

**ORDINANCE NUMBER 22 - 47**

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK  
AND KANE COUNTIES, ILLINOIS GRANTING VARIATIONS FOR REQUIRED  
LOADING BERTHS AND LANDSCAPE REQUIREMENTS FOR 1011 EAST MAIN  
STREET PIN 03-25-176-004 IN THE M-1 MANUFACTURING DISTRICT LOCATED IN  
EAST DUNDEE IL 60118**

**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**, PAL Land, LLC (“Applicant”) is the owner of the property with PIN 03-25-176-004 located in East Dundee, Illinois, legally described in Section 2 below (“Subject Property”); and

**WHEREAS**, the Applicant filed an application with the Village seeking variations from the Zoning Chapter of the East Dundee Village Code as described in the application; and

**WHEREAS**, pursuant to Section 157.207 of the Zoning Ordinance, and the Village’s home rule authority, the President and Board of Trustees of the Village (collectively the “Corporate Authorities”) may provide for and allow variances to the requirements of the Zoning Ordinance when there are practical difficulties or a particular hardship with the strict compliance with the Zoning Ordinance; and

**WHEREAS**, the Planning and Zoning & Historic Commission (“PZHC”) of the Village convened and held a public hearing on October 6, 2022 to consider the Application pursuant to the variances; and

**WHEREAS**, the PZHC reviewed the standards set forth in Section 157.207 of the Zoning Ordinance for variations and recommended approval of the Application, and related findings of fact; and

**WHEREAS**, the Applicant filed an application with the Village seeking a variation from Sections 157.127, 158.04(D)(2)(d)(2)(b), and 158.04(D)(2)(C); and

**WHEREAS**, the Corporate Authorities have received and considered the recommendation of the PZHC and find it to be in the best interests of the health, safety and welfare of its residents to approve the requested variations;

**NOW, THEREFORE, BE IT ORDAINED** by the Village President and Board of Trustees of the Village of East Dundee, Cook and Kane 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: Variations.** That the Corporate Authorities hereby grant the Application for the Subject Property, legally described as:

PIN 03-25-176-004

LOT 2 IN LOT 5 IN TERRA BUSINESS PARK RESUBDIVISION, BEING A RESUBDIVISION OF PART OF SECTION 24 AND 25, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 5, 2018 AS DOCUMENT NUMBER 2018K048826, IN KANE COUNTY, ILLINOIS.

**Variation 1**

A variation from Section 157.127, *Required loading berths*, of the Zoning Chapter of the East Dundee Village Code requiring two loading berths associated with 10,000 to 25,000 square feet of floor area. The variation granted in this Ordinance is specific to the Project as proposed in the Application and shall not apply to any other development of the Subject Property. The variation will allow one loading berth.

**Variation 2**

A variation from Section 158.04(D)(2)(d)(2)(b), *Landscape requirements*, of the Minimum Landscaping, Screening and Tree Preservation Standards Chapter of the East Dundee Village Code requiring a maximum of ten parking spaces will be permitted in any length of parking bay between planting islands. A curbed island at least seven feet wide and as deep as the parking stalls shall be provided to divide the bay length. There shall be a minimum of two large deciduous trees per island. Tree branching shall start no less than six feet above the pavement measured from pavement level. The variation granted in this Ordinance is specific to the Project as proposed in the Application and shall not apply to any other development of the Subject Property. The variation will allow twenty-two parking stalls between planting islands at parking area at the rear of the building only. Front parking area will require compliance with this code section.

**Variation 3**

A variation from Section 158.04(D)(2)(C) *Landscape requirements*, of the Minimum Landscaping, Screening and Tree Preservation Standards Chapter of the East Dundee Village Code requiring a minimum five-foot wide landscape area adjacent to all building walls (exclusive of driveways, access walks, and service and delivery areas). Planting should emphasize ground plane transitions and softening large expanses of building walls, when possible, accenting building entrances and architectural features, and screening mechanical equipment. Where extended roofs or canopies are used to provide a covered walkway adjacent to a building, foundation plantings are not required. However, landscaping

is recommended to separate vehicular areas from buildings, as described in the Application. The variation granted in this Ordinance is specific to the Project as proposed in the Application and shall not apply to any other development of the Subject Property. The variation will allow the Applicant to meet the requirements of the code for the front of the building only.

**SECTION 3: 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 4: Repeal.** That all ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**SECTION 5: 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.

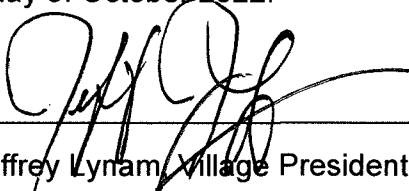
**PASSED** this 17<sup>th</sup> day of October 2022 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Saviano, Treiber and Sauder

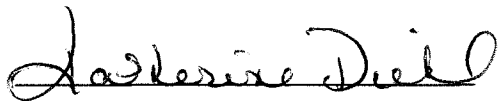
NAYES: Ø

ABSENT: Brittin

**APPROVED** by me this 17<sup>th</sup> day of October 2022.

  
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Jeffrey Lynam, Village President

**ATTEST:**

  
Katherine Diehl, Village Clerk

Published in pamphlet form this 17<sup>th</sup> day of October 2022, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on October 17, 2022.

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

By: Cherie Zusowski  
Applicant

Date: October 19, 2022

Manager Pal 1011 LLC