

ORDINANCE NUMBER 23 - 08

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING THE EAST DUNDEE ZONING ORDINANCE TO ADD A NEW SPECIAL USE IN THE B-3 SERVICE BUSINESS ZONING DISTRICT FOR INDOOR MALLS

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, Elgin Mall Corp. ("**Applicant**") submitted an application to the Village for an amendment to Section 157.050(F)(1)(o)(1) of the Zoning Ordinance, to add a new special use in the B-3 Service Business Zoning District for indoor malls ("**Application**"); and

WHEREAS, the Planning and Zoning & Historic Commission of the Village held a public hearing on February 2, 2023 to consider the Application pursuant to notice; and

WHEREAS, the Planning and Zoning & Historic Commission reviewed the standards set forth in Section 157.223 of the Zoning Ordinance and made a recommendation to approve the Application; and

WHEREAS, the Village President and Board of Trustees have reviewed the recommendation of the Planning and Zoning & Historic Commission, and hereby desire to amend the Zoning Ordinance to add a new special use in the B-3 Service Business Zoning District for indoor malls.

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

SECTION 1: 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: Text Amendment. Section 157.003 of the Zoning Ordinance, entitled "Rules and Definitions," is hereby amended to add a new definition for "Indoor Mall," in its proper alphabetical order, to read as follows:

INDOOR MALL. A retail complex over 50,000 sq. ft. with one singular address containing a variety of individual stores and often restaurants and other individual business establishments housed in a single building sharing a common interior space where no other clear primary use can be assigned. All permitted uses in the Business District B-3 shall be permitted in an Indoor Mall.

SECTION 3: Text Amendment. A new row in the table in Section 157.050(F)(1)(c)(1) of the Zoning Ordinance, entitled "Retail uses.," is hereby created and shall read as follows, with additions in bold and underlined:

157.050 GENERAL REQUIREMENTS.

(F) Allowable use of land or buildings.

(1) Allowable uses table. Permitted uses, special uses, accessory uses, and temporary uses in the business 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

<i>Allowable uses of land and buildings: P: Permitted by-right S: Permitted by special use permit</i>	<i>Downtown Business District (B-1)</i>	<i>Community Business District (B-2)</i>	<i>Service Business District (B-3)</i>	<i>Automotive Service Business District (B-4)</i>	<i>Office District (O-D)</i>

<i>(c) Retail uses.</i>					
<i>1. General merchandise.</i>					
<u>Indoor Mall</u>			<u>S</u>		

SECTION 4: 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 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

SECTION 6: 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 20th day of February 2023 pursuant to a roll call vote as follows:

AYES: Trustees Kunze, Brittin, Saviano and Sauden

NAYES: Trustee Treiber

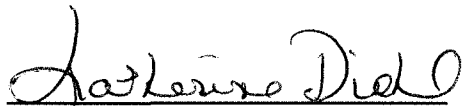
ABSENT: Trustee Mahony and President Lynam

APPROVED by me this 20th of February 2023.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk