

ORDINANCE NO. 18-O-0031

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO – APPENDIX A ARTICLES 4, 10 AND 11 OF THE ZONING CODE RELATING TO MOTOR VEHICLES

WHEREAS, The City of West Chicago (the “APPLICANT”) proposes an amendment to Articles 4, 10 and 11 of the Zoning Code, which is Appendix A of the Code of Ordinances of the City of West Chicago to modify and create certain definitions for types of motor vehicles and to reference motor vehicle related uses in the B-2 and B-3 zoning districts by the newly created motor vehicle related terms; and,

WHEREAS, Notice of Public Hearing on said application was published in the Daily Herald on or about May 18, 2018, 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 June 5, 2018, pursuant to said Notice; and,

WHEREAS, at the Public Hearing, the APPLICANT provided testimony in support of his 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. 18-RC-0016, a copy of which is attached hereto as Exhibit “A” which is, by this reference, made a part hereof.

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, Article 4, Section 4.1 of the Code of Ordinances of the City of West Chicago entitled “Construction of terms” is hereby amended by deleting the definitions of “automobile”, “motor vehicle”, “recreational vehicle”, “automobile body shop”, “automobile care center”, “automobile laundry”, “automobile repair shop”, “automobile sales, internet based”, “automobile sales, new”, “automobile sales, used” and “automobile service station” in their entirety and replacing them with the following definitions:

“Automobile: A type of motor vehicle whose principal use is the transportation of passengers and has a gross vehicle weight of less than or equal to 10,000 pounds.

Motor vehicle: A self-powered machine which includes automobiles, recreational vehicles, trucks, motorcycles, buses and other street legal licensed vehicles designed for roadway use.

Recreational vehicle: A type of vehicle used primarily for recreational pleasure. Examples include, but are not limited to the following:

- (a) *Travel trailer:* A trailer designed to provide temporary living quarters for recreational, camping or travel use.
- (b) *Motor home:* A motor vehicle that is designed as a mobile dwelling.
- (c) *Pickup camper:* A removable enclosed structure that is designed to be mounted to a motor vehicle and used as temporary living quarters for recreational, camping or travel use.
- (d) *Snowmobile:* A motor vehicle that is designed for travel on snow or ice.
- (e) *Watercraft:* Any type of motor vehicle that is designed for travel on water.

Motor vehicle body shop: Any building or portion thereof, used for the repair or straightening of a motor vehicle body or frame, or painting of motor vehicles. Maintenance, service and engine repair may be performed as an ancillary function of the body work.

Motor vehicle care center: Any building or portion thereof, designed for light maintenance and servicing of motor vehicles including tune-ups, oil changes, brakes, tire replacement and balancing, detailing, audio system and security installation, muffler replacement, transmission work and lubrication.

Motor vehicle laundry: Any building or portion thereof, containing facilities for washing more than one motor vehicle at any one time, using production line methods with a chain conveyer, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such motor vehicles, whether by operator or by customer.

Motor vehicle repair shop: Any building or portion thereof, used for the repair or replacement of engines, transmissions, differentials, drive trains, or any parts thereof, in addition to the replacement of parts, service and incidental repairs to motor vehicles, but not including any operations specified under motor vehicle body shop.

Motor vehicle sales, internet based: Any building or portion thereof, and parcel of land where new and/or previously owned motor vehicles are sold to the general public via internet based sales only. Internet based motor vehicle sales may include limited service of motor vehicles, up to twenty-five (25) percent of the floor area of the building. Any motor 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.

Motor vehicle sales, new: Any building or portion thereof, and parcel of land where new, from the factory motor vehicles are sold to the general public. New motor vehicle sales may include limited service on vehicles up to twenty-five (25) percent of the floor area of the building and used motor vehicle sales, up to twenty-five (25) percent of the new vehicle inventory.

Motor Vehicle sales, used: Any building or portion thereof, and parcel of land where previously owned motor vehicles are sold to the general public. Used motor vehicle sales may include limited service of motor vehicles.

Motor vehicle service station: Any building or portion thereof, used for dispensing or sale of motor vehicle fuels, lubricating oil or grease, tires, batteries, or minor motor vehicle accessories. Services offered may include the installation of tires, car washing, batteries and minor accessories, minor motor vehicle repairs, and greasing of individual motor vehicles. All work must be done in an enclosed building. Motor vehicle service stations may also include as accessory uses, convenience stores and/or restaurant facilities.”

Section 2. That Appendix A, Article 4, 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 definitions of “motorcycle”, “trailer” and “truck” in alphabetical order:

“Motorcycle: A type of motor vehicle with three wheels or less that is unenclosed and equipped with a saddle for the operator.

Trailer: A non-self-powered street legal licensed vehicle that is towed by a motor vehicle and is designed for roadway use.

Truck: A type of motor vehicle whose principal use is the transportation of goods and has a gross vehicle weight greater than 10,000 pounds.”

Section 3. That Appendix A, Article 4, Section 4.1 of the Code of Ordinances of the City of West Chicago entitled “Construction of terms” is hereby amended by deleting the definition of “vehicle” in its entirety.

Section 4. That Appendix A, Article 10, Section 10.2-4 (C) of the Code of Ordinances of the City of West Chicago entitled “Automobile service stations” is hereby deleted in its entirety and replaced with the following language:

“(C) Motor vehicle service stations.”

Section 5. That Appendix A, Article 10, Section 10.3-4 of the Code of Ordinances of the City of West Chicago entitled “Special uses” is hereby amended by deleting the following letters in their entirety and replacing them with the following letters:

“(B) Motor vehicle body shops.
(C) Motor vehicle care centers.
(D) Motor vehicle laundry.
(E) Motor vehicle rental.
(F) Motor vehicle repair shops.
(G) Motor vehicle service stations.
(K) Intentionally deleted, reserved.
(L) Motor vehicle sales, new.
(P) Motor vehicle sales, used.”

Section 6. That Appendix A, Article 10, Section 10.4-5 of the Code of Ordinances of the City of West Chicago entitled “Special uses” is hereby amended by deleting the following letters in their entirety and replacing them with the following letters:

- “(B) Motor vehicle body shops.
- (C) Motor vehicle care centers.
- (D) Motor vehicle laundry.
- (E) Motor vehicle rental.
- (F) Motor vehicle repair shops.
- (G) Motor vehicle service stations.
- (I) Intentionally deleted, reserved.
- (J) Motor vehicle sales, new.
- (O) Motor vehicle sales, used.
- (Q) Intentionally deleted, reserved.”

Section 7. That Appendix A, Article 11, Section 11.2-4 of the Code of Ordinances of the City of West Chicago entitled “Special uses” is hereby amended by deleting the following letters in their entirety and replacing them with the following letters:

- “(C) Motor vehicle repair shops.
- (D) Motor vehicle service stations.
- (E) Motor vehicle body shops.
- (DD) Motor vehicle sales, internet based.”

Section 8. That Appendix A, Article 11, 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:

- “(GG) Motor vehicle care centers.”

Section 9. That Appendix A, Article 11, Section 11.2-3 of the Code of Ordinances of the City of West Chicago entitled “Permitted uses” is hereby amended by adding the following language:

- “(II) Retail sales ancillary to a permitted or special manufacturing use.”

Section 10. That Appendix A, Article 11, Section 11.2-4 (V) of the Code of Ordinances of the City of West Chicago entitled “Retail sales ancillary to a permitted or special manufacturing use.” is hereby amended by deleting this language in its entirety and replacing it with the following language:

- “(V) Intentionally deleted, reserved.”

Section 11. 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 12. 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 _____ 2018.

Alderman J. Beifuss	_____	Alderman L. Chassee	_____
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Alderman J. Sheahan	_____	Alderman H. Brown	_____
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Alderman A. Hallett	_____	Alderman M. Ferguson	_____
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Alderman M. Birch-Ferguson	_____	Alderman S. Dimas	_____
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Alderman K. Meissner	_____	Alderman M. Garling	_____
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Alderman R. Stout	_____	Alderman G. Garcia	_____
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Alderman N. Ligino-Kubinski	_____	Alderman B. Gagliardi	_____
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APPROVED as to form: _____
City Attorney

APPROVED this _____ day of _____ 2018.

Mayor Ruben Pineda

ATTEST:

City Clerk Nancy M. Smith

PUBLISHED: _____

EXHIBIT “A”

RECOMMENDATION # 18-RC-0016

TO: The Honorable Mayor and City Council

SUBJECT: PC 18-11
Text Amendment
Motor vehicle terms

DATE: June 5, 2018

DECISION: The motion to approve the request was approved by a (5-0) vote.

After review of the proposed text amendment as presented, 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 the Commission’s opinion that modifying the various definitions associated with the different types of vehicles is important because there are many types of vehicles and each type of vehicle functions in a different manner. Also, revising the use titles based on the modified definitions ensures that the proper terminology is being consistently used throughout the Zoning Code.

Respectfully submitted,

Steve Hale
Vice Chairman

VOTE:

For
D. Kasprak
T. Devitt
S. Hale
D. Faught
C. Dettmann

Against

Abstain

Absent
B. Henkin
B. Laimins