

ORDINANCE NO. 04-<sup>15</sup>~~01~~

**ORDINANCE AMENDING TEXT  
OF THE ZONING ORDINANCE OF THE  
VILLAGE OF EAST DUNDEE**

**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 certain text contained in the Zoning Ordinance be amended; and

**WHEREAS**, the Village of East Dundee staff has reviewed and revised such Fee Schedule.

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

**Section One.** That Section 157.033, R-2, Single Family Residence District, of the Zoning Ordinance be amended to read as follows:

**§ 157.033 R-2, SINGLE-FAMILY RESIDENCE DISTRICT.**

(A) **Purpose.** The R-2, single-family residence, district is intended primarily to preserve and protect existing single-family residences constructed on smaller lots. The district should be mapped in those areas where dwellings are presently construed on smaller lots and where small tracts of developable land are available, in order to maintain and enhance the character of these areas.

(B) General conditions.

- (1) Lot area is to be not less than 9,000 square feet.
- (2) Lot width is to be not less than 75 feet.
- (3) Minimum floor area per dwelling.
  - (a) One-story dwellings: not less than 1,000 square feet on the ground floor.
  - (b) Dwellings having more than one story: not less than 600 square feet on the ground floor and not less than 1,000 square feet for all floors.
  - (c) Split-level dwelling: not less than 1,000 square feet on the first two floors of living area without including in the computation thereof any living area below, or partially below, ground level.
- (4) Floor area ratio is not to exceed 0.4.
- (5) Building height is not to exceed two and one-half stories or 30 feet, whichever is lower.
- (6) Yards:
  - (a) Front yard is not to be less than 30 feet in depth.
  - (b) Side yards:
    1. Side yards having not less than 10 percent of the total lot width for each side, but not less than 5 Li. Ft. each side to any portion of any principle structure, including overhangs, porches, mechanical equipment, stoops, chimneys or the like. A side yard need not be more than 8 Li. Ft., except where a driveway exists or is proposed, not less than 10 Li. Ft.
    2. A side yard abutting a street not to be less than 30 feet wide.
  - (c) Rear yard is not to be less than 30 feet in depth.

**Section Two.** That Section 157.034, R-3, Single Family Residence District, of the Zoning Ordinance be amended to read as follows:

**§ 157.034 R-3, SINGLE-FAMILY RESIDENCE DISTRICT.**

- (A) Purpose. The R-3, single-family residence, district is intended primarily to preserve and protect existing single-family residences constructed on smaller lots. The district should be mapped in those areas where dwellings are presently construed on smaller lot, and where small tracts of developable land are available, in order to maintain and enhance the character of these areas.
- (B) General conditions.
- (1) Lot area is to be not less than 7,200 square feet.
  - (2) Lot width is to be not less than 60 feet.
  - (3) Minimum floor area per dwelling.
    - (a) One-story dwellings: not less than 800 square feet on the ground floor.
    - (b) Dwellings having more than one story: not less than 500 square feet on the ground floor and not less than 800 square feet for all floors.
    - (c) Split-level dwelling: not less than 800 square feet on the first two floors of living area without including in the computation thereof any living area below, or partially below, ground level.
  - (4) Building height is not to exceed two and one-half stories or 30 feet, whichever is lower.
  - (5) Yards:
    - (a) Front yard setback shall not be less than 25 Li. Ft. to any part of a structure not including up to five (5) steps open to the sky.
    - (b) Side yards:
      1. Side yards having not less than 10 percent of the total lot width for each side, but not less than 5 Li. Ft. each side to any portion of any principle structure, including overhangs, porches, mechanical equipment, stoops, chimneys or the like. A side yard need not be more than 8 Li. Ft.,

except where a driveway exists or is proposed, not less than 10 Li. Ft.

2. A side yard abutting a street not to be less than 25 feet wide.

(c) Rear yard is not to be less than 30 feet in depth.

**Section Three.** That Section 157.085, Accessory Building and Uses, of the Zoning Ordinance be amended to read as follows:

**§ 157.085 ACCESSORY BUILDINGS AND USES.**

- (A) (1) Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use and shall not include the keeping, propagation or culture of poultry or livestock, whether or not for profit.
  - (2) Private swimming pools shall be permitted accessory uses in any residence district, provided they conform with the regulations of this chapter and other applicable ordinances of the village.
- (B) No accessory building unless it is structurally a part of the principal building and unless it conforms with requirements of accessory buildings for special uses shall be erected or altered at, nor moved to a location within ten feet of the nearest wall of the principal building, or not less than 5 Li.Ft. to any part of a structure on any adjacent lot or parcel, nor within the required area for front or side yard of the lot, as set forth for the district and in residence districts. An accessory building in a rear yard shall not be less than five feet from any property line, except where a driveway along the side lot line is not adjacent to a driveway on an adjoining lot, a detached garage need not be more than three feet from the side lot line, except on corner lots an accessory building shall be not nearer than the required depth of the front yard along the property line adjoining the street and on through lots, not less than the distance required for a front yard from the rear lot line abutting a street.

**Section Four.** That Section 157.085, Accessory Building and Uses, of the Zoning Ordinance be amended to read as follows:

**§ 157.107 EXEMPTIONS.**

- (A) No building, structure or use, lawfully established on the effective date of this chapter, shall be subject to the provisions of this subchapter solely by reason of being non-conforming with respect to the applicable standards prescribed in this chapter for any of the following:
- (1) Floor area ratio;
  - (2) Yards, front, side, rear or transitional;
  - (3) Lot area per dwelling unit;
  - (4) Lot width;
  - (5) Ground floor area per dwelling;
  - (6) Gross floor area;
  - (7) Performance standards; and
  - (8) Off-street parking or loading spaces.
- (B) No building, or part thereof, lawfully existing on the effective date of this chapter, which is designed and used or intended for use as a single family dwelling, shall be subject to the provisions of this subchapter.(1981 Code, Art. V, C) (Ord. passed 12- -1986)
- (1) It is the intent of Section 157.107 to allow alteration, expansion, remodeling of non-conforming single-family dwellings and/or other structures so long as expansion activities do not make the buildings or structures "more" non-conforming.

**Section Five.** That Section 157.085, Accessory Building and Uses, of the Zoning Ordinance be amended to read as follows:

**§ 157.108 RESTRICTIONS.**

Any lawfully existing building or structure which does not conform with the regulations of the district in which it is located shall be subject to the provisions of this section.

(A) Repairs and Alterations.

- (1) Minor repairs and alterations may be made to a non-conforming building or structure; provided that, no structural alterations shall be made in or to the building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law, or except to make the building or structure, and use thereof, conform to the regulations of the district in which it is located.
- (2) Minor repairs and alterations shall be determined by the Building Inspector and shall include, among other things, the replacement of storage tanks where the safety of operation of the installation requires the replacement.

(B) Additions and Enlargements. A non-conforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless the non-conforming building or structure and use thereof, including all additions and enlargements thereto, is made to conform to all the regulations of the district into which it is located.

(C) Moving. No building or structure which does not conform to all of the regulations of the district in which it is located shall be moved in whole or in part to any other location unless every portion of the building or structure is moved and is made to conform to all regulations of the district into which it is moved.

(D) Restoration of Damaged Non-Conforming Building.

- (1) A building or structure, all or substantially all of which is designed or intended for a use which is not permitted in the

district in which it located, and which is destroyed or damaged by fire or other casualty or act of God may be restored to its original bulk and used for the use existing at the time of damage; provided that, restoration is started, as defined by a building permit having been applied for and granted within 12 months from the date damage occurred.

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

**Section Eight. 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 17<sup>th</sup> day of May, 2004, pursuant to a roll call vote as follows:

AYES: Zaeske, Ruffo, Bartels, Schock, Van Osten bridge, Searpelli  
NAYES: None  
ABSENT: None

Approved by me this 17<sup>th</sup> day of May, 2004.

Roger W 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.

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