

ORDINANCE NUMBER 19- 01

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING THE EAST DUNDEE ZONING ORDINANCE TO REMOVE THE REQUIREMENT FOR AT LEAST 150 SQUARE FEET OF OUTDOOR PLAY AREA FOR EACH CHILD CARED FOR IN A NURSERY SCHOOL, CHILDREN'S DAY SCHOOL, DAY SCHOOL, CHILD CARE CENTER AND DAY CARE CENTER IN A BUSINESS DISTRICT**

**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 Chapter 157.050 of the Village of East Dundee Zoning Ordinance ("Zoning Ordinance"), each nursery school, children's day school, day school, child care center and day care center in a business district in the Village must have a minimum of one hundred fifty (150) square feet of outdoor play area for each child cared for therein per Section 157.050(F)(1)(k)(3) of the Zoning Ordinance; and

**WHEREAS**, the Illinois Department of Children and Family Services ("DCFS") requires that there only be a minimum of seventy-five (75) square feet of outdoor play area per child for each child cared for in a licensed nursery school, children's day school, day school, child care center and day care center in a business district in the Village; and

**WHEREAS**, nursery schools, children's day schools, day schools, child care centers and day care center centers in the Village are inspected, regulated and licensed by DCFS; and

**WHEREAS**, the Village President and Board of Trustees and Village staff rely on DCFS to enforce and implement a State-wide standards for outside play area for DCFS licensed nursery schools, children's day schools, day schools, child care centers and day care center centers in the Village; and

**WHEREAS**, Ideabox Childcare, Inc. ("Applicant") submitted an application to the Village for an amendment to Section 157.050(F)(1)(k)(3) of the Zoning Ordinance, to remove the one hundred fifty (150) square feet per child outdoor play area requirement, so that nursery schools, children's day schools, day schools, child care centers and day care center centers in business districts in the Village would instead be required to meet the DCFS seventy-five (75) square feet per child outdoor play area requirement ("Application"); and

**WHEREAS**, the Planning and Zoning Commission of the Village convened and held a public hearing on December 13, 2018 to consider the Application pursuant to notice; and

**WHEREAS**, the Planning and Zoning Commission reviewed the standards set forth in Section 157.223 of the Zoning Ordinance and made a recommendation to approve the Application; and

**WHEREAS**, the Village President and Board of Trustees have reviewed the recommendation of the Planning and Zoning Commission, and hereby desire to amend the Zoning Ordinance to remove the requirement of at least one hundred fifty (150) square feet of outdoor play area for each child pertaining to nursery schools, children's day schools, day schools, child care centers and day care center centers in business districts in the Village;

**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 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: Text Amendment.** That the Application is granted, and Section 157.050(F)(1)(k)(3) of the Zoning Ordinance, entitled "Childcare," is hereby amended to read as follows, with deletions struck through:

Nursery school; includes children's day school, day nursery child care center and day care center—~~must have at least 150 square feet of outdoor play area for each child that is cared for.~~

**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.

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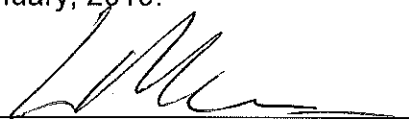
**PASSED** this 7th day of January, 2019 pursuant to a roll call vote as follows:

AYES: Trustees Lynam, Selep, Hall, Mahony and Andresen

NAYES: Ø

ABSENT: Trustee Wood

**APPROVED** by me this 7th day of January, 2019.

  
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Lael Miller, Village President

**ATTEST:**

  
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Katherine Holt, Village Clerk

Published in pamphlet form this 8<sup>th</sup> day of January, 2019, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on January 8, 2019.