special Uses:

- Communication transmission towers.
- Freight terminals.
- Health clubs/indoor recreation.
- Public parks and open space.
- Specimen collection facilities.
- Utility service buildings, towers and uses, excluding ordinary transmission lines, wires, poles, etc., providing service to individual uses.

SECTION 7: That Title 10 - Zoning Regulations, Chapter 7 – SD Special Development District, Section 5-3 – Commercial Use Area Regulations, Item B – Special Uses (10-7-5-3B) of the West Dundee Municipal Code is hereby amended as follows:

B. Special Uses:

- Bowling alleys.
- Car and truck rental.
- Cemeteries and mausoleums.
- Convalescent and nursing homes.
- Convention centers.
- Dance halls.
- Game rooms.
- Golf courses.

Golf driving ranges.
Funeral homes.
Heliports.
Hospitals.
Laboratories, testing and research.
Nurseries and greenhouses.
Offices; business and professional, in excess if thirty percent (30%) of the use area.
Outdoor motion picture theaters.
Outdoor retail sales.
Pool halls.
Restaurants, where alcohol service and/or entertainment is conducted outdoors.
Skating rinks, indoor.
Specimen collection facilities.
Utility service buildings, towers and uses, excluding ordinary transmission lines, wires, poles, etc., providing service to individual uses.

SECTION 8: That Title 10 - Zoning Regulations, Chapter 7 – SD Special Development District, Section 5-4 – Retail Center Use Area Regulations, Item B – Special Uses (10-7-5-4B) of the West Dundee Municipal Code is hereby amended as follows:

B. Special Uses:

Special Uses:
Bowling alleys.
Dance halls.
Golf driving ranges.
Hotels and motels.
Laboratories, testing and research.
Offices; business and professional, in excess of thirty percent (30%) of the use area.
Outdoor retail sales.
Pool halls.
Restaurants, with alcohol service and/or entertainment outdoors.
Skating rinks, indoor.
Specimen collection facilities.

SECTION 9: If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged in any Court of competent jurisdiction to be invalid, such judgment shall not effect, impair, invalidate or nullify the remainder thereof, which remainder shall remain in full force and effect.


SECTION 10: This ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form which publications 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 March, 2022.

AYES:
NAYES:
ABSENT:

ATTEST:


Mary Jo Pape
Village Clerk


Christopher Nelson
Village President

PASSED:
PUBLISHED:

Prepared by:
Village of West Dundee
Economic Development Department
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