

ORDINANCE NUMBER 04 - 16

**ORDINANCE AMENDING THE EAST DUNDEE
CODE OF ORDINANCES, TITLE XV, LAND USE,
CHAPTER 157, ZONING, SECTION 157.083,
CONTROL OVER USE**

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, 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 East Dundee Code of Ordinances, Title XV, **Land Use**, Chapter 157, **Zoning**, Section 157.083, **Control Over Use**, be amended; and

WHEREAS, it is the desire of the Village to provide better public notice of the decisions of its building department when administering the East Dundee Code of Ordinances.

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 the East Dundee Code of Ordinance, Title XV, **Land Use**, Chapter 157, **Zoning**, Section 157.083, **Control Over Use**, be deleted in its entirety and the following text be substituted in its place:

Section 157.083 **CONTROL OVER USE**

- (A) Substandard Lot. No building or premises shall hereafter be used or occupied and no building or structure, or part thereof, shall be erected, raised, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations herein specified for the district in which it is located. In residence districts, a parcel of land made up of one or more Lots of Record at the time of the original adoption of this section on December 15, 1986, even though the parcel does not meet the requirements of this chapter as to area or required lot width, may be used for single-family purposes, provided that:
- (1) The use conforms with all regulations of the district in which it is located; and
 - (2) That since December 15, 1986, the legal or beneficial interest in the parcel has not been held by any person who, at the same time, held legal title or had a beneficial interest in, directly or indirectly, any parcel continuous thereto unless the separation of the parcels did not result in any parcel which is less than the minimum area or yard requirements established by this chapter.
- (B) It is the intent of this Section 157.083 that the exception provided by paragraph (A) above shall not apply to any parcel which became a nonconforming lot within its zoning classification after December 15, 1986.
- (C) It shall be the duty of the Building Official to request supporting documentation and examine all submissions from a party requesting relief under this Section. The Building Official shall also require the party requesting such relief to give notice, to the persons to whom the current real estate tax bills are sent, if any, as shown on the record of the local real estate tax assessor of all lots lying within 250 feet of the property line of the lot for which the relief is sought, excluding public street rights of way. The notice shall be sent by certified mail, properly addressed as shown on the Tax Assessor's rolls and with sufficient postage affixed thereon with return receipt requested. The applicant shall file a sworn affidavit with copies of the notices with the Village Clerk showing the names and addresses of all notices the applicant has sent. The affidavit shall be conclusive presumption of giving of the notices. Such notice shall describe the relief being requested and shall state that anyone desiring to comment should submit their comments or documentation to the Building Official within 14 days of the date of the notice. Proof of such notice shall be submitted to the Building Official and his determination of whether the petitioner is entitled to the

relief requested shall not be made until a date at least 21 days after the mailing date of such notice.

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

Section Five. 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 17th day of May, 2004, pursuant to a roll call vote as follows:

AYES: Zaaska, Ruffalo, Bartels, Schock, Van Ostenbridge, Scarpelli
NAYES: None
ABSENT: None

Approved by me this 17th day of May, 2004.

Roger Ahrens
ROGER AHRENS, President

Published in pamphlet form this 24th day of May, 2004, under the authority of the President and Board of Trustees.

ATTEST:

Jane E. Theis
JANE THEIS, Village Clerk

Recorded in the Village Records on May 24th, 2004.

