

VILLAGE OF NORTH AURORA



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KANE COUNTY, ILLINOIS

Ordinance No. 16-08-01-02

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**ORDINANCE APPROVING A TEMPORARY USE PERMIT  
FOR THE PROPERTY AT 1175 OAK STREET NORTH AURORA, ILLINOIS  
AS A PLACE OF RELIGIOUS WORSHIP**

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Adopted by the  
Board of Trustees and President  
of the Village of North Aurora  
this 15<sup>th</sup> day of August, 2016

Published in Pamphlet Form  
by authority of the Board of Trustees of the  
Village of North Aurora, Kane County, Illinois,  
this 15<sup>th</sup> day of August 2016  
by Cynthia Johnson.

Signed

A handwritten signature in cursive script, reading "Lori P. Murray", is written over a horizontal line.

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FOR THE PROPERTY AT 1175 OAK STREET NORTH AURORA, ILLINOIS  
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**WHEREAS**, the Orchard Community Church has submitted a letter requesting approval of the property at 1175 Oak Street, Unit A, in the Village of North Aurora, Illinois (the "Property"), for temporary use as a church for twelve (12) to fourteen (14) months; and

**WHEREAS**, Section 11.3 of Title 17 (Zoning) describes the qualifications and criteria for the granting of temporary uses that are not listed permitted temporary uses, and church use is not considered a permitted temporary use; and

**WHEREAS**, temporary use requests not listed permitted uses must be approved the Board of Trustees and must be consistent with the purpose and intent of the Zoning Code in the District in which the property is located; and

**WHEREAS**, whereas the Property is located in the B-2 General Commercial District, the Zoning Code only allows churches in residential districts and the B-1 Community Business District as a permanent use, but there currently is no property in the Village zoned B-1 Community Business District; and

**WHEREAS**, there are very few, if any, existing buildings available for temporary use for a church in the residential zoning districts in the Village, and no B-1 Community Business District property in the Village, leaving B-2 General Commercial Districts as the most viable option for a temporary church use in the Village; and

**WHEREAS**, granting a temporary church use for the Property is not inconsistent with the purpose and intent of the Zoning Code.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of North Aurora, Kane County, Illinois, as follows:

1. The recitals set forth above are adopted and incorporated herein as the material and significant findings of the President and the Board of Trustees as if fully stated herein.

2. The request for approval of the Property for temporary church use for a period of time not to exceed twelve (12) months from the date of August 1, 2016, with the option for a six (6) month extension which must be approved by the Village Administrator for good cause shown, is hereby approved along with the right to have temporary signage to be display from the interior of the building

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and exterior signage only during weekends that is otherwise in compliance with the Village Sign Ordinance

3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Village Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

4. This Ordinance shall take immediate full force and effect from and after its passage, approval, publication and such other acts as required by law.

15<sup>th</sup> Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this day of August, 2016, A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 15<sup>th</sup> day of August, 2016, A.D.

Mark Carroll yes

Laura Curtis yes

Chris Faber yes

Mark Gaffino yes

Mark Guethle yes

Michael Lowery yes

Approved and signed by me as President of the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 15<sup>th</sup> day of August, 2016, A.D.



Dale Berman, Village President

ATTEST:



Lori Murray, Village Clerk