

ORDINANCE NUMBER 23- 30

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, GRANTING A SPECIAL USE PERMIT ALLOWING BIOCHAR OPERATIONS AS DESCRIBED IN SECTION 157.065(A)(1)(I)(3), LOCATED AT 569 ROCK ROAD DRIVE, EAST DUNDEE, IL 60118 (PIN 03-25-200-015) IN THE M-2 LIMITED MANUFACTURING 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 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, Davey Tree Expert Company located at 569 Rock Road Drive with PIN 03-25-200-015 located in East Dundee, Illinois (“Property”), as legally described in Section 2 below, operates in the M-2 Limited Manufacturing District, in which solid waste and recycling treatment 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 biochar operations at the Property (“Application”) from Molly Senter and Michael Veney of Davey Tree Expert Company (“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 June 1, 2023; and

WHEREAS, the Planning and Zoning Commission reviewed the standards set forth in Section 157.224 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 biochar operations 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 for a special use permit for the Property legally described as:

PIN 03-25-200-015

That part of the North Half of Section 25, Township 42 North, Range 8 East of the Third Principal Meridian, described as follows: Beginning at the Southeast corner of Lot 1 in Rock Road Industrial Subdivision Unit No. I; thence South 31 degrees 10 minutes 09 seconds West along the Westerly line of Rock Road Drive 225.33 feet; thence North 58 degrees 49 minutes 51 seconds West 759.35 feet to the Westerly line extended Southerly of said Lot I; thence North 24 degrees 08 minutes 00 seconds East along the Southerly extension of said West line 227.04 feet to the Southwest corner of said Lot I; thence South 58 degrees 49 minutes 51 seconds East along the South line of said Lot 787.16 feet to the point of beginning in the Township of Dundee, Kane County, Illinois.

Commonly known as 569 Rock Road Drive, East Dundee, IL 60118.

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) All local, state, and federal laws and regulations are followed;
- 2) It is the Applicant's responsibility to acquire all applicable local, state, and federal permits;
- 3) The PRD unit has proper warning signs affixed to the exterior of the shelter housing the PRD unit, and said shelter is able to be secured from the outside by the Applicant's staff during business off hours;
- 4) At 5 years of commencing the special use ordinance, the Applicant must appear before the PZHC and/or Village Board to submit a review of operations regarding the special use;
- 5) Only landscape and wood waste materials, which are derived from Davey Tree Expert Company's operations, may be used. Construction debris and food items prohibited; and
- 6) Prior to installing second unit, Applicant must seek Village approval through Village staff.

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 26th day of June 2023 pursuant to a roll call vote as follows:

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

NAYES: None

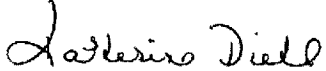
ABSENT: None

APPROVED by me this 26th day of June 2023.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk

Published in pamphlet form this 26th day of June 2023, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on June 28, 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: 6-30, 2023