

ORDINANCE 13-11

AN ORDINANCE ISSUING A SPECIAL USE PERMIT TO ALLOW A RESTAURANT WHERE ALCOHOLIC LIQUOR IS SERVED IN AN OUTDOOR AREA IN CONJUNCTION WITH FOOD SERVICE FOR THE PROPERTY COMMONLY KNOWN AS 1959 HUNTLEY ROAD (THE CHUBBY BULLFROG)

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, a petition, signed by Mike Morrison has been filed with the Village Clerk requesting that a special use permit to allow the introduction of outdoor dining with alcohol service associated with the existing restaurant, and;

WHEREAS, the special use for outdoor dining with alcohol service is being requested for the property legally defined as follows:

LOT 1 IN THE RESUBDIVISION OF LOT 1 IN HILL SUBDIVISION UNIT 2, A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORING TO THE PLAT THEREOF RECORDED JULY 11, 2003 AS DOCUMENT NO. 2003K114043, IN THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS.

WHEREAS, a Public Hearing was held by the West Dundee Planning and Zoning Commission on April 22, 2013 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 the petitioner's request; and

WHEREAS, the Village Board has considered the findings of fact, based upon the evidence 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 a special use for outdoor dining with alcohol service associated with the existing restaurant use is hereby granted;

Section 2 : The Special Use granted in Section 1 of this Ordinance is conditioned on the following:

1. Compliance with the applicant's statement and outdoor dining facility plan submitted with application.
2. Modification of existing liquor license to Class E.
3. Approval by the Appearance Review Commission for design compatibility.

4. No use of area after 10:30 PM. Smoking within 15' of the front door to any business and after 10:30 PM is prohibited.
5. Compliance with all other applicable codes and ordinances.

Section 3: That the findings of fact of the Planning and Zoning Commission on the issuance of the special use permit is hereby accepted.

Section 4: 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 5: 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 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7: That this Ordinance shall be in full force and effect upon its passage and approval, 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 20th of May, 2013.

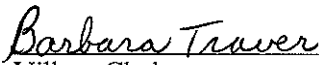
AYES: Trustees Pflanz, Wilbrandt, Price, Hanley and Yuscka
NAYS: Trustee Kembitzky
ABSENT:
ABSTAIN:



Christopher Nelson, Village President

ATTEST:

Barbara Traver



Village Clerk

Passed: May 20, 2013
Approved: May 20, 2013
Published: May 20, 2013

Prepared by:
Village of West Dundee
102 South Second Street
West Dundee, IL 60118