

ORDINANCE NUMBER 22- 48

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE,
COOK AND KANE COUNTIES, ILLINOIS, CREATING SECTION 158.07
OF THE VILLAGE OF EAST DUNDEE VILLAGE CODE TO ALLOW FOR VARIATION
REQUESTS FROM THE LANDSCAPING, SCREENING AND
TREE PRESERVATION REQUIREMENTS IN CHAPTER 158
OF THE VILLAGE CODE TO BE HEARD BY THE ZONING BOARD OF APPEALS**

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, the Village Board of Trustees desires to create a new Section 158.07 of the Village of East Dundee Village Code ("Village Code") to grant the Village's Planning, Zoning and Historic Commission, also known as the Zoning Board of Appeals, jurisdiction to hold public hearings and make recommendations to the Village President and Board of Trustees regarding variations to the landscaping, screening and tree preservation requirements in Chapter 158 of the Village Code;

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 158.07 of the Village Code, entitled "Variations," is created and shall read as follows:

The Zoning Board of Appeals shall have the jurisdiction to hold public hearings and offer recommendations to the Village Board of Trustees concerning variations of this Chapter 158 in accordance with the procedures in Chapter 157 of this Code. The Village Board of Trustees may grant variations from the requirements of this Chapter 158 after a public hearing is held by the Zoning Board of Appeals and upon receipt of a recommendation from the Zoning Board of Appeals.

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.

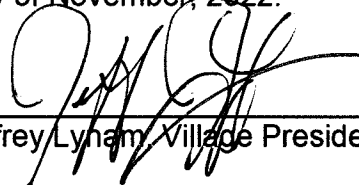
ADOPTED this 7th day of November, 2022 pursuant to a roll call vote as follows:

AYES: Kunze, Brittin, Treiber, Sauder and Mahony

NAYES: Ø

ABSENT: Saviano

APPROVED by me this 7th day of November, 2022.



Jeffrey Lynam, Village President

ATTEST:

Katherine Diehl
Katherine Diehl, Village Clerk

Published in pamphlet form this 7th day of November 2022, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on November 8th, 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: November __, 2022