

ORDINANCE NO. 17 - 30

**AN ORDINANCE AMENDING TITLE 16 OF THE "CARPENTERSVILLE MUNICIPAL CODE,"
AS AMENDED, REGARDING AUTOMOBILE BODY REPAIR AND PAINTING**

WHEREAS, the "Zoning Ordinance of the Village of Carpentersville," as amended ("**Zoning Ordinance**"), sets forth zoning and land use regulations applicable in the Village of Carpentersville; and

WHEREAS, pursuant to Section 16.06.090 of the Zoning Ordinance, no building or land may be used except for a purpose permitted in the district in which the building or land is located; and

WHEREAS, CREA Springhill, LLC ("**Applicant**") is the record title owner of that certain property in the Village located in the C-2 General Commercial Zoning District ("**C-2 District**") and known as the Spring Hill Marketplace multi-tenant shopping center ("**Property**"); and

WHEREAS, the Applicant desires to lease a portion of the Property for use as an automobile service and repair establishment, with automobile painting and body repair; and

WHEREAS, Section 16.16.020 of the Zoning Ordinance sets forth the permitted and special uses within the C-2 District of the Village; and

WHEREAS, Section 16.16.040 of the Zoning Ordinance includes supplemental review standards for certain specific uses within the commercial zoning districts of the Village; and

WHEREAS, pursuant to Section 16.16.020.C.6 of the Zoning Ordinance, automobile service and repair is a special use within the C-2 District, but automobile painting is a prohibited use within the C-2 District; and

WHEREAS, the Applicant has submitted an application to amend Sections 16.16.020 and 16.16.040 of the Zoning Ordinance to allow automobile body repair and painting in the C-2 District as a special use, subject to reasonable and uniform standards ("**Proposed Amendments**"); and,

WHEREAS, pursuant to Sections 2.52.040.G of the Village Code, a public hearing of the Planning and Zoning Commission of the Village of Carpentersville ("**PZC**") to consider approval of the Proposed Amendments was duly advertised in the Daily Herald on July 5, 2017, and was held on July 20, 2017; and

WHEREAS, on July 20, 2017, the PZC voted (5 aye, 0 nay, 2 absent) to approve a recommendation to the President and Board of Trustees in support of the Proposed Amendments; and

WHEREAS, the President and Board of Trustees have considered the Proposed Amendments and the recommendation of the PZC, and have determined that adoption of the Proposed Amendments, as set forth in this Ordinance, will serve and be in the best interest of the Village and its residents;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carpentersville, Kane County, Illinois, as follows:

SECTION 1: RECITALS.

The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village President and Board of Trustees.

SECTION 2: C-2 GENERAL COMMERCIAL DISTRICT.

Section 16.16.020, titled "C-2 General Commercial District," of Chapter 16.16, titled "Commercial Districts," of the Zoning Ordinance is hereby amended to read as follows:

"16.16.020 - C-2 General Commercial District.

* * *

C. Special Uses. The following uses are special uses within the C-2 district:

* * *

- 6. Automobile service and repair, ~~not including automobile body repair and~~ **limited cosmetic body repairs, including painting and replacement of body panels, subject to all applicable supplemental review standards for automobile service and repair as provided in Section 16.16.040.I.**

* * *

SECTION 3: SUPPLEMENTAL REVIEW STANDARDS.

Section 16.16.040, titled "Supplemental review standards," of Chapter 16.16, titled "Commercial Districts," of the Zoning Ordinance is hereby amended to read as follows:

"16.16.040 - Supplemental review standards.

* * *

I. Supplemental review standards for the granting of a special use permit for automobile service and repair:

- 1. **Automobile service and repair businesses in the commercial zoning districts may perform limited cosmetic automobile body repairs, including painting and replacement of body panels. Major collision repairs and frame-off restorations are prohibited.**
- 2. **Any and all vehicles in a state of disrepair that are stored outside of a building at an automobile service and repair business must be completely screened from view from public and private rights-of-way and from all adjacent properties. The required screening must be provided by the means of a privacy fence or a wall in compliance with the regulations regarding fences set forth in Chapter 16.18 of this title, or by 100% solid evergreen landscaping of sufficient height to screen the vehicles.**

Additions are bold and double underlined; ~~deletions are struck through.~~

3. All service, repair, painting, replacement of body panels, and limited cosmetic repair work must take place within a fully enclosed building, and all such work is prohibited outside of a building.
4. Any automobile service and repair business that offers or performs painting must be located within a building or tenant space equipped with an automatic fire suppression system in compliance with the requirements of Title 15 of the Carpentersville Municipal Code.
5. Painting of vehicles is prohibited unless conducted inside a spray booth that complies with the applicable requirements of the Carpentersville Municipal Code, including, without limitation, the automatic fire suppression system requirements set forth in Title 15.
5. The emission of odorous matter from painting in such quantity as to be offensive at a point outside the building of an automobile service and repair business, as determined by the Community Development Director of the Village, is prohibited. The Community Development Director, in his or her reasonable discretion, may require the installation of filters on exhaust systems.
6. All automobile service and repair businesses must comply with the noise regulations set forth in Chapter 8.16 of Title 8 of the Carpentersville Municipal Code."

* * *

SECTION 4: SEVERABILITY.

If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 5: EFFECTIVE DATE.

The provisions of this Ordinance will be in full force and effect upon its passage, approval and publication, in accordance with law.

[SIGNATURE PAGE FOLLOWS]

Additions are bold and double underlined; ~~deletions are struck through.~~

Motion made by Trustee Sabbe, seconded by Trustee Burroway, that the Ordinance be passed.

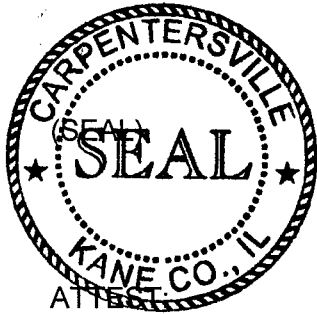
ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Carpentersville, Illinois at a regular meeting thereof held on the 1st day of August, 2017, pursuant to a roll call vote as follows:

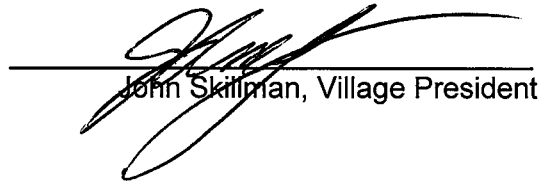
AYES: 5 (Burroway, Lawrence, Rehberg, Sabbe, and Schultz)

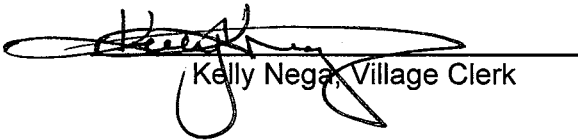
NAYS: 0

ABSENT: 1 (Humpfer)

APPROVED by me this 1st day of August, 2017.




John Skillman, Village President


Kelly Nega, Village Clerk

Additions are bold and double underlined; deletions are struck through.