

Ordinance No. 2024-07

**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE
ISSUANCE OF: Building Permits For New Structures in the B1 Zoning
District in the County Line Rd and West Ashton Road Corridor**

Whereas, the Village Board of Trustees with a valid exercise of police power and the express and implied authority, has a duty and interest pursuant to 65 ILCS 5/11-13-1, [et seq], with the authority to enact, for among other things, the protection of public health, safety, comfort, morals, and welfare, a temporary (180 day) moratorium on applications for building permits in the B1 Zoning District in the County Line and West Ashton corridor.

Whereas, the far east end of West Ashton Drive, due west of the Countyline intersection, is prone to rapid flooding, an environmental impact study of the area is necessary to ensure the protection of public health and safety.

Whereas, the far east end of West Ashton Drive west of the Countyline intersection is prone to rapid flooding, a drainage study of the area is necessary to ensure the protection of public health and safety.

Whereas, the far east end of West Ashton Drive west of the Countyline intersection is prone to rapid flooding, a traffic safety study is necessary for the B1 and B2 corridor of Ashton and County Line to ensure the protection of public health and safety.

Whereas, in response to community concerns regarding development in the B1 Zoning District in the County Line and West Ashton corridor the Board of Trustees directs its Building, Planning and Zoning Committee to conduct hearings regarding development activities in the Village's B1 Zoning District in the County Line and West Ashton corridor pending consideration and adoption of necessary regulations.

Whereas, the best interest of the Village and its residents require that the Village Board consider whether additional regulations of construction and development in the B1 Zoning District in the County Line and West Ashton corridor are necessary or appropriate to preserve or enhance the cultural, social, and architectural character of the Village.

Whereas, the best interest of the Village and its residents require that the Village Board consider whether additional regulations of construction and development in the B1 Zoning District in the County Line and West Ashton corridor are necessary or appropriate to preserve the safety and soundness of the village infrastructure adjacent to the B1 Zoning District in the County Line and West Ashton corridor.

NOW, THEREFORE, BE IT ORDAINED BOARD OF TRUSTEES OF THE VILLAGE OF Maple Park, Kane and DeKalb Counties, IL, as follows:

SECTION 1. RECITALS. The recitals listed above are incorporated in this Ordinance as the findings of the Board of Trustees.

SECTION 2. TEMPORARY MORATORIUM.

A. Definition of B1 Zoning District in the County Line and West Ashton corridor. For the purpose of this Ordinance the following terms shall have the meanings set forth herein:

1. **B1 Zoning District in the County Line and West Ashton Corridor:** any undeveloped parcels zoned B1 in the area adjacent to the far east end of West Ashton Drive, due west of the Countyline intersection.

B. Establishment. Beginning on the effective date of this Ordinance, no application for a permit for demolition, grading, construction, or any other work requiring a building permit from the Village in **B1 Zoning District in the County Line and West Ashton Corridor** located on any of the parcels listed in Exhibit A to this Ordinance (“Affected Parcels”) shall be accepted or processed to completion by the Village, and no permit authorizing any such demolition, grading, construction, or other work requiring a building permit from the Village shall be issued by the Village, except as otherwise provided in this Section 2 (“Temporary Moratorium”).

C. Limited Time Period. The Temporary Moratorium shall remain in full force and effect for a limited period of 180 days from the effective date of this Ordinance, unless sooner terminated by ordinance duly adopted by the Village Board without the need for further notice or hearing.

D. Exceptions. The Temporary Moratorium shall not apply in the following circumstances and the Village may accept, process, and, if appropriate, approve permit applications for the following types of work:

1. **Utility and Right-of-Way Work.** This Temporary Moratorium shall not prohibit installation, repair, replacement, or relocation of utility facilities, including water lines, storm sewers, sanitary sewers, telecommunications lines and equipment, and gas and electric lines and work in public rights of-way.

2. **Threats to Public Health and Safety.** This Temporary Moratorium shall not prohibit the issuance of permits for demolition, repair, or reconstruction of buildings, structures, or natural features that, in the sole discretion of the Village Administrator, present a threat to public health and safety.

3. **Current Permits for Work Issued by Village.** This Temporary Moratorium shall not prohibit the conduct of demolition, construction, or grading work pursuant to: (i) current permits applied for and issued by the Village as of the effective date of this Ordinance or any permitted extension or renewal thereof; (ii) any amendment to a current permit where the amendment affects land other than in the **B1 Zoning District in the County Line and West Ashton Corridor**; and (iii) any amendment to a current permit where the request for amendment is due to site conditions discovered during construction.

4. **Current Permits for Work Submitted to Other Agencies.** This Temporary Moratorium shall not prohibit the construction or development of structures or improvements in a in **B1 Zoning District in the County Line and West Ashton Corridor** that are permitted by agencies other than the Village and for which a permit application has been submitted prior to the effective date of this Ordinance.

SECTION 3 . EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and approval and publication as required by law.

ADOPTED THIS 7th day of May, 2024

Ayes: Groezinger, Joy, Simon, Speare, and Ward

Nays: Peloso


Absent: None

APPROVED THIS 7th day of May, 2024




Suzanne Fahnestock, Village President

Attest:


Shannon Warford, Deputy Clerk