

ORDINANCE NUMBER 08 - 54

**ORDINANCE APPROVING THE TEMPORARY WAIVER
OF THE PROVISIONS OF §157.149 OF THE VILLAGE CODE
FOR THE PROPERTY LOCATED ON THE NORTH SIDE OF
ROUTE 72, WEST OF COMMONWEALTH 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 Plote Construction is the owner of certain property located on the north side of Route 72, west of Commonwealth Drive; and

WHEREAS, Plote Construction has been approached by certain new and used car dealers in East Dundee as to the proposed of displaying vehicles on their property; and

WHEREAS, it is felt that the display of these vehicles would increase sales activity within East Dundee; and

WHEREAS, Plote Construction has proposed the construction of a temporary display area that would consist of shaved asphalt material, and would take all steps necessary to control dust on the property; and

WHEREAS, Plote Construction has requested relief from the development standards of the Village that would otherwise require paved parking, pursuant to §157.149 of the East Dundee 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 approve the temporary waiver of certain development standards for the property located on the north side of Route 72, west of Commonwealth Drive in 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. The Village Board agrees to waive, for a period of twelve months, the provisions of the Village Code of Ordinances §157.149 that would require a paved/hard surface of the parking lot.

Section Two. The dimensions of the temporary parking area shall be approved by the Village Administrator and Building Inspector.

Section Three. All signage, including temporary signage, shall conform with the applicable requirements of the Village's zoning and signage regulations.

Section Four. Only those car dealers located and having permanent facilities in East Dundee shall be permitted to display their vehicles on said parking lot;

Section Five. At no time shall the number of vehicles displayed on the lot exceed twenty vehicles.

Section Six. All vehicles located on said lot must be fully operable.

Section Seven. This temporary waiver is valid for a period of twelve month following the adoption of this ordinance. Prior to the expiration of the twelve months, the developer must

- (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 Eight. **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 Nine. **Repeal.** All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Ten. **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 8th day of Sept, 2008, pursuant to a roll call vote as follows:

Ruffalo, Gorman, Carlini, Lynam, Cichowski,
AYES: Mahony, Pres. O'Leary
NAYES: _____
ABSENT: _____

Approved by me this 8th day of Sept, 2008.

Daniel O'Leary
DANIEL O'LEARY, President
Daniel

Published in pamphlet form this 10th day of Sept, 2008, under the authority of the President and Board of Trustees.

ATTEST:

Sue Norton

SUE NORTON, Village Clerk

Recorded in the Village Records on Sept. 10, 2008.

