

ORDINANCE NUMBER 08 - 72

**ORDINANCE APPROVING TEXT AMENDMENT TO
TITLE XV, LAND USAGE, CHAPTER 155, SUBDIVISIONS,
SECTION 155.026, PRELIMINARY PLAN**

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 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 be granted requesting a text amendment to Title XV, Land Usage, Chapter 155, subdivisions, Section 155.026, Preliminary Plan, Amending the notification of surrounding property owners.

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 155, Subdivisions**, of the Village of East Dundee Code of Ordinances is hereby amended by amending Section 155.026 as follows:

Section 155.026. PRELIMINARY PLAN

(D) *Notification of adjoining property owners:* In order to allow property owners adjacent to the proposed site to provide information helpful to a property review of the preliminary plan, the following activities shall be undertaken.

- (1) The applicant, not less than ten days nor more than thirty days prior to the date of the meeting, shall mail by first class postage, written notice of the proposed subdivision to all adjoining property owners. The notices herein required shall contain the address of the location for which the preliminary plat of subdivision is requested, a brief statement of the nature of the request, the name and address of the legal and beneficial owner of the property and time and date on which the meeting shall be held. The applicant shall furnish, at the time of the meeting, a written statement certifying that he or she has complied with the requirements of this division.
- (2) The applicant shall erect a sign or signs on the subject property not less than 15 days before the scheduled public hearing by the Planning and Zoning Commission. The sign(s) shall have on their surface a statement that the property is subject to a public meeting concerning its use, the name of the village and a statement concerning where further information may be

obtained from the village. The sign shall not be removed until the Village Board has taken final action on the application or until the application is withdrawn. There shall be one sign erected for every public street frontage and it shall be clearly visible from the adjacent or nearest public right-of-way. All signs shall be furnished by the village after receiving from the applicant at the time of application a \$100 deposit per sign. One hundred dollars per sign of the deposit(s) shall be returned to the applicant upon the timely return of the sign or signs in good condition. The initial placement of the sign on the property shall be the responsibility of the applicant and he or she shall submit an affidavit to the village affirming the date and location of placement of each required sign. Failure to post or maintain the sign shall not affect any action taken by the village.

Because the above changes impact only the subdivision ordinance, a public hearing is not required, but may be advisable.

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

Section Four. 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 3rd day of Nov, 2008, pursuant to a roll call vote as follows:

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

NAYES: _____

ABSENT: _____

Approved by me this 3rd day of Nov, 2008.

Dan O'Leary
Dan O'Leary, President

Published in pamphlet form this 5th day of Nov, 2008, under the authority of the President and Board of Trustees.

ATTEST:

Susan Norton
SUSAN NORTON, Village Clerk

Recorded in the Village Records on Nov. 5, 2008.

