

ORDINANCE NUMBER 18 - 23

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS APPROVING A VARIATION FROM THE SUBDIVISION CHAPTER OF THE VILLAGE OF EAST DUNDEE VILLAGE CODE REQUIRING THAT NO DEVELOPMENT ACTIVITY OCCUR WITHIN 75 FEET FROM THE ORDINARY HIGH WATER MARK OF STREAMS, LAKES AND PONDS, THE EDGE OF WETLANDS OR WITHIN A DESIGNATED DEPRESSIONAL AREA FOR THE PROPERTY AT 811 E. MAIN STREET

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, Billitteri Enterprises ("Applicant") is the contract purchaser of the property located at 811 E. Main Street, East Dundee, Illinois, legally described in Section 2 below ("Subject Property"); and

WHEREAS, the Applicant filed an application with the Village seeking a variation from Section 155.056(B)(1) of the Village of East Dundee Village Code ("Village Code") that mandates that no development activity may occur within seventy five feet (75') from the ordinary high water mark of streams, lakes and ponds, the edge of wetlands or within a designated depressional area with regard to the Subject Property ("Application") to allow for the redevelopment of the Subject Property with multifamily dwellings, as depicted and described in the Application ("Project"); and

WHEREAS, pursuant to Section 155.006 of the Village 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 variances to the subdivision requirements of Chapter 155 of the Village Code pursuant to Section 157.207 of the Village of East Dundee Zoning Ordinance ("Zoning Ordinance") when there are practical difficulties or a particular hardship with the strict compliance with the subdivision requirements in Chapter 155 of the Village Code; and

WHEREAS, the Planning and Zoning Commission of the Village convened and held a public hearing on August 2, 2018 to consider the Application pursuant to notice; and

WHEREAS, the Planning and Zoning Commission reviewed the standards set forth in Section 157.207 of the Zoning Ordinance and made a recommendation to deny the Application; and

WHEREAS, the Corporate Authorities have received and considered the recommendation of the Planning and Zoning Commission and find it to be in the best

interests of the health, safety and welfare of its residents to approve the Application and to allow the requested variation relative to the Project;

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: 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: Variation. That the Corporate Authorities hereby grant the Application for the Subject Property, legally described as:

PART OF THE EAST HALF OF THE SE QUARTER OF SECTION 23,
AND PART OF THE EAST HALF OF THE NE QUARTER OF SECTION
26, ALL IN TOWNSHIP 42 N, RANGE 8 EAST OF THE 3RD PRINCIPAL
MERIDIAN, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY,
ILLINOIS

with Property Index Numbers 03-23-479-003 and 03-26-227-011, and a variation from Section 155.056(B)(1) of the Village Code is approved for the Project on the Subject Property and development activity is permitted on the Subject Property within the minimum setback which is defined as seventy five feet (75') from the ordinary high water mark of streams, lakes and ponds, the edge of wetlands or within a designated depressional area for the Project as depicted in the Application. The variation granted in this Ordinance is specific to the Project as proposed in the Application and shall not apply to any other development of the Subject Property.

SECTION 3: 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 4: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

SECTION 5: 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.

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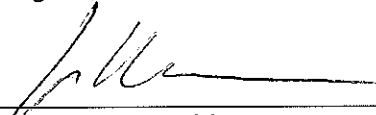
PASSED by no less than a two-thirds vote of the Board of Trustees (no less than four (4) of six (6) Trustees) this 20th day of August, 2018 pursuant to a roll call vote as follows:

AYES: Trustees Selep, Wood, Hall, Mahony and Andresen

NAYES: Trustee Lynem

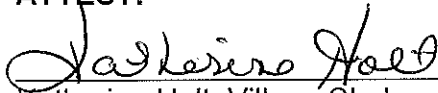
ABSENT: Ø

APPROVED by me this 20th day of August, 2018.



Lael Miller, Village President

ATTEST:



Katherine Holt, Village Clerk

Published in pamphlet form this 21st day of August, 2018, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on August 21, 2018.