

ORDINANCE NUMBER 23- 16

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, GRANTING A SPECIAL USE PERMIT FOR TATTOOING FOR THE PROPERTY LOCATED AT 324 NORTH RIVER STREET, EAST DUNDEE, IL, 60118 (PIN 03-23-310-001) LOCATED IN THE B-1 DOWNTOWN BUSINESS DISTRICT

WHEREAS, the Village of East Dundee (“Village”) is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, pursuant to Section 157.065 of the Village of East Dundee Zoning Ordinance (“Zoning Ordinance”) and the Village’s home rule authority, the Village President and Board of Trustees of the Village (“Corporate Authorities”) may provide for and allow the classification of special uses in its zoning ordinances; and

WHEREAS, under the authority of the Zoning Ordinance, Willow & Birch Wellness Boutique located at 324 North River Street with PIN 03-23-310-001 located in East Dundee, Illinois (“Property”), as legally described in Section 2 below, in the B-1 Downtown Business District, in which tattooing is allowed if the Corporate Authorities first grant a special use permit; and

WHEREAS, pursuant to the Zoning Ordinance, any person owning or having an interest in property may file an application to use such property for one or more of the special uses provided for in the zoning district in which the land is situated; and

WHEREAS, the Corporate Authorities have received a request for a special use permit for tattooing at the Property (“Application”) from the owner of the Property, Caitlin Murphy Minoso (“Applicant”); and

WHEREAS, notice of a public hearing on the Application before the Village’s Planning and Zoning Commission was duly given and a public hearing was held on the Application on April 6, 2023; and

WHEREAS, the Planning and Zoning Commission reviewed the standards set forth in Section 157.065 of the Zoning Ordinance for a special use permit and recommended approval of the Application, and related findings of fact; and

WHEREAS, the Corporate Authorities have reviewed the Planning and Zoning Commission’s findings of fact and recommendations on the Application, and hereby approve the proposed special use for tattooing on the Property subject to the conditions set forth below;

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 1: Incorporation. That each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

SECTION 2: Approval of Special Use Permit. The Corporate Authorities hereby approve the Application in part, and deny in part, a special use permit for the Property legally described as:

PIN 03-23-310-001

LOT 11 AND THE NORTHERLY 15 FEET OF LOT 10 IN BLOCK 5 OF EDWAR.

Commonly known as 324 North River Street, East Dundee, IL 60118 for tattooing.

SECTION 3: Conditions of Approval. That the special use permit granted herein shall be constructed, operated and maintained in accordance with any plans and diagrams submitted as part of the Application, and shall be subject to the following terms and conditions:

1. Tattooing services should not be visible from a street view;
2. Applicant must comply with all local, state, and federal laws and health department regulations regarding this use;
3. Tattooing should not be allowed before 8:00 am or after 8:00 pm any day of the week;
4. Tattooing is by appointment only; and
5. The Applicant of the special use permit on the Property is subject to review and assessment to recall a hearing by the PZHC after 90 days commencing at the time of the adoption of this Ordinance, if the PZHC desires to do so. Such assessment will determine the Applicant's compliance with the conditions outlined in this Ordinance and the standards for a special use as set forth in Section 157.050(F)(1)(f)(1) of the Zoning Ordinance.

SECTION 4: Failure to Comply with Conditions. The failure of Applicant, or its successors or assigns, to comply with one or more of the conditions listed in Section 3 above shall be grounds for the potential revocation of the Special Use Permit. Upon notice, a hearing will be held. The notice will provide Applicant 14 days in which to respond and answer. A hearing will be held no sooner than 30 days after the service of the notice.

SECTION 5: Severability. That 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 6: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

SECTION 7: Effect. That this Ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

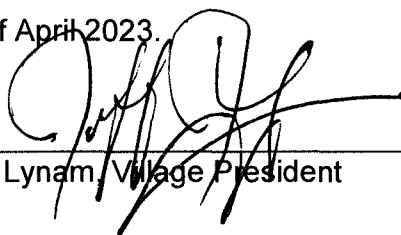
PASSED this 17th day of April 2023 pursuant to a roll call vote as follows:

AYES: Trustees Kunze, Mahony, Brittin, Saviano and Sauder

NAYES: 0


ABSENT: Trustee Treiber

APPROVED by me this 17th day of April 2023.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk

Published in pamphlet form this 17th day of April 2023, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on April 17, 2023.

The Applicant acknowledges hereby the reasonableness of the above and foregoing terms and conditions in the Ordinance, and hereby accepts the same.

By: 

Applicant

Date: 4/21/2023, 2023