

# Exhibit A

Modifications to Sec. 19.2 Adoption, Sec. 3.3 Definitions, Sec. 4.3 Special Uses & Structures, Sec. 5.13 Off-Street Parking & Loading, Sec. 10.5-3 Standard for variations, Sec. 10.6-5 Standards, Sec. 11 Amendments, and Table One: Use Categories.

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Section 19.2, entitled "Adoption" of Chapter C of the City of Aurora Code of Ordinances:

19.2. Adoption

19.2-1. Presented to the Council of the City of Aurora, Illinois, this 28th day of October, A.D. 1957.

19.2-2. Passed by the Council of the City of Aurora, Illinois, this 4th day of November, A.D. 1957.

19.2-3 And from time to time amended, pursuant to the provisions herein, being last amended by the Council of the City of Aurora, Illinois with Ordinance Number O14-042 approved on the 22nd day of July, A.D. 2014

Section 3.2, entitled "Rules" of Chapter A of the City of Aurora Code of Ordinances:

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3.2-5.2. If located in a Historic District or designated as a Historic Landmark, no buildings or structures shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in City of Aurora Historic Districts and Landmarks Guidelines, as approved by Resolution Number 01-152, dated April 10, 2001, and is from time to time amended.

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Section 3.3, entitled "Definitions" of Chapter A of the City of Aurora Code of Ordinances:

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2220 ALTERNATIVE FINANCIAL SERVICES BUSINESSES This category is the use of a site for a check cashing business, payday advance or loan business, money transfer business, motor vehicle title loan business, cash-for-gold establishments or a credit access business as defined in this section. This use excludes: (1) a state or federally chartered bank, savings and loan association or credit union, or a pawnshop; and (2) a convenience store, supermarket, or other retail establishment where consumer retail sales constitute at least 75% of the total gross revenue generated on site.

CASH-FOR-GOLD STORE: A business establishment whose primary business activity is the purchase of gold or other precious metals. A cash for gold store as defined herein does not include the purchase of gold or other precious metals when located in a facility whose principal business activity is the retail sales of jewelry.

CURRENCY EXCHANGE: An establishment, except a bank, a post office, trust company, savings bank, savings and loan association, credit union, industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders or traveler's checks, exchanging currency or transmitting money within the United States or overseas by any means for a fee. Check cashing shall not include stand-alone services located inside buildings so long as service incorporates no signage in the windows of the building visible from public view. For purposes of zoning, a currency exchange is considered an Alternative Financial Service.

PAYDAY LOAN STORE: A business establishment that provides loans to individuals in exchange for one or more of the following forms of collateral, which are held for an agreed upon period of time prior to presentment for payment or deposit: personal checks, authorization to debit consumers' bank accounts, or interest in consumers' wages, including, but not limited to, wage assignments. For purposes of zoning a payday loan store is considered an Alternative Financial Service.

PAWNSHOP: A Business establishment that provides loans on the security of pledged goods left in pawn, or in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time

TITLE LOAN STORE: A business establishment that provides loans to individuals in exchange for receiving titles to the borrower's motor vehicles as collateral. For purposes of zoning a title loan store is considered an Alternative Financial Service.

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Section 4.3, entitled "Special Uses & Structures" of Chapter A of the City of Aurora Code of Ordinances:

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N. Alternative Financial Institutions in B-2, B-3, DC and DF Districts, with a minimum spatial separation of 1,500 feet from property line to property line of any other Alternative Financial Institution.

Section 5.13-2.2, entitled "Extent of Control" of Chapter A of the City of Aurora Code of Ordinances:

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E. The parking, driveway, and loading facilities for a building structure or use shall be properly surfaced whenever the following occurs:

- i. A gravel surface which has deteriorated or been damaged by determination of the Zoning Administrator. Said deterioration or damage may include, without limitation, any or all of the following: loss of gravel, dirt surface, sinking and dips, pooling of water, lack of any border, and/or encroachment or growth of vegetation. Repair of the gravel surface may not occur once the property has been cited or noticed, except by properly surfacing the driveway with either asphalt, concrete or brick pavers.

Section 5.13-8.1.C, entitled "Size of Vehicles Allowed" of Chapter A of the City of Aurora Code of Ordinances:

- C. Size of vehicles allowed.
  - i. Passenger vehicles – shall not exceed twelve (12) person capacity.
  - ii. Recreational vehicle – shall not exceed twenty-five (25) feet in length, eight (8) feet in width, or greater than eleven (11) feet in height excluding the antennae, unless the said vehicle is stored in an enclosed garage or other structure.
  - iii. Boat – shall not exceed twenty-five (25) feet in length
  - iv. Trailer - shall not exceed ~~the~~ twenty feet (20') feet in length ~~allowed by one axel.~~
  - v. Commercial vehicle - shall not exceed the standards of a State of Illinois licensure classification of "B,"
  - vi. Essential Emergency Commercial Vehicle – shall not exceed a State of Illinois licensure classification of "D"

Section 5.13-8.1.E, entitled “Driveways” of Chapter A of the City of Aurora Code of Ordinances:

- E. Driveways. Parking and driveways for residential uses shall conform to the following regulations:
- i. Number. One driveway and one curb cut or vehicular entrance into a street or alley shall be permitted per lot, with the following exceptions:
    - a. Through Lots. A through lot may have one curb cut on each frontage.
    - b. Lots Abutting Alleys. A lot abutting an alley that has a detached garage: may have a vehicular entrance from the alley only if the garage is located at least 5 feet from the alley, and may have a curb cut on a street only if such garage is located less than 20 feet from the alley.
    - c. Circular Drives in Front Yards. An interior or corner lot having a lot width of 75 feet or more may have a circular driveway with two curb cuts located in the actual front yard.
    - d. Circular Drives in Corner Side Yards. A corner lot with a lot width of less than 100 feet may have a circular driveway with two curb cuts located in the actual corner side yard in lieu of a driveway in the actual front yard. An entrance or exit from an alley may substitute for one of the curb cuts.
    - e. Vacant Lots. A vacant lot or parcel shall not have a driveway, curb cut, or other vehicular access.

Section 10.5-3, entitled “Standards for Variations” of Chapter C of the City of Aurora Code of Ordinances:

- 10.5-3. Standard for variations. The zoning board of appeals shall not vary the regulations of this ordinance, nor recommend to the city council variations of this ordinance, unless it shall make findings based upon the evidence presented to it in each specific case that the standards for hardships set forth in the Illinois Municipal Code are complied with and ~~the following:~~
- ~~10.5-3.1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if a strict letter of regulations were carried out;~~
- ~~10.5-3.2. The conditions upon which the petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification;~~
- ~~10.5-3.3. The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property;~~
- ~~10.5-3.4. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and~~
- ~~10.5-3.5. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.~~ in Section 11.5-6 Findings of Fact herein.

Section 10.6-5, entitled “Standards” of Chapter C of the City of Aurora Code of Ordinances:

- 10.6-5. Standards. No special use shall be recommended by the plan commission unless ~~said commission shall find:~~ it shall make findings based upon Section 11.5-6 Findings of Fact herein.
- ~~10.6-5.1. That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;~~

- ~~10.6-5.2. That the special use will not be 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; factors including but not limited to, lighting, signage and outdoor amplification, hours of operation, refuse disposal areas and architectural compatibility and building orientation.~~
- ~~10.6-5.3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;~~
- ~~10.6-5.4. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;~~
- ~~10.6-5.5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; For automobile intensive uses including but not limited to, gas stations, car washes, and drive-through facilities the concentration of similar uses within 1000 feet of said subject property should be given consideration as to the impact this concentration will have on the traffic patterns and congestion in the area.~~
- ~~10.6-5.6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the city council pursuant to the recommendations of the plan commission.~~
- ~~10.6-5.7. That every proposed hotel use shall provide to the city a market feasibility study conducted wholly by an objective professional third party acceptable to the Zoning Administrator or designee, which proves that such proposed hotel use has sufficient demand generators being already in place or proposed as part of the hotel use development and other factors present as indicated below, to support the economic viability of such hotel use, in order to prevent blight, excessive vacancies or obsolescence as a result of such hotel use being abandoned, after construction thereof. Such market feasibility study shall include sufficient demonstrable data as follows:~~
- ~~1. Area Review. Identification of a market drawing area that comprises the areas where specific demand generators are located, and provide economic indicators, transportation, residential and commercial development and tourism information and their relationship to specific demand generators in the area of the proposed hotel use;~~
  - ~~2. Supply and Demand Analysis. Identification of competitive hotel room supply, historical performance of the competitive hotel room supply, seasonality data, segmentation of lodging demand, and a summary of demand growth and market occupancy data for the proposed hotel use;~~
  - ~~3. Site Selection Assessment. Identification of potential site evaluation conducted, including traffic counts, access and visibility information for the location of the proposed hotel use;~~
  - ~~4. Projected Performance Outlook. Full description of the proposed hotel project, including projections relied upon for occupancy and average daily room rates for five (5) years following completion of construction of the proposed hotel use;~~
  - ~~5. Statement of Estimated Annual Operating Results. Identification of assumptions utilized, and specific data regarding departmental revenues and expenses, undisturbed operating expenses, fixed charges~~

Section 20, entitled "Tables and Charts" of Chapter C Table One: Use Categories of the City of Aurora Code of Ordinances:

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2220 Alternative Financial Institutions

E	R-1	R-2	R-3	R-4	R-4A	R-5	R-5A	B-1	B-2	B-3	O	DC	ORI	M-1	M-2	Additional Regulations
									S	S		S				Sec. 4.3.N; Sec. 11.6-6.1.L

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Section 11, entitled "Amendments" of Chapter C of the City of Aurora Code of Ordinances:

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11.5-6. Findings of fact ~~and recommendation of the planning commission.~~ Within forty-five (45) days after the close of a hearing on a proposed ~~amendment to change~~ petition, the ~~plan commission or~~ zoning ~~classification of a particular property, the planning~~ commission board of appeals shall make findings of fact based upon the evidence presented to it, with respect to the matters enumerated herein; shall enter its findings and decision or recommendation thereon into ~~commission~~ meeting recordation; and shall submit a copy of the applicable minutes thereof to the mayor and the city council.

11.5-6.1. In the interest of promoting the public health, safety, comfort, convenience and general welfare, the commission shall recommend no amendment for approval unless it shall find that the proposed amendment:

- A. Is in accordance with all applicable official physical development policies and other related official plans and policies of the City of Aurora;
- B. Represents the logical establishment and/or consistent extension of the requested classification in consideration of the existing land uses, existing zoning classifications, and essential character of the general area of the property in question;
- C. Is consistent with desirable trend of development in the general area of the property in question, occurring since the property in question was placed in its present zoning classification, desirability being defined as the trend's consistency with applicable official physical development policies and other related official plans and policies of the City of Aurora;
- D. Will permit uses which are more suitable than uses permitted under the existing zoning classification;
- E. Will maintain a compatible relationship with the traffic pattern and traffic volume of adjacent streets and will not have an adverse effect upon traffic or pedestrian movement and safety in the general area of the property in question; and
- F. Will allow for the provision of adequate public services and facilities to the property in question and will have no adverse effect upon existing public services and facilities.

G. Takes adequate measures or they will be taken to provide ingress and egress so designed as to maximize pedestrian and vehicular circulation ease and safety, minimize traffic congestion, and will not substantially increase the congestion in the public streets;

H. Additional standards for rezoning petitions:

- i. Is a consistent extension of the existing land uses, existing zoning classifications, and essential character of the general area;
- ii. Is consistent with desirable trend of development in the general area of the property in question, occurring since the property in question was placed in its present zoning classification, desirability being defined as the trend's consistency with applicable official physical development policies and other related official plans and policies of the City of Aurora;
- iii. Will permit uses which are more suitable than uses permitted under the existing zoning classification;

I. Additional standards for Variance petitions:

- i. Is based on the particular physical surroundings, shape or topographical conditions of the specific property involved so that a particular hardship to the owner would result, as distinguished from a mere inconvenience, if a strict letter of regulations were carried out;

- ii. Is based on unique conditions to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification;
  - iii. Is based on an alleged difficulty or hardship that is caused by the ordinance and has not been created by any person presently having an interest in the property
- J. Additional standards for Special Use petitions:
  - i. Will not preclude the normal and orderly development and improvement of surrounding properties due to the saturation or concentration of similar uses in the general area;
  - ii. Is in all other respects is in conformance to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the city council pursuant to the recommendations of the Plan Commission.
- K. Additional standards for Automotive Intensive use petitions:
  - i. For automobile intensive uses including but not limited to, gas stations, car washes, and drive through facilities the concentration of similar uses within 1000 feet of said subject property should be given consideration as to the impact this concentration will have on the traffic patterns and congestion in the area.
- L. Additional standards for Alternative Financial Services Businesses (2220) use petitions:
  - i. No other currency exchange, payday loan store, title loan store, installment loan agency, cash-for-gold business or pawn shop is located within 1,500 feet of the proposed use, measured from the property line. No special use permit for said uses shall be granted unless the plan commission finds that this is the case.
- M. Additional standards for Hotel (1300) use petitions:
  - i. That every proposed hotel use shall provide to the city a market feasibility study conducted wholly by an objective professional third party acceptable to the Zoning Administrator or designee, which proves that such proposed hotel use has sufficient demand generators being already in place or proposed as part of the hotel use development and other factors present as indicated below, to support the economic viability of such hotel use, in order to prevent blight, excessive vacancies or obsolescence as a result of such hotel use being abandoned, after construction thereof. Such market feasibility study shall include sufficient demonstrable data as follows:
    - (a) Area Review. Identification of a market drawing area that comprises the areas where specific demand generators are located, and provide economic indicators, transportation, residential and commercial development and tourism information and their relationship to specific demand generators in the area of the proposed hotel use;
    - (b) Supply and Demand Analysis. Identification of competitive hotel room supply, historical performance of the competitive hotel room supply, seasonality data, segmentation of lodging demand, and a summary of demand growth and market occupancy data for the proposed hotel use;
    - (c) Site Selection Assessment. Identification of potential site evaluation conducted, including traffic counts, access and visibility information for the location of the proposed hotel use;
    - (d) Projected Performance Outlook. Full description of the proposed hotel project, including projections relied upon for occupancy and average

daily room rates for five (5) years following completion of construction of the proposed hotel use;

(e) Statement of Estimated Annual Operating Results. Identification of assumptions utilized, and specific data regarding departmental revenues and expenses, undisturbed operating expenses, fixed charges

N. Additional standards for DC or DF petitions:

- i. If abutting the Fox River, beautifies their river frontage through the use of landscaping.
- ii. If abutting the Fox River or parkland along the river, shall provide pedestrian and visual access to the river.
- iii. If it has potential visual access to the river, the building design shall incorporate views of the river.
- iv. If in the FoxWalk Overlay District, takes adequate measures or they will be taken, to address the off street parking generated by the proposed development so as not to substantially increase the congestion of public parking facilities both on-street and off-street;

11.5-6.2. Exception to findings of fact. The findings of fact as set forth in this section shall not be applicable in cases where the public hearing is held before the city council pursuant to this section.