

Ordinance No. 17-05

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, ILLINOIS, APPROVING A SPECIAL USE FOR A GUN SHOP ON THE PROPERTY LOCATED AT 555 PLATE DRIVE UNIT 11, EAST DUNDEE, ILLINOIS**

**WHEREAS**, the Village of East Dundee, Kane and Cook Counties, Illinois (the "Village") is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

**WHEREAS**, pursuant to Section 157.224 of East Dundee Zoning Chapter (the "Zoning Code") and the Village's home rule authority, the President and Board of Trustees of the Village (collectively, the "Corporate Authorities") may provide for and allow the classification of special uses in its zoning ordinances; and,

**WHEREAS**, pursuant to the Zoning Code, 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**, under the authority of the Zoning Code, the property at 555 Plate Drive, Unit 11, East Dundee, Illinois (the "Subject Property"), legally described in Exhibit A, attached hereto and made a part hereof, is located in a designated M-1 Limited Manufacturing District, and a gun shop is allowed in this district under a special use permit pursuant to Section 157.065(A)(1)(c)1. of the Zoning Code; and,

**WHEREAS**, the Corporate Authorities have received a request for a special use permit for the Subject Property as a gun shop from the owner, Trident Defense Partners, of the Subject Property; and,

**WHEREAS**, notice of a public hearing before the Planning and Zoning Commission on the request for a special use was duly published in a newspaper of general circulation in the Village; and,

**WHEREAS**, the Planning and Zoning Commission reviewed the standards set forth in Section 157.224(c)(2)(g) of the Zoning Code and adopted findings of fact, as set forth in the attached Exhibit B; and,

**WHEREAS**, the Corporate Authorities have reviewed the Planning and Zoning Commission's findings of fact and recommendations, and hereby approve the proposed special use of a gun shop on the Subject Property.

**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:** The above recitals are incorporated and made a part of this Ordinance.

**Section 2:** The Corporate Authorities hereby approve the special use for the Subject Property located at 555 Plate Drive, Unit 11, East Dundee, Illinois, for an accessory use as a gun shop subject to the conditions in Section 3 below.

**Section 3:** That the special use granted herein shall be constructed, operated and maintained in accordance with the following plans, diagrams and conditions:

- A. That the special use granted herein shall only be for the operation of the gun shop by the owner, Trident Defense Partners, and cannot be transferred to another owner or operator,
- B. That a security plan ensuring that all firearms and ammunition are locked in a secured space with a burglar alarm shall be filed and approved by the Chief of Police or his designee and a copy maintained on the Subject Property,
- C. All sales of firearms shall be recorded showing the name and address of the seller and buyer, type of firearm and serial number and shall be available for inspection on the Subject Property by the Chief of Police or his designee during the open or operating hours of the business,
- D. The operation as a gun shop shall be an accessory use to the firearm coating service use. Failure to continue the firearm coating service as the principal use shall terminate the approval by this Ordinance of the accessory gun shop use.

**Section 4:** This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Adopted this 6<sup>th</sup> day of February, 2017

AYES: Trustees Gorman, Lynam, Selep, Wood and Hall

NAYS: Ø

ABSENT: Ø

Approved this 6<sup>th</sup> day of February, 2017

[Signature]  
Village President

Attest:

[Signature]  
Village Clerk

**Exhibit A**

**Legal Description of Subject Property**

Lot 1 in Rock Road Industrial Phase II Resubdivision 1, being a resubdivision of Lots 5, 6, 7, 8, and 9 in Rock Road Industrial Phase II in the Village of East Dundee, Kane County, Illinois

P.I.N.: 03-25-251-013



EXHIBIT B

VILLAGE OF EAST DUNDEE, ILLINOIS

Findings of Fact – Special Use

Property Location: 555 Plate Drive, East Dundee, Illinois

Special Use requested: A special use permit to operate as a gun shop –Village Code Section 157.065 (A)(1)

Hearing date: January 12, 2017

The Planning and Zoning Commission has made the following findings regarding the variation request:

1. The use is not 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; Circle one; Yes/No/Not Applicable(N.A.), Explain:

Yes

2. The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; Yes/No/N.A.

Yes

3. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided; Yes/No/N.A.

N/A

4. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; Yes/No/N.A.

N/A

Based on the information contained in the application and the testimony and evidence presented at the public hearing, the Planning and Zoning Commission voted on the approval of these findings of fact and the requested special use(s) resulting in the following vote:

5 ayes 0 nays 3 absent 1 abstain

Exhibit A

From the records of the Planning and Zoning Commission

The Planning and Zoning Commission has reviewed the application for a special use permit to operate as a gun shop at 555 Plate Drive, East Dundee, Illinois, and has found that the proposed use is in compliance with the Village Code and the Village Zoning Ordinance.

subject to the following conditions:

1. The Special Use Permit cannot be transferred and shall be limited to Trident Defense Partners.
2. A security plan ensuring that stock is locked in a secured space with a burglar alarm shall be approved by the Village and maintained on site.
3. All firearm sales and purchases must be recorded and such records shall be available to inspection by the Chief of Police.
4. The operation as a gun shop shall be an accessory use to the firearm coating service business. Failure to operate the firearm coating service business shall terminate the special use permit and require a new special use permit application and approval.

Date: 1/23/17

JABrown

Planning and Zoning Commission Chairman