

## ORDINANCE 13-16

### AN ORDINANCE ISSUING A SPECIAL USE PERMIT TO ALLOW A GAME ROOM FOR THE PROPERTY COMMONLY KNOWN AS 121 W. MAIN STREET (UNDERGROUND RETROCADE)

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 Scott Lambert, has been filed with the Village Clerk requesting a special use permit to establish a game room, and;

WHEREAS, the special use for a game room is being requested for the property legally defined as follows:

LOT 4 (EXCEPT THE EAST 30 FEET OF THE NORTH 60 FEET AND EXCEPT THE EAST 16 FEET OF THE SOUTH 90 FEET) & (EXCEPT THE NORTH 4.0 FEET OF THE SOUTH 14 FEET CONVEYED TO THE VILLAGE OF WEST DUNDEE BY INSTRUMENT RECORDED DECEMBER 21, 2001 AS DOCUMENT 2001K135776) IN BLOCK 2 OF ORIGINAL TOWN OF DUNDEE, ON WEST SIDE OF FOX RIVER, IN THE VILLAGE OF WEST DUNDEE, KANE COUNTY ILLINOIS, TOGETHER WITH THE RIGHT TO USE SOUTH 10 FEET OF LOT 5 IN SAID BLOCK 2 AS A PRIVATE ALLEY.

Property commonly known as 121 W. Main Street

WHEREAS, a Public Hearing was held by the West Dundee Planning and Zoning Commission on August 26, 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 a game room 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, site and floor plans submitted with the application.
2. Approval of exterior signage by Appearance Review Commission.
3. 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 are 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 9<sup>th</sup> day of September, 2013.

<b>AYES:</b>	Trustees Yuscka, Pflanz, Wilbrandt, Kembitzky, Price and Hanley
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

  
Christopher Nelson, Village President

ATTEST:

Barbara Traver

  
Village Clerk

Passed: September 9, 2013  
Approved: September 9, 2013  
Published: September 10, 2013

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