

ORDINANCE NUMBER 22- 42

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE,
COOK AND KANE COUNTIES, ILLINOIS, GRANTING A
SPECIAL USE PERMIT FOR MATERNITY GROUP HOME FOR THE
PROPERTY COMMONLY KNOWN AS 516 EAST MAIN STREET**

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 Section 157.224 of the Village of East Dundee Zoning Ordinance ("Zoning Ordinance") and the Village's home rule authority, the Village President and Board of Trustees of the Village ("Corporate Authorities") may provide for and allow the classification of special uses in its zoning ordinances; and

WHEREAS, pursuant to the Zoning Ordinance, any person owning or having an interest in property may file an application to use such property for one or more of the special uses provided for in the zoning district in which the land is situated; and

WHEREAS, there is property in the Village commonly known as 516 East Main Street, East Dundee, Illinois, with PINs 03-23-381-005, part of 03-23-381-012 and part of 03-23-381-011 (collectively the "Property"), which is legally described as:

PARCEL 1: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH ALONG THE EAST LINE OF SAID QUARTER SECTION 72.18 FEET FOR THE POINT OF BEGINNING; THENCE NORTH ALONG THE EAST LINE OF SAID QUARTER SECTION, 276 FEET; THENCE NORTHWESTERLY ALONG A LINE THAT FORMS AN ANGLE OF 106 DEGREES 08 MINUTES MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE 68.1 FEET; THENCE SOUTHERLY ALONG A LINE THAT FORMS AN ANGLE OF 83 DEGREES 10 MINUTES MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 95.7 FEET; THENCE SOUTHWESTERLY ALONG A LINE THAT FORMS AN ANGLE OF 200 DEGREES 16 MINUTES MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE 224.2 FEET TO A POINT NORTH 89 DEGREES 59 MINUTES WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 59 MINUTES EAST 192 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH ALONG THE EAST LINE OF SAID QUARTER SECTION 72.18 FEET; THENCE NORTH ALONG THE EAST LINE OF SAID QUARTER SECTION, 276 FEET; THENCE NORTHWESTERLY ALONG A LINE THAT FORMS AN ANGLE OF 106 DEGREES 08 MINUTES MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE 68.1 FEET, FOR THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG A LINE THAT FORMS AN ANGLE OF 83 DEGREES 10 MINUTES MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 95.7 FEET; THENCE SOUTHWESTERLY ALONG A LINE THAT FORMS AN ANGLE OF 200 DEGREES 16 MINUTES MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE 224.2 FEET; THENCE NORTH 89 DEGREES 59 MINUTES WEST, 54.50 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 88 DEGREES 26 MINUTES 20 SECONDS WEST 39.46 FEET TO THE NORTHWEST CORNER OF PARCEL "A" IN THE RESERVE UNIT 1, A PLANNED UNIT DEVELOPMENT, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 AND PART OF THE NORTHWEST 1/4 OF SECTION 26 TOGETHER WITH PART OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF SECTION 23, ALL IN TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 30, 1995, AS DOCUMENT NO. 95K004847; THENCE NORTHEASTERLY TO THE POINT OF BEGINNING, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

PARCEL A: PARCEL "A" IN THE RESERVE UNIT 1, A PLANNED UNIT DEVELOPMENT, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 AND PART OF THE NORTHWEST 1/4 OF SECTION 26 TOGETHER WITH PART OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF SECTION 23, ALL IN TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 30, 1995, AS DOCUMENT NO. 95K004847 AND ALSO BEING A RESUBDIVISION OF PART OF LOTS C AND E, ALL OF LOT D AND PART OF HOWARD AVENUE IN FOX RIVER BLUFFS UNIT 2, BEING A SUBDIVISION OF PART OF SAID SECTION 23 AND 26, ACCORDING TO THE PLAT THEREOF RECORDED ON AUGUST 20, 1929, AS DOCUMENT NO. 326520, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

WHEREAS, the Property is zoned in the R-4 General Residence Zoning District;
and

WHEREAS, the Corporate Authorities have received a request for a special use permit for maternity group home at the Property (“Application”) from Immanuel Ev. Lutheran Church of Dundee, together with Redeeming Life Outreach Ministries (“Applicant”); and

WHEREAS, notice of a public hearing on the Application before the Village’s Planning and Zoning Commission was duly given and a public hearing was held on the Application on August 4, 2022, and after the hearing the Planning and Zoning Commission recommended the special use permit be approved, and the findings of fact and recommendation of the Planning and Zoning Commission are attached hereto as **Exhibit A**, made a part hereof and are incorporated as though set forth herein; and

WHEREAS, the Planning and Zoning Commission reviewed the standards set forth in Section 157.224 of the Zoning Ordinance for a special use permit and recommended approval of the Application, and related findings of fact; and

WHEREAS, the Corporate Authorities have reviewed the Planning and Zoning Commission’s recommendations on the Application, and have determined that approval of a special use permit for a maternity group home on the Property would best serve the public’s health, safety and welfare;

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: Approval of Special Use Permit. The Corporate Authorities hereby approve the Application and grant a special use permit for the Property for a maternity group home.

SECTION 3: Conditions of Approval. That the special use permit granted herein shall be constructed, operated and maintained in accordance with all plans and diagrams submitted as part of the Application.

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.

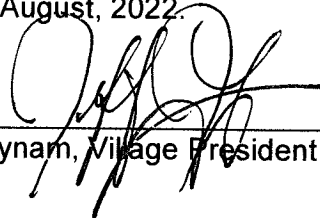
PASSED this 22nd day of August, 2022 pursuant to a roll call vote as follows:

AYES: Kunze, Brittin, Treiber and Sauden

NAYES: Ø

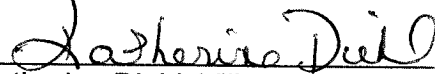
ABSENT: Mahony and Saviano

APPROVED by me this 22nd day of August, 2022.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk


Published in pamphlet form this 22nd day of August, 2022, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on August 24, 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

By: 

Applicant

Date: August 29, 2022

Date: 10/10/22

EXHIBIT A
PLANNING AND ZONING COMMISSION
FINDINGS OF FACT AND RECOMMENDATION
(attached)



Planning and Zoning & Historic Commission Meeting

Findings of Fact – Special Use

Property Location: 516 E. Main Street: PINs 03-23-381-005; portion of 03-23-381-012; and portion of 03-23-381-011

Hearing Date: August 4, 2022

Special Use

Requested: Maternity Group Home in R-4, and rezoning PINs from R-2 and R-3 to R-4

Staff has determined the below findings of fact for the PZHHC's consideration and review:

- 1. The use is not injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; Circle one; Yes/No/Not Applicable (N.A.), Explain:**
Yes.
- 2. The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; Yes/No/N.A.**
Yes
- 3. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided; Yes/No/N.A.**
Yes
- 4. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; Yes/No/N.A.**
Yes
- 5. How is the proposed special use in harmony with the purposes, goals, objectives, policies and standards of the Village of East Dundee Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice, by the Village?**

The requested area is currently zoned residential and aligns with the "Community Form and Character" goal of the 2002 East Dundee Comprehensive Plan which states: *"To provide a well-planned village offering a variety of living, working, and community suppose activities*

that are compatible with, and retain, the historic and traditional character, and natural setting of the Fox River".

Based on the information contained in the application and the testimony and evidence presented at the public hearing, the Planning and Zoning & Historic Commission voted on the approval of these findings of fact and the requested special use(s) resulting in the following vote:

4 ayes 0 nays 3 absent 0 abstain

Date: 8-4-22

Signature: 
Chair, Planning and Zoning & Historic Commission