

ORDINANCE NUMBER 08 - 23

**ORDINANCE APPROVING TEXT AMENDMENT TO
TITLE XV, LAND USAGE, CHAPTER 157, ZONING,
SECTION 157.051(B)(e), B-1, DOWNTOWN BUSINESS DISTRICT,
157.051(D)(17) AND (19) AND 157.052(D)(9), COMMUNITY
BUSINESS DISTRICT**

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, 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, the Planning and Zoning Commission (hereinafter the "Commission") of the Village of East Dundee, pursuant to notice and pursuant to the East Dundee Code of Ordinances, Chapter 156.050(B)(3) held a hearing on April 14, 2008, on proposed amendments to the Zoning Code Section 157.051, Downtown Business District, and 157.052, Community Business District; and

WHEREAS, pursuant to said hearing, the Commission approved the petition and adopted Findings of Fact concerning the application of standards for this section by a vote of 7 ayes, 0 nays, and 2 absent; and

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 the Village requests a text amendment change be granted for the Zoning Code Section B-1, Downtown Business District, adding Section 157.051(B)(e), allowing residential uses above the first floor as a permitted use, deleting 157.051(D)(17) and (19) and adding 157.052(D)(9), Community Business District, to allow residential above the first floor as a special use.

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. That **Title XV, Land Usage, Chapter 157, Zoning**, of the Village of East Dundee Code of Ordinances is hereby amended by adding Section 157.051(B)(e) as follows:

Section 157.051. B-1, DOWNTOWN BUSINESS DISTRICT

(B) *Permitted Uses*

...

- (e) Residential. Residential units shall be permitted above the first floor of any business use within this district, provided that all other Village ordinances have been complied with, including, but not limited to fire and life safety codes, and provided further that not less than two off street parking spaces for each unit shall be provided and located on the same lot as the residential use.

Section Two. That **Title XV, Land Usage, Chapter 157, Zoning**, of the Village of East Dundee Code of Ordinances is hereby amended by deleting 157.051(D)(17) and 157.051(D)(19) in their entirety.

Section Three. That **Title XV, Land Usage, Chapter 157, Zoning**, of the Village of East Dundee Code of Ordinances is hereby amended to add 157.052(D)(9) as follows:

Section 157.052. COMMUNITY BUSINESS DISTRICT

(D) *Special Uses*

- (9) Residential units may be permitted as a special use, above the first floor of any use within this district, provided that all other ordinances of the Village have been complied with, including, but not limited to, fire and life safety codes, and provided that each residential unit provided for in this district contain at least one parking space.

Section Four. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

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

Section Six. 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 2nd day of June, 2008, pursuant to a roll call vote as follows:

AYES: Ruffalo, Cur lint, Lynam, Mahony,
Pres. O'Leary

NAYES: —

ABSENT: Cichowski

PRESENT: Gorman

Approved by me this 2nd day of June, 2008.

Daniel O'Leary

Daniel O'Leary, President

Published in pamphlet form this 3rd day of June, 2008, under the authority of the President and Board of Trustees.

ATTEST:

Sue Norton

SUE NORTON, Village Clerk

Recorded in the Village Records on June 3, 2008.

