

ORDINANCE 2014-36

**AN ORDINANCE AMENDING THE WEST DUNDEE
ZONING REGULATIONS REGARDING THE ACCESSORY MOTOR VEHICLE
STORAGE BUILDING SETBACK ON CORNER LOTS IN THE R-3 ZONING
DISTRICT**

WHEREAS, the Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, the Village President and Board of Trustees have contemplated the issue of accessory motor vehicle storage building setback requirements on corner lots in the R-3 Zoning District and considered certain changes to the West Dundee Municipal; and:

WHEREAS, the a public hearing has been held by the West Dundee Planning and Zoning Commission on September 29, 2014 pursuant to public notice to solicit public input regarding certain changes to the West Dundee Zoning Regulations; and

WHEREAS, after careful consideration of the information and testimony presented, the Planning and Zoning Commission recommended to the West Dundee Village Board that said changes to the West Dundee Zoning Regulations be made; and

WHEREAS, the President and Board of Trustees have carefully considered the recommendations of the Planning and Zoning Commission as well as the information presented and the impact such recommendations would have on individual properties and the community as a whole and have determined that the benefits provided by these changes will outweigh any potential adverse impacts and therefore would be in the best interest of the Village; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of West Dundee, Kane County, Illinois, as follows:

SECTION 1: That Section 10-3-9 of the West Dundee Zoning Regulations be amended as per the attachment A.

SECTION 2: If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged in any Court of competent jurisdiction to be invalid, such judgment shall not effect, impair, invalidate or nullify the remainder thereof, which remainder shall remain in full force and effect.

SECTION 3: This ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form which publications is hereby authorized as provided by law.

PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 6th day of October, 2014.

AYES: Trustees Hanley, Yuscka, Wilbrandt, Kembitzky and Price
NAYS: None
ABSENT: Trustee Pflanz

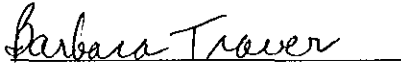
Christopher Nelson



Village President

ATTEST:

Barbara Traver



Village Clerk

Passed: October 6, 2014

Approved: October 6, 2014

Published: October 6, 2014

Prepared by:

Village of West Dundee

100 Carrington Drive

West Dundee, IL 60118

Attachment A

10-3-9: ACCESSORY BUILDINGS, STRUCTURES AND USES

- A. Permitted In Various Districts: Accessory buildings, structures and uses shall be permitted with all permitted and special uses as allowed in the various zoning districts.
- B. Compatibility: 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 pigeons, poultry or livestock, whether or not for profit.
- C. Conformance: Except as otherwise regulated by section 10-3-13 of this chapter or otherwise herein, an accessory building or structure hereafter erected, altered, enlarged or moved on a lot shall conform with the following: (Ord. 2007-09, 3-19-2007)
 - 1. An accessory building or structure containing less than two hundred twenty (220) square feet shall not be closer to the nearest wall of the principal building than three feet (3'), or ten feet (10') for accessory structures containing more than two hundred twenty (220) square feet, and only if all aspects of the accessory building conform to applicable building and fire codes. Size limitations on accessory buildings in any permitted area subject to provisions of this subsection C1.
 - 2. An accessory building or structure shall not be located in a required front yard or a required side yard. An accessory building or structure shall not be located less than one hundred feet (100') from a front lot line in the RE-1 district, seventy five feet (75') in the RE-2 and RE-3 districts and fifty feet (50') from a front lot line in all other districts, except for a fence, which is regulated by section 9-1A-7 of this code, or an accessory motor vehicle storage structure located on corner lot in the R-3 district, which due to size limitation of the lot cannot meet the fifty feet (50') front setback requirement may be located in the front yard setback but not closer to the front lot line than the principal structure, not between the principal structure and the street and no less than twenty one feet (21') from the sidewalk. In no event shall an accessory building have a front yard of less than the actual front yard of the principal building located on said lot. (Ord. 09-09, 5-18-2009)
 - 3. A detached accessory building or structure in a rear yard shall be not less than three feet (3') from a lot line, except:
 - a. On corner lots, not less than the distance required for a side yard abutting a street; or
 - b. On through lots, not less than the distance required for a front yard; or
 - c. On all lots, an accessory building or structure having vehicular access from an alley shall not be less than five feet (5') from the lot line abutting the alley.
- D. Total Ground Area Of Accessory Buildings: The total ground area of all accessory buildings or structures permitted in a required rear yard shall not occupy more than thirty percent (30%) of the required rear yard.
- E. Accessory Motor Vehicle Storage: Except as otherwise regulated by this chapter, accessory motor vehicle storage uses (garages) shall not occupy more than thirty percent (30%) of the required rear yard or exceed seven hundred (700) square feet, whichever is greater. The maximum height shall not exceed twenty four feet (24') in

height or be higher than the principal structure. The height of the structure is determined by the tallest portion of the roof measured from grade. Principal structures with an attached motor vehicle storage accessory use shall not be permitted a detached or a second attached motor vehicle storage accessory use. Only one driveway or approach apron per principal structure is allowed.

- F. Total Ground Area Of Accessory Uses: The total ground area of all accessory uses other than detached motor vehicle storage located in the required rear yard may not occupy more than thirty percent (30%) of the required rear yard or no more than two hundred twenty (220) square feet, whichever is less. The square foot calculation applies to sheds, gazebos and other structures except an aboveground or inground pool or hot tub; a children's play set; a hard plastic type storage unit without foundation; an open to the sky deck; a fountain or pond; a patio, walkway or retaining wall. The height of a shed is limited to a maximum height of twelve feet (12'). Only one shed is permitted per each zoning lot. (Ord. 2007-09, 3-19-2007)