

ORDINANCE NUMBER 08 - 53

**ORDINANCE APPROVING THE TEMPORARY INSTALLATION
OF A DUNE BUGGY DIRT TRACK FOR THE
PROPERTY LOCATED NORTH OF ROUTE 72 AND
EAST OF ROUTE 25, 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, Joseph Palumbo has proposed the installation of a dune buggy dirt track on property located north of Route 72 and east of Route 25; and

WHEREAS, Mr. Palumbo has indicated that this use is temporary until such time as a commercial developer is engaged for the construction of new facilities on said property; and

WHEREAS, Mr. Palumbo has proposed the construction of a support building for the dirt tract that would comply in all manners with the applicable building and life safety codes of the Village; and

WHEREAS, Mr. Palumbo has requested relief from the development standards of the Village contained in §157.147, §157.49, and §157.244, that would otherwise require paved parking, paved driveways, installation of parking lot landscaping, installation of curb and gutters, and installation of parking lot lighting.

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 installation of a dune buggy dirt track for the property located north of Route 72 and east of Route 25 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 proposed facility and support building is to be located substantially as indicated on plans prepared by Allen and Pepa Architects, entitled "go-kart service and Rental Center, 971 E. Main Street, East Dundee, Illinois", Project Number 08-0300, and dated 7/28/2008.

Section Two. The Village Board agrees to waive, for a period of twelve months, development standards that would require:

- A paved/hard surface of the parking lot and access road, pursuant to §157.147 and §157.149,
- Installation of curb and gutter in the parking lot and along the perimeter of the access road, pursuant to §157.244,
- Installation of parking lot lighting, pursuant to §157.149,
- Installation of landscaping within and adjacent to the parking lot, pursuant to §157.149.

Section Three. Any curb cut onto Route 72 must be approved by and in full compliance with all applicable Illinois Department of Transportation Standards.

Section Four. As a condition for the construction of the dirt track, the developer is required to install shrubbery along the exposed face of all concrete barriers adjacent to Illinois Route 72, with said installation to be inspected and approved prior to the issuance of any occupancy permit for the support building or operation of the tract.

Section Five. As a condition for operation of the dirt track, developer is required to name the Village as a co-insured on all insurance policies, and to execute an indemnification agreement in a form acceptable to the Village Attorney.

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

Section Nine. **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:

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

NAYES:

ABSENT: PRESENT: Carlini

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

Daniel O'Leary
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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.

