

EXHIBIT A
B-3 PUD Ordinance

ORDINANCE NO. 12-45

*An Ordinance Zoning and Granting Certain Special Uses
for Property Commonly Known as 14N859 Illinois Route 25*

WHEREAS, the Village of East Dundee, an Illinois home rule municipal corporation located in Kane and Cook counties (the "Village"), has been requested in a written petition signed by Michael B. Kessler (the "Owner") that upon annexation, certain property located on the east side of Illinois Route 25 and legally described in Section 1 of this Ordinance (the "Property"), be zoned B-3, General Service Business District, granted a special use permit for a planned unit development; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission, after due notice as provided by law; and

WHEREAS, the Board of Trustees has considered the evidence, including but not limited to that presented at the public hearing to the Planning and Zoning Commission, and believe the zoning classification, the special use permit for a planned unit development will be in the best interests of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee as follows:

SECTION 1: The following legally described territory (the "Property") shall be zoned B-3, General Service Business District, pursuant to the terms of the East Dundee Zoning Chapter:

Parcel 1: Lot 3 in Fox River Bluffs Unit No. 3, a subdivision of part of Sections 35 and 36, Township 42 north, Range 8 east of the Third Principal Meridian, in the Township of Dundee, Kane County, Illinois; and

Parcel 2: That part of the northwest quarter of Section 35, Township 42 north, Range 8 east of the Third Principal Meridian, lying between the southerly extension of the east and west lines of said Lot 3 described as follows: commencing at the point of intersection of the north line of the northeast quarter of said Section 35 with the center line of State Route 25; thence south 08 degrees 03 minutes west along said center line, 708.15 feet to the southerly line extended westerly of said Lot 3 of Fox River Bluffs Unit No. 3 for the point of beginning; thence south 08 degrees 03 minutes west along said center line 49.34 feet; thence south 79 degrees 10 minutes east, 400.33 feet; thence northerly 68.86 feet to the southeast corner of Lot 7 of said Fox River Bluffs Unit No. 3; thence north 82 degrees 02 minutes west along the southerly line and southerly line extended of said Fox River Bluffs Unit No. 3, 400.0 feet to the point of beginning, (excepting therefrom the westerly 50 feet, as measured at right angles from the center line of State Route No. 25) in the Township of Dundee, Kane County, Illinois (together, the "Property").

SECTION 2: In accordance with the final plan attached hereto as Exhibit A, the Board of Trustees hereby approve a special use permit for a planned development of the Property (the "B-3 PUD") pursuant to the following:

- (A) *Purpose.* This B-3 PUD is intended to provide areas to be used for most types of retailing and service uses, wholesale and warehousing uses and some limited industrial activities that are normally associated with business areas.
- (B) *Permitted uses.*
 - (1) Permitted uses of land or buildings, as hereinafter listed, shall be permitted on the Property in accordance with the conditions specified herein. No building or zoning lot shall be devoted to any use other than a use permitted hereinafter and no building or structure shall be erected, altered, enlarged or occupied, except as a permitted use hereinafter, in the zoning district in which the building or zoning lot shall be located, unless otherwise specifically allowed as a special use or an accessory use by this Ordinance.

(2) Uses permitted on the Property shall include all uses permitted in the B-1, Downtown Zoning District in the East Dundee Zoning Chapter, as amended, and those additional uses as follows:

(a) *Retail business.*

1. Building services and supplies, not including outside storage;
2. Casket and casket supplies;
3. Catering establishment;
4. Direct selling establishment, where products are stored;
5. Farm and garden supply store;
6. Hay, grain and seed store;
7. Job printing shops, using presses having not more than 14 inches by 20 inches in size;
8. Nursery retail sales;
9. Orthopedic and medical appliance store, but not including the assembly or manufacture articles;
10. Recording studios; and
11. Tombstone and monument sales.

(b) *Personal service establishments.*

1. Museum;
2. Recreation building, such as ice and roller skating, including community center; and
3. Undertaking establishments and funeral parlors.

(c) *Business service establishments.*

1. Blue print and photo copy establishment;
2. Electrical shop and supply shop;
3. Equipment and appliance repair shop;
4. Equipment rental and leasing service;
5. Exterminating service;
6. Frozen food locker;
7. Furniture repair and upholstery;
8. Furnace supply and service;
9. Greenhouse, retail sales;
10. Lawn mower repair shop;
11. Mail order service shop;
12. Milk machine sales;
13. Plumbing and heating showroom and shop;
14. Refrigeration shop, service and repair;
15. Sewer cleaning and rodding shop;

16. Sign contractor, no outside storage;
17. Swimming clubs and pools;
18. Swimming pool sales and service;
19. Taxidermist;
20. Water softener service;
21. Water sales and bottling; and
22. Window cleaning firm.

(d) *Professional office establishment.* Offices ancillary to any of the uses permitted or allowed in the B-3, General Service Business District in the East Dundee Zoning Chapter.

(e) *Automotive establishments.* Retail businesses, which supply commodities on the Property as set forth below:

1. Boat dealer;
2. Camper sale;
3. Motor vehicle dealer;
4. Motorcycle sales;
5. Recreation vehicle sale or rental;
6. Snowmobile, sales and service;
7. Tire, battery and accessory dealer;
8. Trailer sale or rental;
9. Used car lot and used car consignment sales;
10. Automobile accessory store;
11. Vehicle repair garage;
12. Automotive detailing;
13. Automobile rental;
14. Truck rental; and
15. Lawn mower sales

(f) *Drive-Through Facilities.* Drive-through facilities shall be allowed in connection with any other permitted use.

(g) *Residential.* Residential units shall be permitted (i) on every floor of any building in which no business use is occurring and (ii) above the first floor of any building in which a business use is occurring, provided that all other Village ordinances have been complied with, including, but not limited to fire and life safety codes, and provided further that not less than one off-street parking space for each unit shall be provided and located on the same lot as the residential use.

(C) *Accessory uses.* Accessory uses shall be provided in accordance with the provisions of § 157.085 of the East Dundee Zoning Chapter.

(D) *Special uses.*

- (1) Special uses allowed in the B-2, Community Business District in the East Dundee Zoning Chapter, as amended;
- (2) Billiard and pool hall;
- (3) Bowling alley;
- (4) Gymnasium;
- (5) Hotel, including dining room and meeting rooms;
- (6) Indoor skating rink and other recreational facility;
- (7) Lumber yard;
- (8) Motel;
- (9) Outdoor amusement establishment, including trampoline center, miniature golf course, kiddy park and the like;
- (10) Planned unit development;
- (11) Roadside stand;
- (12) Tavern and cocktail lounge;
- (13) Testing laboratory;
- (14) Veterinary clinic, animal hospital with outside kennels permitted;
- (15) Paint shop;
- (16) Body and fender shop; and
- (17) Storage, warehousing and wholesale establishments, except fuel oil, gasoline and other flammable material.

(E) *Temporary uses.* Temporary building for construction purposes for a period not to exceed the duration of the construction.

(F) *Lot size requirements.* With the exception of planned development, a separate ground area, herein called the zoning lot, shall be designated, provided and continuously maintained for each structure containing a permitted use or special use.

- (1) Minimum lot area: 23,000 square feet.
- (2) Minimum lot width: 125 feet.

(G) *Yard requirements.* Minimum yard requirements for each lot in this B-3 PUD shall be as follows.

Front-yard building setback from West line: 35 feet

Side-yard building setback from North and South lines: The total combined side yard for both the northerly and southerly side yards shall be not less than an aggregate of 20 feet, and so long as one of the said side yards is 12 feet or greater, the other side yard may be 8 feet or less, including zero (0) feet.

Rear-yard building set back from East line: 20 feet for principle structures and 10 feet for any accessory garages and /or private storage buildings.

Vehicle use (parking lot) set-back: from West line, 10 feet (except as noted in paragraph (I)(2), below, for temporary display);from North line, 5 feet; from East line, 10 feet; and from South line, 0.0 feet (a zero-set back from South line)

Transition yards: none required.

(H) *Bulk regulations.*

- (1) Maximum structure height: 35 feet.
- (2) Floor ratio: 0.8.

(I) *Special provisions.*

- (1) All permanent outdoor sales space shall be provided with a permanent durable and dustless surface (which may also include asphalt grindings) and shall be graded and drained as to dispose of all surface water.
- (2) The temporary display of up to three items of inventory for retail sale under Section (B)(2)(e), above, entitled "Automotive establishments. Retail businesses, which supply commodities on the premises" may occur in the first ten feet of the front yard on hard-surface "display pads" constructed within said first ten feet of the front yard.
- (3) All outdoor storage facilities for accessory uses and products shall be enclosed by a fence, wall or plant materials adequate to conceal the facilities from adjacent properties and the public right-of-way. Notwithstanding the foregoing, in connection with the outdoor display for sale of boats, campers, motor vehicles, motor cycles, snowmobiles, trailers, rental cars, rental trucks, lawn mowers, or recreational vehicles, no screening shall be required and no landscaping shall be required along those display areas.
- (4) No materials or wastes shall be deposited upon a lot in a form that they may be transferred off the Property by natural causes or forces.
- (5) Parking shall be permitted up to the limits of the vehicle use setbacks prescribed herein.
- (6) Customary pole lighting may be installed in any parking lot.

(7) In connection with any vehicle sale activity regulated by the Illinois Secretary of State (or other State of Illinois agency), the on-site sales office may be located in a portion of the existing building on the premises and may have directional signage as required by such State agency.

(8) Signage shall be permitted as follows:

iii. Free standing signs shall be allowed under either of the following alternatives:

Alternative One: One double-sided, illuminated or non-illuminated monument or pylon sign, with maximum width of 8 feet and maximum height of 10 feet, shall be allowed for each business operating on the premises, limited to not more than two (2) such monument signs. Such monument signage may be located within the front yard of the Property up to within one (1) foot of the West property line;

Alternative Two: One pole sign up to 20 feet high; 15 feet wide; with 125 square feet of sign face per side and a front setback of 10 feet.

It is acknowledged that the Property is situated within the Village's "East Side Commercial Overlay District." It is further agreed that if the current, and any future multi-building upon the Property, is used for multi-tenant purposes (whether such use is for office, retail, or other commercial use, or a combination thereof) then one free standing signage serving the Property shall be entitled to electronic message display as contemplated in Section 156.04(E)(3) of the Village of East Dundee Code of Ordinances.

iv. Up to four (4) wall signs, each having a maximum of eight (8) square feet, shall be allowed on the face of the buildings with a maximum of one wall sign per business located on the Property.

(9) One or more garages and/or private storage buildings shall be permitted on the Property subject to compliance with the accessory building setbacks specified in this ordinance.

SECTION 4: The Board of Trustees hereby makes the following findings of fact with respect to the requested special use permit for a planned unit development:

1. The uses permitted by the exceptions are necessary or desirable and are appropriate with respect to the primary purpose of the development;

The planned unit development and special uses will be consistent with existing uses in the area insofar as the trend of growth and development on the relevant portion of Illinois Route 25 is retail and serving the public with services. These proposed special uses are consistent with the Village's Comprehensive Plan. The vehicle-related services and sales will be beneficial to the area. It is the Board of Trustees belief that the Village and surrounding community is underserved with respect to the services contemplated by such facilities and services proposed to be offered in the petition. These proposed uses are desirable and would serve the community and would be an amenity to the community. The planned unit development and special uses are appropriately located on a state route utilized by commuters and is reasonably proximate to residential neighborhoods to enable them to utilize such services as well.

2. The uses permitted by the exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood;

Due to development around the Property in the past decade, the planned unit development and special uses on the Property are appropriate for the commercial corridor on Illinois Route 25, which would be utilized by patrons of these special uses rather than access coming through residential neighborhoods which would avoid excessive traffic coming through any residential neighborhood to the Property and will not have an adverse or detrimental influence or impact on the surrounding neighborhoods given the location and placement of buildings and structures on a final plan.

3. Not more than 20% of the ground area or of the gross floor area of the development shall be devoted to the uses permitted by the exception;

The Board of Trustees is of the opinion that this standard has been met. The proposed special uses are subject to and shall be in accordance with a final plan and helps the Village to insure that this requirement is met. Based on witness testimony, it is hereby determined that the proposed uses will not exceed 20% of the ground area of the development as provided for in a final plat to be submitted to the Village.

4. In an industrial planned development, the additional uses allowed by exception shall conform with the performance standards of the district in which the development is located;

This criteria is inapplicable insofar as there is no request for an industrial planned development.

5. The use exceptions so allowed are reflected by the appropriate zoning district symbols and so recorded on the zoning district map;

The Village's zoning map will be amended to reflect such uses upon any approval by the Board of Trustees.

6. The special uses will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

While the special uses are of a more intense nature than permitted uses, the anticipated distance between the buildings and the property lines to be set forth in a final plan lead this Board of Trustees to believe that the proposed special uses will not be injurious to the use and enjoyment

of other property in the nearby vicinity. In addition, Village ordinances of a general nature shall remain in effect. No convincing testimony was provided which would demonstrate that property values in any neighborhood proximate to the Property would be impaired or substantially diminished.

7. The establishment of the special uses will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

Insofar as the anticipated facilities, as depicted on a final plan to be submitted to the Village, with direct access from Illinois Route 25, the testimony reflects that in no way will the normal, orderly development and improvement of surrounding property be impeded.

8. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided;

The final plan for the Property on which the special uses are requested has or will provide for the extension of sanitary sewer and potable water mains to and past the Property. Insofar as the Property is situated on Illinois Route 25, an adequate access road is in place for each of the special uses. The Board of Trustees believes that the testimony reflects that drainage will be handled in accordance with all applicable standards. No testimony was provided that any of the proposed utilities, means of access or drainage facilities will be deficient in any manner and instead reflect that they will meet or exceed Village ordinances.

9. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

Judging from the evidence provided at the hearing and the personal knowledge of the Board of Trustees relative to the Property, it is our conclusion that adequate measures are in place to minimize traffic congestion as shown on a final plan to be submitted to the Village and that there will not be a peak level of activity so as to avoid any increase of traffic during weekday "rush hours" when commuter traffic is at its peak.

10. The special uses shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the President and Board of Trustees at such time a final plan is submitted to the Village.

Based on staff and consultants' input, the information presented to the Board of Trustees and the testimony at the public hearing, the special uses otherwise conform to the regulations of the B-3, General Service Business District, in all respects as set forth in a final plan.

SECTION 5: All other requirements set forth in the East Dundee Zoning Chapter, as would be required by any owner of property zoned in the same manner as the Property, shall be

complied with, except as otherwise provided in the Annexation Agreement between the Village and the Owner.

SECTION 6: 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 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed, to the extent of such conflict.

SECTION 8: 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.

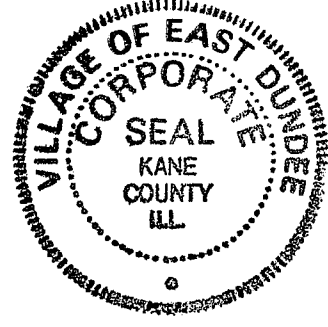
Ayes: 7- Justices Ruffulo, Gorman, Lynam, Miller, VanOstenbridge,
Skillicorn & Pres. Bartels
Nays: 0
Absent: 0
Abstain: 0

APPROVED:

Jerald Bartels
Village President Jerald Bartels

(SEAL)

ATTEST: Jennifer Rehberg
Village Clerk Jennifer Rehberg



Passed: 6/30/12
Approved: 6/30/12
Published: 7/7/12

Prepared by/Mail to:

Michael J. Smoron
Zukowski Rogers Flood & McArdle
50 North Virginia Street
Crystal Lake, IL 60014
815.459.2050

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CERTIFICATION

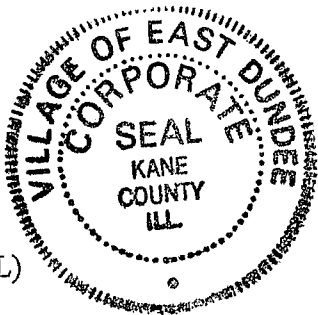
I, JENNIFER REHBERG, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of East Dundee, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village.

I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of East Dundee, held on the June 30th, 2012, the foregoing Ordinance entitled *An Ordinance Zoning and Granting Certain Special Uses for Property Commonly Known as 14N859 Illinois Route 25*, was duly passed by the President and Board of Trustees of the Village of East Dundee.

The pamphlet form of Ordinance No 12-45, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the East Dundee Village Hall, 120 Barrington Avenue, East Dundee, IL, commencing on the 7th day of July, 2012, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

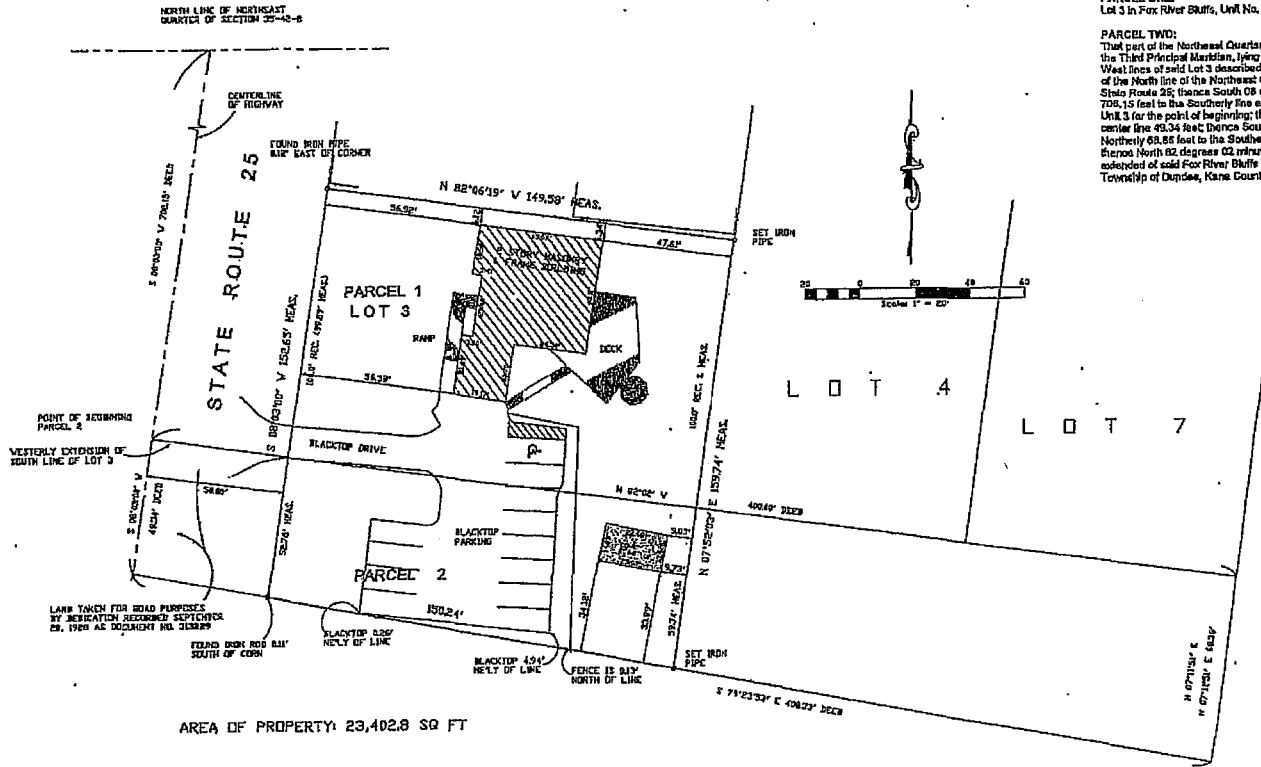
IN WITNESS WHEREOF, I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto this 7th day of July, 2012.



(SEAL)

Jennifer Rehberg, Village Clerk
Village of East Dundee,
Kane County, Illinois

Alan J. Coulson, P.C.
PROFESSIONAL LAND SURVEYORS
PLAT OF SURVEY



AREA OF PROPERTY: 23,402.8 SQ FT

OF PROPERTY DESCRIBED AS:

PARCEL ONE:
 Lot 3 in Fox River Bluffs, Unit No. 3, in the Township of Dundee, Kane County, Illinois.

PARCEL TWO:
 That part of the Northwest Quarter of Section 35, Township 42 North, Range 8 East of the Third Principal Meridian, lying between the Southerly extension of the East and West lines of said Lot 3 described as follows: Commencing at the point of intersection of the North line of the Northwest Quarter of said Section 35 with the center line of State Route 25; thence South 08 degrees 03 minutes West along said center line, 708.15 feet to the southerly line extended Westerly of said Lot 3 of Fox River Bluffs Unit 3 for the point of beginning; thence South 08 degrees 03 minutes West along said center line 43.34 feet; thence South 79 degrees 10 minutes East, 400.53 feet; thence North 68.86 feet to the Southeast corner of Lot 7 of said Fox River Bluffs Unit 3; thence North 62 degrees 02 minutes West along the Southerly line and Southerly line extended of said Fox River Bluffs Unit 3, 400.0 feet to the point of beginning, in the Township of Dundee, Kane County, Illinois.



STATE OF ILLINOIS } = SEPT 19, 2011
 COUNTY OF KANE

I hereby certify that I have surveyed the property described in the above caption according to the official records and that the above plat is a true and correct representation of said survey.

Charles A. Hill
 Charles A. Hill, Professional Land Surveyor No. 35-2780
 My License expires 11/30/18.

Any discrepancy in measurement should be promptly reported to the surveyor for resolution.
 WE DO NOT GUARANTEE AS TO THE LOCATION OF UNDERGROUND UTILITIES OR UNDERGROUND IMPROVEMENTS.

FIELD WORK COMPLETED: SEPT 19, 2011

THE SURVEY IS TO BE DONE WITH THE FOLLOWING:

This professional service conforms to the current Illinois minimum standards for a boundary survey.
 Professional Design: Plan Land Surveyed,
 Carpenter, License No. 184-023623

Alan J. Coulson, P.C.
PROFESSIONAL LAND SURVEYORS
 265 W. Main St. West Dundee, Illinois 60119
 Phone: (847) 426-2911 Fax: (847) 426-8074

Scale: 1"=20'
 Date: 9/19/11
 Type: BLD
 County: KA
 Job: 259, 1236
 City: West Dundee

Compare the description on this plat with deed. Refer to title for easements and building lines.