

## ORDINANCE NO. 2020 - O - 05

### **An Ordinance Issuing a Special Use Permit for Lifeline Christian Church at 2160 Lake Cook Road**

WHEREAS, the Village of Algonquin, McHenry and Kane Counties, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, the Village of Algonquin has been requested by a petition signed by Dave Rudin, petitioner, and Al Lieberman, as receiver on behalf of the property owner, to issue a special use permit for Lifeline Christian Church on certain territory legally described as follows:

Lot 2 in County Line Square Subdivision, being a Subdivision of Part of the Southeast Quarter of Section 35, Township 43 North, Range 8 East of the Third Principal Meridian, in the Village of Algonquin, according to the Plat Thereof Recorded as Document 95R046523, in McHenry County, Illinois.

and commonly known as 2160 Lake Cook Road, Algonquin, IL 60102 ("Subject Property"); and

WHEREAS, a public hearing was held before the Algonquin Planning and Zoning Commission, after due notice in the manner provided by law; and

WHEREAS, the Algonquin Planning and Zoning Commission, after deliberation, has made a report and recommended the issuance of said special use permit for the Subject Property; and

WHEREAS, the Village Board of Trustees has considered the findings of fact, based upon the evidence presented at the public hearing to the Algonquin Planning and Zoning Commission by the petitioners.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the VILLAGE OF ALGONQUIN, McHenry and Kane Counties, Illinois, as follows:

SECTION 1: The special use permit for Lifeline Christian Church, which consists of the following conditions, is hereby issued:

- A. The Special Use Permit shall be valid for an initial period of two (2) years from the date of this ordinance, and terminate automatically on February 1, 2022. Should the property owner desire to request an extension of the Special Use Permit beyond February 1, 2022 the owner shall be required to petition the Village Board, who in its sole discretion, and without the matter being referred back to the Planning and Zoning Commission, shall determine whether the special use should expire or be extended to continue to allow the church use of the building. Otherwise, the building shall be required to be tenanted by commercial uses, consistent with the parcel's B-2 zoning designation, after February 1, 2022;
- B. When the church use is discontinued for greater than six (6) consecutive months, the special use permit shall expire and the building shall be required to comply with the underlying zoning regulations of the commercial B-2 district and all building code requirements for a commercial use;

- C. The petitioner shall be required to obtain all necessary building permits and receive a certificate of occupancy from the Community Development Department prior to any church activities being conducted on the premises;
- D. The petitioner shall contact the McHenry County Health Department to discuss permit requirements for any possible use of the building's commercial kitchen;
- E. The property shall be maintained according to the Village's property maintenance standards. In the event the property is routinely in violation of the Village's property maintenance code, the Village shall have the authority to terminate the special use permit for church use on the property.

SECTION 2: That all requirements set forth in the Algonquin Zoning Ordinance, as would be required by any owner of property zoned in the same manner as the Subject Property shall be complied with, except as otherwise provided in this Ordinance.

SECTION 3: The findings of fact on the petition to issue the special use permit for the Subject Property are hereby accepted.

SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Aye: Sosine, Spella, Glogowski, Steigert, Jasper, Brehmer  
 Nay: None  
 Absent: None  
 Abstain: None

APPROVED:

Village President John C. Schmitt

(SEAL)

ATTEST: by:   
 Village Clerk Gerald S. Kautz

Passed: February 4, 2020  
 Approved: February 4, 2020  
 Published: February 5, 2020

Prepared by: Village Staff

Reviewed by: Kelly Cahill, Village Attorney, Zukowski, Rogers, Flood & McArdle