

ORDINANCE NUMBER 10 - 46

**ORDINANCE EMPOWERING THE VILLAGE BOARD
OF THE VILLAGE OF EAST DUNDEE TO WAIVE
CERTAIN DEVELOPMENT REGULATIONS PURSUANT TO §157.149,
§157.147 AND §157.244 OF THE VILLAGE OF EAST DUNDEE CODE OF
ORDINANCES FOR THE PROPERTY LOCATED ON THE NORTH SIDE
OF ROUTE 72, WEST OF CHRISTINA DRIVE, EAST DUNDEE,
ILLINOIS**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and 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, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, in these troubling economic times, it is often difficult to proceed with a permanent development given uncertainty as to the longevity of that particular use; and

WHEREAS, developers and land owners, if given the option, might prefer to consider temporary development plans, provided they do not endanger the health, safety and welfare of area residents; and

WHEREAS, unfortunately, the development regulations of the Village have been prepared in such a way as to address only permanent developments, and not allow any room for temporary uses.

WHEREAS, PAL has been approached by Chuck Black as to the prospect of relocating the Santa's Village Flea Market to said area; and

WHEREAS, PAL is willing to provide a temporary location for the flea market, and has constructed a temporary display area he consists of shaved asphalt material, and would take all steps necessary to control dust on the property; and

WHEREAS, PAL has requested relief from the development standards of the Village that would otherwise require paced parking, landscaping and lighting, pursuant to the Village Code of Ordinances.

WHEREAS, the President and Board of Trustees of the Village of East Dundee, having determined that it is in the best interests of the health, safety and welfare of the residents of the

Village of East Dundee that the Village Board be empowered to waive certain development regulations, pursuant to §157.149, §157.147 and §157.244 of the Village of East Dundee Code of Ordinances for property which PAL is the owner of, located at the northwest corner of Route 72 and Christina Drive, East Dundee, Illinois.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One: Following a determination by the Village Board that a particular development and/or use would not endanger the health, safety and welfare of area residents, the Village Board is empowered to waive the following development regulations:

- (A) **Paving:** Permission may be given for a crushed stone base or asphalt shavings in lieu of permanent roadway or parking lot construction, provided however, that all required off-street parking is provided for, including handicap parking; and that steps are taken to control dust and other particulates from parking surface. This standard applies also to driveway access to the site, pursuant to §157.147 and §157.149.
- (B) **Curb and Gutter:** Permission may be given for waiver of the requirement for installation of curb and gutter, provided however, that the developer take all steps necessary to comply with all applicable storm water drainage requirements, pursuant to §157.244.
- (C) **Parking Lot Lighting:** Provided that no activity is scheduled or planned to take place after dusk, the developer is not obligated to construct parking lot lighting so long as the proposed use remains a temporary use as allowed by the Village Board, pursuant to §157.149.
- (D) **Parking Lot Landscaping:** Permission may be given for waiver of the requirement of parking lot landscaping, including placement of tree and shrubbery, pursuant to §157.149.

Section Two. The developer is required to otherwise conform to all other aspects of the Village development regulations, including utilization of public water and sewer. No septic facilities are allowed.

Section Three. Temporary shall mean for a period of time not to exceed twelve months. At the conclusion of the twelve month period, developers are obligated to:

- (A) Remove the temporary use and restore the property to its pre-use condition;
- (B) Install all improvements as may otherwise be required; or
- (C) Seek an extension of the temporary status from the Village Board, with said extension not to exceed an additional twelve months.

Section Four. The Village Board may impose such additional standards and requirements as it feels necessary to minimize the impact of the waiver of the permanent development requirements.

Section Five. Severability. 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 Six. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Seven. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 4th day of October, 2010, pursuant to a roll call vote as follows:

AYES: 6- Trustees Ruffalo, Lynam, Miller, Cichowski, VanOstenbridge
NAYES: 0 & President Bartels

ABSENT: 1- Trustee Gorman

Approved by me this 4th day of October, 2010.

Jerald Bartels
JERALD BARTELS, President

Published in pamphlet form this 15th day of October, 2010, under the authority of the President and Board of Trustees.

ATTEST:



JENNIFER REHBERG, Village Clerk

Recorded in the Village Records on October 15th, 2010.

