

**ORDINANCE NUMBER 10 - 38**

**ORDINANCE AUTHORIZING TEXT AMENDMENT CHANGES TO  
THE VILLAGE OF EAST DUNDEE CODE OF ORDINANCES,  
SECTION 157.051(B)(2)(e) AND SECTION 70.08(C)**

**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 to authorize the following text amendment changes to the Village Code of Ordinances, to amend Section 157.051(B)(2)(e), and amend Section 70.08(C) to reflect the one parking space requirement can be met with the purchase of a 4<sup>th</sup> Street Parking Permit.

**WHEREAS**, the Planning and Zoning Commission (hereinafter the "Commission") of the Village of East Dundee, pursuant to notice and pursuant to the East Dundee Code of Ordinances, Chapter 156.05(B)(3) held a hearing on August 12, 2010; and

**WHEREAS**, pursuant to said hearing, the Commission recommended approval of the request for amending the Village Code to remove the residential parking requirement in the B-1 Downtown Business District and allow residential units that need overnight parking to apply for a 4<sup>th</sup> Street Parking Permit to meet their parking needs, Village of East Dundee, Illinois, by a vote of 6 ayes, 0 naves, and 0 absent.

**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 157, Zoning**, of the Village of East Dundee Code of Ordinances is hereby amended by amending Section 157.051(B)(2)(e) as follows:

Amend Section 157.051(B)(2)(e) of the Zoning Ordinance shall now read as follows:

(e) Residential. Residential units shall be permitted above the first floor of any business use within this district, provided that all other village ordinances have been complied with, including, but not limited to fire and life safety codes and provided further that not less than one off-street parking spaces for each unit shall be provided and located on the same lot as the residential use.

**Section Two.** That **Title VII, Traffic Code, Chapter 70, Fourth Street Residential Parking**, of the Village of East Dundee Code of Ordinances is hereby amended by amending Section 70.08(C).

Amend Section 70.08(C) of the Zoning Ordinance to read as follows:

(C) Purchase of a "4th Street Residential Parking Permit" is an exception to the parking requirement for residential housing units outlined in §157.051(K)(3) and 157.051(B)(2)(e) of this Code of Ordinances.

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

**Section Five. 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 16<sup>th</sup> day of August, 2010, pursuant to a roll call vote as follows:

AYES: 7-Trustees Ruffolo, Gorman, Lynam, Miller, Cichowski, VanOstenbridge & President Bartels

NAYES: 0

ABSENT: 0

Approved by me this 16<sup>th</sup> day of August, 2010.

Jerald Bartels  
JERALD BARTELS, President

Published in pamphlet form this 23<sup>rd</sup> day of August, 2010, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg  
JENNIFER REHBERG, Village Clerk

Recorded in the Village Records on Aug. 23<sup>rd</sup>, 2010.