

AN ORDINANCE
AMENDING TITLE 19 OF THE ELGIN MUNICIPAL CODE, ENTITLED "ZONING"
REGARDING THE ARTERIAL ROAD CORRIDOR OVERLAY DISTRICT REGULATIONS

WHEREAS, a written application has been made to amend Chapter 19.15 of the Elgin Zoning Ordinance entitled "Preservation Districts"; and

WHEREAS, the Planning & Zoning Commission conducted a public hearing concerning said application on October 2, 2023 following due notice including by publication; and

WHEREAS, the Community Development Department and the Planning & Zoning Commission have submitted their Findings of Fact concerning said application; and

WHEREAS, the Community Development Department and the Planning & Zoning Commission recommend approval of said application, subject to the conditions articulated below; and

WHEREAS, the City Council of the City of Elgin, Illinois, has reviewed the findings and recommendations of the Community Development Department and the Planning & Zoning Commission; and

WHEREAS, the City of Elgin is a home rule unit and as a home rule unit may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, zoning, including but not limited to, regulations in the city's zoning ordinance relating to land use, pertain to the government and affairs of the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS:

Section 1. That Chapter 19.15 of the Elgin Municipal Code entitled "ARC Arterial Road Corridor Overlay District" be and is hereby further amended to read as follows:

"19.15.500. ARC Arterial Road Corridor Overlay District.

19.15.505. Purpose and intent.

The purpose and intent of the ARC Arterial Road Corridor Overlay District is to promote and facilitate the implementation of the objectives, policies, and strategies of the city comprehensive plan [SR]. The ARC Arterial Road Corridor Overlay District is also intended to promote those uses that generate sales tax. The ARC zoning district is a zoning overlay district, and accordingly, the property located within the district shall also be subject to the regulations of the underlying zoning district in which it is located.

19.15.510. Supplementary regulations.

Any word or phrase contained within this chapter followed by the symbol [SR] shall be subject to the definitions and the additional interpretive requirements provided in chapter 19.90. The exclusion of such symbol shall not exempt such word or phrase from the applicable supplementary regulation.

19.15.515. Location, size of district, and applicability.

The ARC Arterial Road Corridor Overlay District shall be mapped over all zoning lots [SR] adjoining Randall Road and the arterial streets [SR] as defined in chapter 19.90. No additional ARC zoning overlay district shall be mapped unless such property fronts on an arterial street [SR], or unless such property to be mapped adjoins an existing ARC zoning overlay district. There shall be no minimum or maximum of land, which shall be necessary to constitute the ARC Arterial Road Corridor Overlay District. Notwithstanding the foregoing, the land use and site design requirements of the ARC Arterial Road Corridor Overlay District shall not apply in any of the following circumstances:

- A. Where a tenant space fronts and takes access from a public street other than Randall Road or an arterial street [SR] and is otherwise not visible from Randall Road or an arterial street [SR].
- B. Where a land use [SR] is located above the ground floor of a building [SR].
- C. Where a land use [SR] is situated within a distinct tenant space within a building containing three (3) or more tenants (e.g. a strip mall, strip shopping center, or other like form of a multi-tenant commercial building) and the nearest demising wall of the distinct tenant space is two hundred (200) feet or more from the Randall Road or arterial street [SR] lot line [SR].

19.15.520. Land use.

In the ARC Arterial Road Corridor Overlay District, the only land uses [SR] allowed shall be the land uses allowed in the underlying zoning districts. Notwithstanding the foregoing, and notwithstanding any land uses [SR] allowed in the underlying zoning districts, including, but not limited to, any underlying planned development zoning districts, the following land uses [SR] are prohibited in the ARC Arterial Road Corridor Overlay District:

- A. *Finance, insurance, and real estate division.*
Check cashing agencies (6099).
Payday loan establishment [SR].
Title loan establishment [SR].
- B. *Services division.*
Emergency shelters [SR] (8322).
Recreational vehicle parks and campsites (7033).

- C. *Personal services division.*
Power laundries (7211).
- D. *Motor vehicle services division.*
Road service, automotive (7549).
Towing service, automotive (7549).
Wrecker service (towing), automotive (7549).
- E. *Repair services division.*
Welding repair (7692).
- F. *Amusement and recreation services division.*
Fortune tellers (7999).
Massage parlors (7299).
Tattoo parlors (7299).
- G. *Engineering, accounting, research, management and related services division.*
Automotive proving and testing grounds (8734).
- H. *Mining division.*
Temporary mining [SR] (UNCL).
- I. *Manufacturing division.*
Petroleum refining and related industries (29).
- J. *Wholesale trade division.*
Motor vehicle recycling facility [SR] (5093).
Motor vehicle recycling yard [SR] (5093).
Motor vehicles and motor vehicle parts and supplies (501).
Recycling center [SR] (5093).
Recycling center yard [SR] (5093).
Recycling collection center [SR] (5093).
- K. *Transportation, communication and utilities division.*
Electric power generation (UNCL).
Freight forwarding in general (4731), except as previously authorized in a planned development ordinance prior to November 15, 2023, notwithstanding the provisions of subsection 19.15.520.
Natural gas storage (4922).
Public warehousing and storage (422), except as previously authorized in a planned development ordinance prior to November 15, 2023, notwithstanding the provisions of subsection 19.15.520.
Refuse systems (4953).

Special warehousing and storage not elsewhere classified (4226), except as previously authorized in a planned development ordinance prior to November 15, 2023, notwithstanding the provisions of subsection 19.15.520.

Terminal maintenance for motor freight transportation (423).

Trucking services (421), except as previously authorized in a planned development ordinance prior to November 15, 2023, notwithstanding the provisions of subsection 19.15.520.

L. *Miscellaneous uses division.*

Adult entertainment establishment [SR] (UNCL).

Commercial operations yard [SR] (UNCL), except as previously authorized in a planned development ordinance prior to November 15, 2023, notwithstanding the provisions of subsection 19.15.520.

Motor vehicle and impoundment yard [SR] (UNCL).

19.15.523. Site design requirements.

In the ARC Arterial Road Corridor Overlay District, the following land uses shall be subject to the following additional site design requirements:

A. *Business services division.*

Miscellaneous equipment rental and leasing (735) must be located either on a zoning lot [SR] containing four (4) or more acres or on a zoning lot [SR] fronting on Route 19/East Chicago Street between Willard Avenue on the west and Shales Parkway on the east. All merchandise must be displayed either inside and/or directly behind a building [SR]. Notwithstanding the allowances within subsection 19.90.015, outdoor display areas [SR] and outdoor display lots [SR] for miscellaneous equipment rental and leasing (735) are only allowed in the area directly behind a principal building [SR] and between the sides of said building extended to the rear lot line [SR]. Equipment shall not be displayed outdoors in a state of simulated use, including but not limited to raised or extended cranes, booms, buckets, blades, arms, platforms, lifts, towers, rigs, conveyors, and/or dump bodies or boxes.

B. *Motor vehicle services division.*

Automotive services (7549) must be located either on a zoning lot [SR] containing four (4) or more acres or on a zoning lot [SR] fronting on Route 19/East Chicago Street between Willard Avenue on the west and Shales Parkway on the east, excepting automotive oil change and lubrication shops which shall have no additional site design requirements.

Motor vehicle repair shops [SR] (753) must be located either on a zoning lot [SR] containing four (4) or more acres or on a zoning lot [SR] fronting on Route 19/East Chicago Street between Willard Avenue on the west and Shales Parkway on the east.

Motor vehicle top, body and upholstery repair, and paint shops [SR] (7532) must be located either on a zoning lot [SR] containing four (4) or more acres or on a zoning lot [SR] fronting on Route 19/East Chicago Street between Willard Avenue on the west and Shales Parkway on the east.

C. *Retail trade division.*

Mobile home dealers (52) must be located either on a zoning lot [SR] either containing four (4) or more acres or on a zoning lot [SR] fronting on Route 19/East Chicago Street between Willard Avenue on the west and Shales Parkway on the east. All merchandise must be displayed either inside and/or behind a building [SR]. Notwithstanding the allowances within subsection 19.90.015, outdoor display areas [SR] and outdoor display lots [SR] for mobile home dealers (52) are only allowed in the area directly behind a principal building [SR] and between the sides of said building extended to the rear lot line [SR].

Motor vehicle dealers (5511 and 5521) must be located either on a zoning lot [SR] either containing four (4) or more acres or on a zoning lot [SR] fronting on Route 19/East Chicago Street between Willard Avenue on the west and Shales Parkway on the east.

Boat dealers (5551) must be located either on a zoning lot [SR] either containing four (4) or more acres or on a zoning lot [SR] fronting on Route 19/East Chicago Street between Willard Avenue on the west and Shales Parkway on the east. All merchandise must be displayed either inside and/or behind a building [SR]. Notwithstanding the allowances within subsection 19.90.015, outdoor display areas [SR] and outdoor display lots [SR] for boat dealers (5551) are only allowed in the area directly behind a principal building [SR] and between the sides of said building extended to the rear lot line [SR].

Recreational vehicle dealers (5561) must be located either on a zoning lot [SR] either containing four (4) or more acres or on a zoning lot [SR] fronting on Route 19/East Chicago Street between Willard Avenue on the west and Shales Parkway on the east. All merchandise must be displayed either inside and/or behind a building [SR]. Notwithstanding the allowances within subsection 19.90.015, outdoor display areas [SR] and outdoor display lots [SR] for recreational vehicle dealers (5561) are only allowed in the area directly behind a principal building [SR] and between the sides of said building extended to the rear lot line [SR].

Automotive dealers, not elsewhere classified (5599) must be located either on a zoning lot [SR] either containing four (4) or more acres or on a zoning lot [SR] fronting on Route 19/East Chicago Street between Willard Avenue on the west and Shales Parkway on the east. All merchandise must be displayed either inside and/or behind a building [SR]. Notwithstanding the allowances within subsection 19.90.015, outdoor display areas [SR] and outdoor display lots [SR] for automotive dealers, not elsewhere classified (5599) are only allowed in the area

directly behind a principal building [SR] and between the sides of said building extended to the rear lot line [SR].

D. Miscellaneous uses division.

Outdoor display lots [SR] (UNCL) must be located on a zoning lot [SR] containing four (4) or more acres.

19.15.525. Off-street parking.

In the ARC Arterial Road Corridor Overlay District, off-street parking shall be subject to the provisions of chapter 19.45.

19.15.530. Off-street loading.

In the ARC Arterial Road Corridor Overlay District, off-street loading shall be subject to the provisions of chapter 19.47.

9.15.535. Signs.

In the ARC Arterial Road Corridor Overlay District, signs shall be subject to the provisions of chapter 19.50.

19.15.540. Nonconforming uses and structures.

In the ARC Arterial Road Corridor Overlay District, nonconforming uses and structures shall be subject to the provisions of chapter 19.52. Notwithstanding the provisions of chapter 19.52, motor vehicle dealers (5511 and 5521) that were lawfully established but are now nonconforming as to the minimum lot size requirements may expand to a contiguous, properly-zoned zoning lot [SR] even if the new, larger zoning lot [SR] does not meet the minimum lot size requirements.

19.15.545. Amendments.

In the ARC Arterial Road Corridor Overlay District, text and map amendments shall be subject to the provisions of chapter 19.55.

19.15.550. Planned developments.

In the ARC Arterial Road Corridor Overlay District, planned developments shall be subject to the provisions of chapter 19.60.

19.15.555. Conditional uses.

In the ARC Arterial Road Corridor Overlay District, conditional uses shall be subject to the provisions of chapter 19.65.

19.15.560. Variations.

In the ARC Arterial Road Corridor Overlay District, variations shall be subject to the provisions of chapter 19.70.

19.15.565. Appeals.

Any requirement, determination, or interpretation associated with the administration and enforcement of the provisions of this chapter may be appealed subject to the provisions of chapter 19.75.”

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and are hereby repealed to the extent of any such conflict.

Section 3. That this ordinance shall be in full force and effect upon its passage and publication in the manner provided by law.

s/ David J. Kaptain

David J. Kaptain, Mayor

Presented: November 15, 2023

Passed: November 15, 2023

Omnibus Vote: Yeas: 9 Nays: 0

Recorded: November 15, 2023

Published: November 15, 2023

Attest:

s/ Kimberly Dewis

Kimberly Dewis, City Clerk