

ORDINANCE NUMBER 22-43

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING SECTION 157.223, AMENDMENTS, REGARDING TEXT AMENDMENTS AND TO INCLUDE A SECTION TO ALLOW THE VILLAGE ADMINISTRATOR TO PROPOSE TEXT AMENDMENTS TO THE PLANNING AND ZONING & HISTORIC COMMISSION**

**WHEREAS**, the Village of East Dundee ("Village") is a home rule unit of local government 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; and

**WHEREAS**, pursuant to Section 157.223 of the East Dundee Zoning Ordinance the Village Administrator does not have jurisdiction to propose text amendments to the Planning and Zoning & Historic Commission; and

**WHEREAS**, the Village Board of Trustees desires to amend the zoning ordinance to allow the Village Administrator the jurisdiction to propose text amendments to the Planning and Zoning & Historic Commission; and

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of East Dundee, Kane and Cook Counties, Illinois, as follows:

**SECTION 1: Incorporation.** That each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

**SECTION 2: Village Code Amendment.** That Section 151.223 of the Zoning Ordinance of the Village of East Dundee, is hereby amended by amending and adding the following text:

Section 157.223, *Amendments*, of the Zoning Ordinance is amended as follows, with old text struck-through and new text underlined:

- (A) Amendments may be proposed by the President and Board of Trustees, the Plan Commission, Zoning Board of Appeals, Village Administrator, any property owner or interested person or organization and shall be referred to as the applicant.
- (B) (1) ~~An application~~ The applicant shall provide a proposal for an amendment shall ~~be filed~~ with the Village. ~~Clerk on a form prescribed by the President and Board of Trustees.~~ The application proposal shall be accompanied by such plans or data, or both, as specified by the Plan Commission and shall include a statement, in writing, by the applicant and adequate evidence showing that the proposed amendment will conform to the standards set forth herein for amendments. ~~Copies of the application shall be forwarded by the Village Clerk to the Plan Commission with the request to hold a public hearing.~~

(2) ~~The applicant~~ The Village at the applicant's expense shall give notices of the public hearing as follows:

(a) To the persons to whom the current real estate tax bills are sent, if any, as shown on the record of the local real estate tax assessor of all lots lying within 250 feet of the property line of the lot for which the amendment is sought.

(b) All notices shall be in writing and shall give the time, place and purpose of the hearing and shall be mailed not more than 30 days, nor less than 15 days, in advance of the hearing. The notice shall be sent by ~~certified~~ mail, properly addressed as shown on the Tax Assessor's rolls and with sufficient postage affixed thereon with return receipt requested. The applicant shall file a sworn affidavit with copies of the notices with the Village Clerk showing the names and addresses of all notices the applicant has sent. The affidavit shall be conclusive presumption of giving of the notices.

(3) The Village at the applicant's expense ~~applicant at its own expense~~ shall cause a notice of time, place and propose of the hearing to be published in a newspaper of general circulation within the village not more than 30 days, nor less than 15 days, in advance of the hearing.

(4) The Village at the applicant's expense ~~applicant~~ shall post and maintain on forms no smaller than 11 inches by 17 inches on a white background for a period of not less than ten days prior to the hearing the notice thereof as furnished by the Village Clerk. The notice showing the time, place and purpose of the hearing shall be posted ~~an~~ on the property for which the amendment is sought as follows:

(a) On an unimproved lot: not more than 15 feet from the front lot line and not ~~less less~~ than four feet above and not ~~more more~~ than six feet above the ground and placed in a manner as to be unobscured from the street.

(b) On an improved lot: on the front entrance door of the improvement thereon or placed in a similar manner as for an unimproved lot.

(5) Supplemental or additional notices may be distributed, published or posted as the Plan Commission may, by rule, prescribe from time to time.

(C) Upon receipt ~~in proper form~~ of the application, or proposal, and statement referred to above, the Plan Commission shall hold at least one public hearing on the proposed amendment. However, the Plan Commission may continue from time to time the hearing without further notices being published.

(D) Within 45 days after the close of the hearings on a proposed text or zoning amendment, the Planning and Zoning Commission shall make written findings of fact, when required, and shall submit same, together with its recommendations to the President and Board of Trustees. When the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning and Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

(1) Existing uses of property within the general area of the property in question;

(2) The zoning classification of property within the general area of the property in question;

(3) The suitability of the property in question to the uses permitted under the existing zoning classification; and

(4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification.

(E) (1) *Action by Plan Commission.*

(a) The Plan Commission shall not recommend the adoption of a proposed amendment until after it finds that the adoption of the amendment is in the public interest and is not solely for the interest of the applicant. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any other zoning classification

(b) A concurring vote of a majority of those members present at the meeting with a minimum of four concurring votes shall be required to recommend granting or denying an application for an amendment.

(c) Report to the Village Board shall contain number present and names of those voting for or against the motion.

(2) *Action by the President and Board of Trustees.*

(a) The President and Board of Trustees, upon receiving the recommendations of the Plan Commission, may grant or deny any proposed amendment in accordance with applicable Illinois Statutes or may refer it back to the Plan Commission for further consideration.

(b) If an application for a proposed amendment is not acted upon finally by the President and Board of Trustees within six months of the date upon which the application is received by the President and Board of Trustees, it shall be deemed to have been denied.

**SECTION 3: Continuation.** That all provisions of the Village Code not amended herein shall remain in full force and effect.

**SECTION 4: Severability.** That 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 5: Repeal.** That all ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**SECTION 6: Effect.** That this Ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

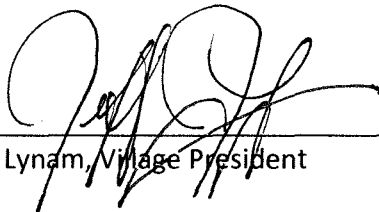
**ADOPTED** this 22<sup>nd</sup> day of August, 2022 pursuant to a roll call vote as follows:

AYES: Kunze, Brittin, Treiber and Saviano

NAYES: Ø

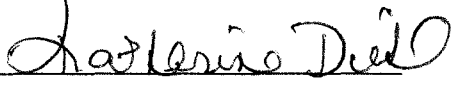
ABSENT: Mahony and Saviano

**APPROVED** by me this 22<sup>nd</sup> day of August, 2022.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk

Published in pamphlet form this 22nd day of August 2022, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on August 24, 2022.

The Applicant acknowledges hereby the reasonableness of the above and foregoing terms and conditions in the Ordinance, and hereby accepts the same.

By: \_\_\_\_\_  
Applicant

Date: August \_\_, 2022