

ORDINANCE

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO OPERATE A DRIVE-THROUGH FACILITY AT 6209 NORTH AVENUE

WHEREAS, on June 4, 2020 an application for a special use permit was filed by Don Oliphant ("Petitioner"), requesting the issuance of a special use permit to operate a drive - through facility in the NA North Avenue Zoning District at the property commonly known as 6209 North Avenue, Oak Park, Illinois ("Subject Property"); and

WHEREAS, at a meeting held on October 29, 2020, the Zoning Board of Appeals held a public hearing on the Petitioner's application for the special use permit; and

WHEREAS, notice of the public hearing was duly published in the *Wednesday Journal* on September 30, 2020; and

WHEREAS, the Zoning Board of Appeals recommended that the special use permit be granted for the Subject Property by a vote of four (4) in favor and one (1) against; and

WHEREAS, the Zoning Board of Appeals adopted its written Findings of Fact and Recommendation on the application at its meeting of October 29, 2020, which is attached hereto and incorporated herein as Attachment A; and

WHEREAS, the President and Board of Trustees have received the Findings of Fact and Recommendation of the Zoning Board of Appeals with respect to the application for the special use permit at the Subject Property; and

WHEREAS, the President and Board of Trustees have determined that the granting of the special use permit for the use set forth in the Petitioner's application is in the best interests of the Village subject to the terms and conditions set forth in the Findings of Fact and Recommendation of the Zoning Board of Appeals and this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein by reference as though fully set forth.

Section 2. Adoption of Findings of Fact and Recommendation. The Findings of Fact and Recommendation of the Zoning Board of Appeals attached hereto as Attachment A are adopted by the President and Board of Trustees and incorporated herein.

Section 3. Special Use Permit Granted. The application of the Petitioner for a special use permit in a NA North Avenue Zoning District to operate a drive-through facility at the Subject

Property is granted, subject to the terms and conditions set forth in the Zoning Board of Appeals' Findings of Fact and Recommendation.

Section 4. Execution of Ordinance. As a condition of the special use permit granted herein, this Ordinance shall be executed by the Petitioner to signify its agreement to the terms hereof.

Section 5. Violation of Conditions. Any violation of (i) any term of conditions set forth in this Ordinance or (ii) any applicable code, ordinance, or regulation of the Village shall be grounds for the immediate rescission by the Board of Trustees of the approval granted pursuant to this Ordinance.

Section 6. No Authorization of Work. This Ordinance does not authorize the commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced at the Subject Property until all conditions of this Ordinance precedent to such work have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.

Section 7. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

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ADOPTED this 16th day of November, 2020, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Buchanan				
Trustee Moroney				
Trustee Taglia				
Trustee Walker-Peddakotla				

APPROVED this 16th day of November, 2020.

Anan Abu-Taleb, Village President

ATTEST

Vicki Scaman, Village Clerk

Published in pamphlet form this 16th day of November, 2020.

Vicki Scaman, Village Clerk

ACKNOWLEDGEMENT AND AGREEMENT BY THE PETITIONERS TO THE CONDITIONS OF THIS ORDINANCE:

PETITIONER – DON OLIPHANT

Don Oliphant

Date: _____, 2020