

ORDINANCE NUMBER 13 - 16

**ORDINANCE GRANTING PRELIMINARY PUD PLAN
AMENDMENT FOR PROPERTY COMMONLY KNOWN AS RIVER
HAVEN PUD LOCATED AT OR NEAR THE INTERSECTION OF
ROUTES 72 AND 25 IN THE VILLAGE OF 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, 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 approved River Haven PUD included 3.41 acres of useable, on-site open space; and

WHEREAS, the proposed fire station will use 1.95 acres of that area, leaving 1.46 acres of open space remaining; and

WHEREAS, the Village of East Dundee has a zoning ordinance that provides for Planned Unit Developments pursuant to Section 157.245 et al.; and

WHEREAS, The Village of East Dundee Code, Sec. 157.241(E) requires a minimum of 2.29 acres of open space for the overall River Haven PUD; and

WHEREAS, in April 2011, the Village of East Dundee granted its approval for a Planned Unit Development (PUD) Preliminary Plan; and

WHEREAS, criteria for Preliminary Plan Amendments are provided in Sec. 157.245(D)(4); and

WHEREAS, the requested approvals would be in compliance with the submittals of the applicant contained in the application and plans previously submitted; and

WHEREAS, pursuant to Division 13 of Article 2 of the Illinois Municipal Code and the provisions of East Dundee ordinances, upon public notice duty published in a newspaper of general

circulation in the Village of East Dundee a hearing was conducted before the Planning and Zoning Commission on April 25, 2013; and

WHEREAS, the Planning and Zoning Commission of the Village of East Dundee and pursuant to East Dundee's Zoning Ordinance, approved the amendment to the Preliminary PUD Plan by a vote of 7 ayes, 0 nays, and 2 absent; and

WHEREAS, the corporate authorities of the Village of East Dundee have considered this matter and find pursuant to the relevant portions of East Dundee' Zoning Ordinance, that the request for an amendment to Planned Unit Development Preliminary Plan is deemed necessary for the public health, safety and welfare at the location specified above, and is so designed, located and proposed so as not to cause any substantial injury to the value of other property in the neighborhood in which it is located; and

WHEREAS, based upon the evidence adduced at said hearings and in their application, the petitioner has entered into the record evidence and Findings of Fact that address the conditions in the East Dundee Zoning Ordinance; and

WHEREAS, pursuant to the provisions of the Village of East Dundee's Zoning Ordinance, the corporate authorities have determined that the Amendments to the Planned Unit Development Preliminary Plan as applied for shall be issued or granted as hereinafter set forth.

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 the corporate authorities do hereby incorporate the foregoing WHEREAS clauses into this ordinance as though fully set forth herein, thereby making the findings as hereinabove set forth.

Section Two. That the corporate authorities do hereby accept and approve the findings of fact and recommendation of the Planning and Zoning Commission.

Section Three. That pursuant to East Dundee's Zoning Ordinance, the amendments to the Planned Unit Development Preliminary Plan are hereby granted subject to the conditions contained

in the memorandum from Scott Harrington, Vandewalle & Associates, Inc., dated April 3, 2013, and subject to final approval by the Village Engineer.

Section Four. The village clerk is authorized and directed to amend all pertinent records of the Village of East Dundee to show the approvals granted hereunder.

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

Section Seven. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Section Eight. Effective Date. Passed on the 6 day of May, 2013, according to the following roll call vote.

AYES:

Trustees Lynam, Skillicorn, Miller, Van Ostenbridge and
NAYES: Ø President Bartels

ABSENT:


Trustees Ruffulo and Gorman

Approved by me this 6 day of May, 2013.

Jerald Bartels
Jerald Bartels, President

Published in pamphlet form this 7 day of May, 2013, under the authority of the President and Board of Trustees.

ATTEST:



Heather Maieritsch, Village Clerk

Recorded in the Village Records on May 7, 2013.