

## **ORDINANCE NO. 10-O-0093**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO – APPENDIX A SECTIONS 4.1 AND 11.2-4 OF THE ZONING CODE**

WHEREAS, the Tony Pisciotto of Ardmore Auto Sales (the “APPLICANT”) proposed amendments to Sections 4.1 and 11.2-4 of the Zoning Code, Appendix A of the Code of Ordinances of the City of West Chicago, so as to add the definition of internet based used automobile sales and to add internet based used automobile sales as a special use in the Manufacturing zoning district; and,

WHEREAS, Notice of Public Hearing on said application was published in the Daily Herald on or about September 20, 2010, all as required by the ordinances of the City of West Chicago and the statutes of the State of Illinois; and,

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago, commencing on Tuesday, October 5, 2010, pursuant to said Notice; and,

WHEREAS, at the Public Hearing, the APPLICANT provided testimony in support of its application, and all interested parties had an opportunity to be heard; and,

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals which contains specific findings of fact, pursuant to Recommendation No. 10-RC-0036, a copy of which is attached hereto as Exhibit “A” which is, by this reference, incorporated herein be and the same are hereby adopted as the findings of fact of the City Council.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, Du Page County, Illinois, in regular session assembled, as follows:

Section 1. That Appendix A, Section 4.1 of the Code of Ordinances of the City of West Chicago entitled “Construction of terms” is hereby amended by adding the following language in alphabetical order:

*“Automobile sales, internet based: A building or part of a building and parcel of land where new and/or previously owned vehicles are sold to the general public via internet based sales only. Internet based automobile sales may include limited service of vehicles, up to twenty-five (25) percent of the floor area of the building. Any vehicle on the premises for sale shall not be visible from the public right-of-way or be displayed in a manner that advertises that the vehicle is for sale.”*

Section 2. That Appendix A, Section 11.2-4 of the Code of Ordinances of the City of West Chicago entitled “Special uses” is hereby amended by adding the following language:

“(DD) Automobile sales, internet based”

Section 3. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 4. That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_ 2010.

Alderman L. Chassee	_____	Alderman J. Beifuss	_____
Alderman H.R. Monroe	_____	Alderman J. Smith	_____
Alderman R. Radkiewicz	_____	Alderman R. Pineda	_____
Alderman S. Dimas	_____	Alderman J. Smith, Jr.	_____
Alderman J. Gianforte	_____	Alderman N. Connelly	_____
Alderman R. Stout	_____	Alderman N. Dzierzanowski	_____
Alderman M. Fuesting	_____	Alderman A. Murphy	_____
Mayor Kwasman	_____		

APPROVED as to form: \_\_\_\_\_

City Attorney

APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
Mayor, Michael B. Kwasman

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy M. Smith

PUBLISHED: \_\_\_\_\_

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**EXHIBIT “A”**  
RECOMMENDATION # 10-RC-0036  
ORDINANCE 10-O-0093

TO: The Honorable Mayor and City Council

SUBJECT: PC 10-06  
Internet based used auto sales text amendment

DATE: October 6, 2010

DECISION: The motion to approve the request passed by a (6-0) vote.

After review of the proposed text amendment, the Plan Commission/Zoning Board of Appeals finds that it does not pose a threat to the health, safety and welfare of the community. It is Commission's opinion that the proposed text amendments are written in such a way that will allow for used automobile sales via the internet in the Manufacturing District without having any of the negative impacts on the surrounding community typically associated with a traditional used automobile sales dealership. The text amendment would add the proposed use as a special use so that any proposal could be evaluated for potential adverse impacts on a case by case basis.

Respectfully submitted,

Stephen Jarolin  
Chairman

**VOTE:**

<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
E. Van-der-May			
J. Warbiany			
J. Boyer			
R. Mireault			
J. Posadzy			
S. Jarolin			