

**ORDINANCE NUMBER 08 - 70**

**ORDINANCE APPROVING TEXT AMENDMENT TO  
TITLE XV, LAND USAGE, CHAPTER 157, ZONING,  
SECTION 157.003, RULES AND DEFINITIONS**

**WHEREAS**, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, the President and Board of Trustees of the Village of East Dundee having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee be granted requesting a text amendment to the Title VI, Land Use, Chapter 157, Zoning, Section 157.003, Rules and Definitions, by adding certain definitions.

**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 One.** That Title XV, Land Usage, Chapter 157, Zoning, of the Village of East Dundee Code of Ordinances is hereby amended by amending Section 157.003, Rules and Definitions as follows:

**Section 157.003.                      RULES AND DEFINITIONS**

Amend Section 157.003 of the Zoning Ordinance by inserting the following definitions:

*Live entertainment/dancing.* This use includes any establishment that is utilized for live performers or patrons engaged in singing, performing, dancing or playing musical instruments. "Live entertainment/dancing" shall not include "theaters," "indoor or outdoor amusement center" or "indoor or outdoor recreation" facilities where live performances may occasionally be held, as defined herein.

*Indoor amusement.* This use includes, but is not limited to, commercial or nonprofit indoor health and exercise clubs, skating rinks, bowling alleys, indoor sports clubs, and indoor establishments where pool/billiards, bingo, foosball, table tennis, shuffleboard, pinball machines, video games or any other games of recreation or amusement are provided for public patronage, where the insertion of a coin, club, or token or the payment of a fee is required. "Indoor amusement" shall include any accessory uses, such as snack bars, pro shops and locker rooms, which are designed and intended primarily for the use of patrons of the principle recreation use. "Indoor amusement" shall not include "indoor recreation" as defined herein.

*Outdoor amusement.* This use includes, but is not limited to, public, nonprofit, or outdoor theaters, raceways, music arenas, theme parks, amusement parks, miniature golf establishments, water slides, batting cages, skateboarding courses, go-cart courses and shooting ranges. "Outdoor amusement" shall include any accessory uses, such as snack bars, which are designed and intended primarily for the use of patrons of the principal recreational use.

*Outdoor recreation.* This use includes active recreation facilities, which are not enclosed in buildings, and are open to the public or operated on a commercial or membership basis for the use of persons not residing on the same lot on which the recreation use is located. It includes golf courses, driving ranges, swimming pools, tennis courts, playing field or courts, and other similar facilities as well as accessory uses such as concession stand, equipment rental or storage, pro shops and club houses used primarily by the patrons of the principal recreational use. "Outdoor recreation" shall not include "outdoor amusement" or "parks/playgrounds" as defined herein.

*Outdoor seating.* This use is a dining area of designated size with seats and/or tables located outdoors of a restaurant or coffeehouse. This seating may be in addition to the indoor seating area.

**Section Two. Severability.** If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

**Section Three. Repeal.** All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**Section Four. Publication.** 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 3<sup>rd</sup> day of Nov, 2008, pursuant to a roll call vote as follows:

AYES: Ruffalo, Gorman, Carlini, Lyram,  
Cichowski, Mahony, Pres. O'Leary

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Approved by me this 3<sup>rd</sup> day of Nov, 2008.

*Dan O'Leary*

DAN O'LEARY, President

Published in pamphlet form this 5<sup>th</sup> day of Nov, 2008, under the authority of the President and Board of Trustees.

**ATTEST:**

*Susan Norton*

SUSAN NORTON, Village Clerk

Recorded in the Village Records on Nov. 5, 2008.

