

ORDINANCE NUMBER 13 - 11

**ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER
157, ZONING, SECTIONS 157.065-157.067, GENERAL
REQUIREMENTS BY REPLACING ALL OF 157.065(A) AND (B)
INCORPORATING A TABLE OF ALLOWABLE USES IN ITS
PLACE**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, The President and Board of Trustees have determined that it is necessary and desirable to make amendments to Residence Districts requirements under Section 157.065, General Requirements and to incorporate a Table of Allowable Uses to assist member of the general public in determining permitted and special uses in the various zoning districts of the Village of East Dundee; and

WHEREAS, A Table of Permitted Uses has been created which sets out the permitted and special uses in the various districts within the Village of East Dundee, said Table attached hereto as Attachment C.1; and

WHEREAS, the Planning and Zoning commission (hereinafter the "Commission") of the Village of East Dundee, pursuant to notice and pursuant to the East Dundee Code of Ordinances, held a public hearing on March 14, 2013 on the Village Initiated Text Amendment to Sec. 157.065-157.067 providing for a table and revisions to the allowable uses in all residence districts as set forth in Attachment C.1; and

WHEREAS, pursuant to said hearing, the Commission approved the Petition by a vote of 5 ayes, 0 naves and 2 absent.

WHEREAS, it is in the best interest of the Village to adopt a Table of Permitted Uses as set forth on Attachment C.1 in place of Title XV, Chapter 157, Zoning, Section 157.065 General Requirements.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, KANE AND COOK COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. The President and Board of Trustees hereby adopt the Table of Permitted Uses attached hereto as Attachment C.1, as a replacement for the current Section 157.065(A) &(B) of the Village of East Dundee Zoning Code, Title XV, Land Usage, Chapter 157, Zoning.

Section Two. The Permitted and Special uses in Sections 157.066(B)&(C) and 157.067(B)&(C) are hereby replaced by Section 157.065(A) as set forth in Attachment C.1.

Section Two. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Three. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Four. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 1 day of April, 2013, pursuant to a roll call vote as follows:

AYES:

Trustees German, Lynam, Skillicorn, Miller, VanOsterbodge and
NAYES: 0 President
Bartels

ABSENT:

Trustee R. Healy

Approved by me this 1 day of April, 2013.

Jerald Bartels
JERALD BARTELS, President

Published in pamphlet form this _____ day of _____, 2013, under the authority of the President and Board of Trustees.

ATTEST:

Village Clerk

Recorded in the Village Records on _____, 2013.

Attachment C.1 Manufacturing Districts Amendments

§ 157.065 GENERAL REQUIREMENTS

Replace all of sub-sections (A) and (B) with the following:

(A) *Allowable use of land and buildings.*

(1) *Allowable uses table.* Permitted uses, special uses, accessory uses, and temporary uses in the manufacturing districts shall be as indicated on the following table. All other provisions of this chapter to the contrary notwithstanding, the Building Inspector shall determine whether a proposed use that is not specifically listed on the table is most similar to and compatible with one or more permitted uses, special uses, accessory uses, temporary uses, or prohibited uses and classify the use accordingly. Such determinations shall be recorded in writing and maintained on file in the Village Clerk's office.

Allowable uses of land and buildings: P: Permitted by-right S: Permitted by special use permit	Limited Manufacturing District (M-1)	Limited Manufacturing District (M-2)
(a) Agriculture and natural resource uses.		
1. Resource conservation.		
2. Cultivation.		
3. Livestock.		
4. Agricultural support.		
Farm and garden supply store	P	P
Feed store	P	P
5. Mineral extraction and batch operations.		
Batch asphaltic concrete, cement concrete or mortar mixing plant	S	S
Stone or gravel quarry; crushing, grading, washing and loading operations shall, at a minimum, conform with the applicable regulations set forth in § 157.065	S	S

Allowable uses of land and buildings:

P: Permitted by-right

S: Permitted by special use permit

Limited Manufacturing District (M-1)

Limited Manufacturing District (M-2)

(b) Residential uses.

1. Single-family and two-unit dwellings.		
2. Multiple-family dwellings.		
3. Group living facilities.		

(c) Retail uses.

1. General merchandise.		
Building material sales	P	P
Direct selling establishment where products are stored	P	P
Gun shop	S	S
Tombstone and monument sales	P	P
2. Food and beverage.		
3. Greenhouses and nurseries.		
Greenhouse and nursery; retail	P	P
Greenhouse and nursery; wholesale	P	P

(d) Clubs, restaurants, taverns and lodging uses.

1. Clubs, lodges and meeting halls.		
2. Restaurants, specialty foods and taverns.		
Restaurant; no live entertainment or dancing	P	P
Restaurant; with live entertainment or dancing	P	P
Restaurant; drive-in or drive-through facilities	P	P
Taverns	P	P
3. Lodging.		
Hotel, including apartment hotel, dining room and meeting rooms	P	P
Motel	P	P

Allowable uses of land and buildings:
P: Permitted by-right
S: Permitted by special use permit

Limited Manufacturing District (M-1)

Limited Manufacturing District (M-2)

(e) Recreation and entertainment establishments; public and private.

1. Indoor recreation and entertainment.		
Adult uses		S
Commercial sports and entertainment establishment; subject to the licensure requirements of Chapter 118 of the East Dundee Code of Ordinances	S	S
Community center buildings, public or non-profit; includes clubhouses, recreation buildings, gymnasiums, swim clubs, swimming pools, tennis clubs, tennis courts, roller skating and ice skating rinks	P	P
Museum	P	P
Shooting range	S	S
2. Outdoor recreation and entertainment.		
Drive-in theater	P	P
Parks and playgrounds; privately-owned, not-for-profit	S	S
Parks and playgrounds, publically-owned	P	P
Shooting range	S	S

(f) Service, contracting, storage and broadcasting uses.

1. Personal services.		
Massage establishment and massage services; subject to the licensure requirements of Chapter 111 of the East Dundee Code of Ordinances	S	S
2. Dry cleaning and laundry services.		
Dry cleaning, laundry, dyeing and rug-cleaning establishment; with or without drive through and no limitation on the number of employees	P	P
3. Finance, insurance and real estate services.		
Automatic teller machine as stand-alone structure	P	P

Allowable uses of land and buildings:

P: Permitted by-right

S: Permitted by special use permit

Limited Manufacturing District (M-1)

Limited Manufacturing District (M-2)

	Limited Manufacturing District (M-1)	Limited Manufacturing District (M-2)
4. General services.		
Auction room	P	P
Catering establishment	P	P
Printing shop; no press size limitations	P	P
Secretarial service		
Scientific research agency	P	P
Taxidermist	P	P
Testing laboratory	P	P
Travel bureau and transportation ticket office	P	P
Undertaking establishment and funeral parlor	P	P
5. Contractor and repair shops and showrooms.		
Artists and industrial design studio	P	P
Furniture repair and upholstery	P	P
General minor repair or fix it shop	P	P
Interior decorating studio; includes upholstery and making draperies, slip covers and other similar articles when conducted as a secondary activity to the principal use	P	P
Lawn mower repair shop	P	P
Locksmith	P	P
Board showroom	P	P
Building services and supplies; no outside storage	P	P
Contractor shop; no outdoor storage	P	P
Contractor shop; with outdoor storage	P	P
Electrical shop and supply shop	P	P
Exterminating service	P	P
Heating and air conditioning retail sales and service	P	P
Plumbing and heating showroom and shop	P	P
Refrigeration shop, service and repair	P	P

Allowable uses of land and buildings:

P: Permitted by-right

S: Permitted by special use permit

Limited Manufacturing District (M-1)

Limited Manufacturing District (M-2)

Swimming pool sales and service	P	P
Sewer cleaning and rodding shop	P	P
Sign contractor; no outside storage	P	P
Window cleaning firm	P	P
<i>6. Equipment and supplies.</i>		
Bottled gas dealer	P	P
Business machines store	P	P
Equipment and appliance repair shop	P	P
Equipment rental and leasing service	P	P
Machinery sales establishment	P	P
Milk machine sales	P	P
Water softener service	P	P
Water sales and bottling	P	P
<i>7. Storage, transport and mail order sales.</i>		
Ambulance service	P	P
Frozen food locker	P	P
Limousine service	P	P
Mail order sales and warehousing	P	P
Storage, warehousing and wholesale establishments; does not include fuel oil, gasoline and other flammable material	P	P
<i>8. Broadcasting facilities and recording studios.</i>		
Radio and television broadcasting studio	P	P
Radio and television transmission or receiving tower	P	P
Recording studio	P	P

Allowable uses of land and buildings:
P: Permitted by-right
S: Permitted by special use permit

Limited Manufacturing District (M-1)

Limited Manufacturing District (M-2)

(g) Automotive and related uses:

1. Accessory sales.		
Automobile accessory, tire and battery stores	P	P
2. Fuels sales, service and repair.		
Automobile fuel sales; with or without service	P	P
Automobile and truck service without fuel sales; includes car washes, oil change service, repair facilities, and related uses not otherwise listed	P	P
Body and fender shop	P	P
Motor vehicle impoundment yard; subject to the provisions of § 157.065(A)(2)(a)		S
Paint shop	P	P
Vehicle towing establishment; subject to the provisions of § 157.065(A)(2)(b)	S	S
3. Parking.		
Parking lot; commercial	P	P
4. Vehicle sales and rental.		
Boat dealer	P	P
Camper dealer (sales)	P	P
Mobile home dealer	P	P
Motor vehicle dealer, new or used	P	P
Motorcycle sales	P	P
Recreation vehicle sales or rental	P	P
Snowmobile, sales and service	P	P
Trailer sale or rental	P	P

Allowable uses of land and buildings:

P: Permitted by-right

S: Permitted by special use permit

Limited Manufacturing District (M-1)

Limited Manufacturing District (M-2)

(h) Office uses.

1. Professional offices.		
Accounting, auditing and bookkeeping	P	
Attorney and law office	P	
Business and professional office	P	
Business office; goods, wares or merchandise are displayed or sold on the premise	P	
Engineering and architectural service	P	
Land surveyor	P	
Landscape architect	P	
Newspaper office; does not include printing	P	
Professional Consultant	P	
2. Organizations.		
Better Business Bureau	P	
Chamber of Commerce	P	
Charitable organization	P	
Civic association	P	
Labor union and organization	P	
Merchants association	P	
News syndicate	P	
Political organization	P	
Professional membership association	P	
Real estate board	P	
Social service and fraternal association	P	
Trade association	P	

Allowable uses of land and buildings:

P: Permitted by-right

S: Permitted by special use permit

Limited Manufacturing District (M-1)

Limited Manufacturing District (M-2)

(i) Healthcare and veterinary uses.

1. *Medical and dental offices, clinics and labs.*

Laboratory, medical and dental

P

P

2. *Hospitals and care homes.*

Hospitals or sanitariums

P

3. *Veterinarian offices, hospitals and kennels.*

Veterinary clinic and animal hospital; without outdoor kennels

P

Veterinary clinic and animal hospital; with outdoor kennels

P

(j) Manufacturing uses.

1. *Manufacturing.*

Manufacturing, assembly, disassembly, fabricating, repairing, storing, cleaning, servicing or testing establishment; operation shall conform with the applicable performance standards in § 157.065 and shall not be specifically prohibited by this chapter

P

P

(k) Public, educational and institutional uses.

1. *General public.*

Cemetery, public or private; includes crematories and mausoleums provided that no building shall be located less than 100 feet from side and rear property lines

S

S

Library and branch library

P

P

Police or fire station

P

P

Post office and post office sub-station

P

P

Public service or municipal garage

P

P

2. *Educational.*

Schools, business, trade or vocational; non-boarding public or private

P

P

Allowable uses of land and buildings:

P: Permitted by-right

S: Permitted by special use permit

Limited Manufacturing District (M-1)

Limited Manufacturing District (M-2)

3. <i>Childcare...</i>		
4. <i>Institutional and assembly.</i>		
Convention hall and center	S	S
(l) Transportation, utility and solid waste uses.		
1. <i>Transportation.</i>		
Airports	S	S
Cartage and express establishments; does not include motor freight terminals	P	P
Public transportation facilities; includes shelters, terminals, parking areas and service buildings	P	P
Transit and transportation passenger shelter	P	P
2. <i>Utility.</i>		
Public utility and public service use; subject to the provisions of § 157.065(A)(2)(c)	P	P
Sewage treatment plant	P	P
Telephone booth	P	P
3. <i>Solid waste.</i>		
(m) Accessory uses.		
1. <i>Accessory to agricultural uses.</i>		
2. <i>Accessory to residential uses.</i>		
3. <i>Accessory to commercial uses.</i>		
Accessory commercial operations yard; subject to the provisions of § 157.065(A)(2)(e)	S	S
Accessory uses provided in accordance with the provisions of § 157.085	P	P

Allowable uses of land and buildings:
P: Permitted by-right
S: Permitted by special use permit

Limited Manufacturing District (M-1)

Limited Manufacturing District (M-2)

Offices ancillary to any permitted or special use	P	P
Open sales lot	S	S
Storage yard; materials or equipment for on-site sales only	P	P
4. Accessory to manufacturing uses.		
Accessory commercial operations yard subject to the provisions of § 157.065(A)(2)(e)	S	S
Accessory uses provided in accordance with the provisions of § 157.085	P	P
Offices ancillary to any permitted or special use	P	P
Storage yard for material or equipment sales	P	P
5. Other accessory uses.		
(n) Temporary uses.		
1. Temporary uses.		
Temporary building for construction purposes; not to exceed the duration of the construction	P	P
(o) Other special uses.		
1. Other special uses.		
Planned unit development	S	S
Similar and compatible uses to those listed as special uses	S	S
Twenty-four hour per day operation of any permitted or special use	S	S

(2) *Use-specific requirements.* The following uses shall comply with all listed requirements in addition to all other requirements specified in this chapter. In the event of a conflict between a requirement listed hereunder and that of another section of this chapter, the more restrictive requirement shall prevail.

(a) *Motor vehicle impoundment yards.*

1. Areas utilized for motor vehicle yards shall comply with all principal structure setbacks requirements of the zoning district.
2. Areas utilized for motor vehicle yards shall be provided with a permanent durable and dustless surface.
3. Areas utilized for motor vehicle impoundment yards shall be lit from dusk to dawn at an intensity of not less than 1.0 foot candles nor greater than 1.5 foot candles using poles no higher than 25 feet and cutoff fixtures that direct light downward such that the intensity of light at the property line does not exceed 0.5 foot candles.
4. Areas utilized for motor vehicle impoundment yards shall be completely enclosed with a solid wall or fence of not more than eight feet in height. No chain link or mesh type of fence with inserted screening slats shall be used to comply with the provisions of this section.
5. No vehicle shall be stored longer than 60 days provided vehicles subject to seizure or impoundment orders shall be exempt from any such limitation.

(b) *Vehicle towing establishment.*

1. All towing vehicles and equipment must be stored inside a building or in areas with a paved, dustless surface that complies with all principal structure setback requirements of the zoning district. In no case shall towing vehicles be stored closer to the street than the front wall of the primary structure.

(c) *Public utility and public service use.*

1. Uses and facilities include: electric sub-stations and booster stations; telephone exchanges, repeater stations, micro-wave relay towers and stations, antenna towers and other outdoor equipment essential to the operation of the exchange in the interest of the public convenience; potable water well head stations, well separators, pumping stations, water filtration plants, reservoirs, and storage tanks and towers; natural gas regulator stations and similar above the ground facilities customarily used for the distribution, transmission or storage of natural gas as a part of the operation of a public utility; and satellite dishes as accessory to any of the above.
2. The use shall be located more than 200 feet from the boundary of a residential use.
3. Natural gas equipment and other installations may be in completely enclosed buildings or in the open, but along with electric substations and booster stations, must be completely enclosed behind two-inch or less mesh chainlink fence or equal, no less than six feet in height.

(d) *Reserved.*

(e) *Accessory commercial operations yard.*

1. Shall be accessory to an authorized and licensed principal use located within the Village limits of the Village of East Dundee. If the principal use ceases to operate or relocates out of the Village, the accessory commercial operations yard shall be immediately vacated and all equipment and materials removed.
2. Areas utilized for accessory commercial operations yards shall comply with all principal structure setback requirements of the zoning district.

3. Areas utilized for accessory commercial operations yards shall be provided with a permanent durable and dustless surface.\

4. Areas utilized for accessory commercial operations yards shall be completely enclosed and screened with a solid wall or fence of not more than twelve feet in height and/or a berm or evergreen plants of any height. No materials or equipment shall be stored at a height greater than the height of the screening; except that when there is no reasonable alternative, material or equipment may be stored at a height greater than the height of the screening provided that the area utilized for an accessory commercial operations yard is setback a minimum of one additional linear foot from all lot lines for each one foot of storage height above the screening. No chain link or mesh type of fence with inserted screening slats shall be used to comply with the screening provisions of this section.

(B) *Additional use restrictions.*

(1) Unless specifically provided for otherwise in 157.065(A), no lot, parcel or tract of land shall be used and no building or structure shall be erected, altered or remodeled for any of the following uses: abattoirs; acid manufacture; arsenals; crematories; creosote treatment or manufacture; fat rendering; fertilizer manufacture; fireworks or explosive manufacture or storage; dumping or reduction of garbage; dead animals; offal; or refuse; ore reduction, petroleum processing or refining; nitrocellulose manufacture; synthetic polymers manufacture; gutta perca manufacture or treatment; salt works; sauerkraut manufacture; soap manufacture; smelters; stock yard or slaughter of animals or fowls; tallow, grease or lard manufacture or treatment; tanning, curing, or storage of rawhides or skins; tar distillation or manufacture; or junk yards.

(2) Reserved.

(3) No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted, except such as specifically licensed by the village and which may include but not be confined to: all primary explosives, such as lead azide, lead styphnate, and tetracene; and all high explosives, such as TNT, RDX, HMX, PE TN and picric acid, propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable compounds such as acetylides, tetrazoles, perchloric acid, perchlorates, chlorates, hydrogen peroxide in concentrations greater than 35% and nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium 239.

Replace 157.066(B) "*Permitted uses.* See § 157.065(A)."

Replace 157.066(C) "*Special uses.* See § 157.065(A)."

Replace 157.067(B) "*Permitted uses.* See § 157.065(A)."

Replace 157.067(C) "*Special uses.* See § 157.065(A)."

Attachment C.2
Summary of Changes to Manufacturing Districts
March 20, 2013

M-1, Limited Manufacturing District

Added as a permitted use

- (a)4. Farm and garden supply store
- (c)1. Direct selling establishments where products are stored
- (e)1. Parks and playgrounds, public
- (f)4. Catering establishments
- (f)4. Scientific research agency
- (f)4. Taxidermist
- (f)4. Testing laboratory
- (f)4. Travel bureau and transportation ticket office
- (f)5. *Contractor and repair shops and showrooms* (as shown on table)
- (f)6. *Equipment and supplies* (as shown on table)
- (f)7. *Storage, transport and mail order service* (as shown on table)
- (f)8. *Broadcasting facilities and recording studios* (as shown on table)
- (h)1. *Professional offices* (as shown on table)
- (h)2. *Organizations* (as shown on table)
- (i) *Healthcare and veterinary uses* (as shown on table)
- (l)2. Telephone booth
- (m)4. Offices ancillary to any permitted use

Added as a special use

- (e)2. Parks and playgrounds, not-for-profit
- (k)4. Conventional hall and center
- (o)1. Twenty-four hour per day operation of any permitted or special use

M-2, Limited Manufacturing District

Added as a permitted use

- (a)4. Farm and garden supply store
- (c)1. Direct selling establishments where products are stored
- (e)1. Parks and playgrounds, public
- (f)4. Catering establishments
- (f)4. Scientific research agency
- (f)4. Taxidermist
- (f)4. Testing laboratory
- (f)4. Travel bureau and transportation ticket office
- (f)5. *Contractor and repair shops and showrooms* (as shown on table)
- (f)6. *Equipment and supplies* (as shown on table)
- (f)7. *Storage, transport and mail order service* (as shown on table)

(f)8. *Broadcasting facilities and recording studios* (as shown on table)

(h)1. *Professional offices* (as shown on table)

(h)2. *Organizations* (as shown on table)

(i)1. Laboratory, medical and dental

(l)2. Telephone booth

(m)4. Offices ancillary to any permitted use

Added as a special use

(e)2. Parks and playgrounds, not-for-profit

(k)4. Conventional hall and center

(o)1. Twenty-four hour per day operation of any permitted or special use