

ZO-14-2013

**AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE
CITY OF ELMHURST ZONING ORDINANCE FOR THE OPERATION OF THE
"C3A RESTRICTED COMMERCIAL/INDUSTRIAL DISTRICT" AND REZONING
CERTAIN PROPERTY (MAP AMENDMENT)
TO THE C3A RESTRICTED COMMERCIAL/INDUSTRIAL DISTRICT
(140 and 160 West Industrial Drive – PINs 03-35-204-007/-008)**

WHEREAS, the City of Elmhurst ("City") maintains the City Zoning Ordinance ("Zoning Ordinance"), which is codified in Chapter 22 of the City Code; and

WHEREAS, the City Council deems it reasonable and prudent to periodically review said Zoning Ordinance and make necessary changes; and

WHEREAS, the City is authorized to propose text and map amendments to the City Zoning Ordinance; and

WHEREAS, Section 3.10 of the Elmhurst Zoning Ordinance provides for text amendments to the Elmhurst Zoning Ordinance and for map amendments to the Official Zoning Map of the City of Elmhurst; and

WHEREAS, the City has made application for a text amendment to amend the Zoning Ordinance to create a new zoning district entitled the "C3A Restricted Commercial/Industrial District" and to rezone (map amendment) certain properties, commonly known as 140 and 160 West Industrial Drive and legally described on Exhibit A, attached hereto and made a part hereof ("Subject Properties"), to the newly created "C3A Restricted Commercial/Industrial District"; and

WHEREAS, a public hearing to consider the application for the text amendment to said Zoning Ordinance for the creation of the "C3A Restricted Commercial/Industrial District" and the map amendment for the Subject Property had been conducted by the City Zoning and Planning Commission ("Commission") on September 26, 2013, pursuant to appropriate and legal notice; and

WHEREAS, during said public hearing, all persons desiring to be heard were afforded an opportunity to give testimony and make comments for the record; and

WHEREAS, the Commission, after considering all evidence and testimony at the public hearing, deliberated its decision on October 10, 2013, and has filed its findings and recommendations with the Development, Planning and Zoning committee ("DPZ") of the City, dated October 21, 2013, recommending approval of the text amendment and rezoning (map amendment) described herein; and

WHEREAS, the DPZ, after reviewing and considering the Commission findings, minutes and report, met on October 28, 2013 and recommended approval of the text amendment and rezoning (map amendment) described herein by its report dated October 29, 2013; and

WHEREAS, the City Council has considered the findings and recommendations of the DPZ and the Commission; and

WHEREAS, all applicable requirements of Section 3.10 of the Elmhurst Zoning Ordinance have been met.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois, as follows:

Section 1. The foregoing recital clauses to this Ordinance are adopted as the findings of the Corporate Authority of the City of Elmhurst and are incorporated herein by specific reference.

Section 2. Chapter 8, entitled "Office and Commercial Districts," of the City Zoning Ordinance, as amended, is hereby amended to insert a new Section 8.6, entitled "C3A Restricted Commercial/Industrial District," with subsequent sections in Chapter 8 sequentially re-numbered, accordingly, as follows:

8.6 C3A Restricted Commercial/Industrial District

The C3A Restricted Commercial/Industrial District is intended to accommodate those motorist-oriented commercial activities which may be incompatible with the uses encouraged in other business districts; and whose service area is not confined to any one neighborhood. This district is located along major commercial arterials. The C3A Restricted Commercial/Industrial District is also intended to provide an environment suitable for certain warehousing and distribution activities that do not create appreciable nuisance or hazards, or that require a pleasant, hazard-and-nuisance-free environment.

Uses allowed in the C3A Restricted Commercial/Industrial District are subject to the following conditions:

- a. Dwelling units and rooming units, other than watchmen's quarters located on the premises where employed, are not permitted.
- b. All business, servicing, or processing shall be conducted within completely enclosed buildings, with the following exceptions; establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles, display of merchandise for sale to the public provided such merchandise is set back a minimum of 25 feet from all property lines adjoining a street and is not within a required parking area, and off-street parking and loading.
- c. Establishments of the "drive-through" or "drive-in" type, offering products or services to customers who remain in motor vehicles, are allowed only by Conditional Use Permit.

- d. The unenclosed parking of trucks as an accessory use shall be limited to vehicles of not more than one and one-half (1-1/2) tons capacity. Any parking of trucks on land adjacent to residential property shall be screened therefrom by a wall or fence and densely planted compact hedge, not less than five (5) nor more than eight (8) feet in height; and planting to be as approved by the City Forester.

8.6-1 Permitted Uses

The following uses are permitted in the C3A Restricted Commercial/Industrial District: (Numbers within parentheses () indicate parking class of each permitted or conditional use. For specific parking requirements, see Chapter 10, Section 10.2-2)

1. Adult day center (08)
2. Air conditioning, refrigeration & heating shops (29)
3. Antique shops (09)
4. Art and school supply stores (09)
5. Art galleries (not including auction rooms) (08)
6. Art, sculptor & composer studios (08)
7. Auction facilities (11)
8. Automobile accessory stores (09)
9. Automobile repair garages (excluding junk yards) (26)
10. Bakeries, retail (09)
11. Banks and financial institutions (09)
12. Barber shops (09)
13. Battery and tire shops/sales & service (26)
12. Beauty shops (09)
13. Bicycle sales, rental & repair shops (09)
14. Blueprinting, photostating & copying services (08)
15. Boats showrooms, sales & repair (excluding junk yards) (10)
16. Book & stationery stores (09)
17. Building materials & product/sales & storage (29)
18. Business machine sales & service (08)
19. Camera and photographic supply stores (09)
20. Candy and ice cream stores (09)
21. Carpet, rugs, linoleum, tile, wall & floor covering/sale & service (08)
22. Catering establishments (08)
23. China and glassware stores (09)
24. Clothing and costume rental stores (08)
25. Clubs and lodges, non-profit and fraternal (10)
26. Coin and philatelic stores (08)
27. Confectionery stores (09)
28. Currency exchange (09)
29. Custom dress making (08)

30. Day care centers and pre-schools (13)
31. Department stores (09)
32. Diaper services (09)
33. Drug stores/pharmacies (09)
34. Dry cleaning and/or laundry facilities (08)
35. Dry good stores (09)
36. Electrical showroom & shops (29)
37. Employment agencies (09)
38. Exterminating service (29)
39. Fencing sales & service (29)
40. Florist shops (09)
41. Food-grocery stores, meat-fish markets, dairy prod-beverage stores, delis (09)
42. Frozen food stores, including locker rental in conjunction therewith (08)
43. Fuel-solid or liquid storage & wholesale distribution (27)
44. Funeral home (10)
45. Furniture stores, including upholstery (09)
46. Furrier shops, including the incidental storage and conditioning of furs (09)
47. Garden & farm supply, tool & seed stores (09)
48. Garage door openers/display & sales (29)
49. Gift and card curio, and stationery shops (09)
50. Glass shop (09)
51. Greenhouse & nurseries/retail & wholesale (14)
52. Hardware stores (09)
53. Hearing aid stores (09)
54. Heating & plumbing/sales & service (29)
55. Hobby and craft stores (09)
56. Home furnishings stores (09)
57. Hotels & motels (04)
58. Household appliance/electrical appliance stores (09)
59. Interior decorating shops (08)
60. Jewelry stores, including watch repair (09)
61. Launderettes, automatic, self- service only or hand laundries (09)
62. Leather goods/luggage stores (09)
63. Locksmith shops (08)
64. Machine sales office (08)
65. Mail order/catalog store (13)
66. Medical & dental clinics & related laboratory facilities (09)
67. Meeting halls (11)
68. Millinery shops (09)
69. Mobile homes/sales & service (26)
70. Model garages/display & sales (26)
71. Motor vehicles sales: automobiles, vans, motor homes, trucks,

- motorcycles (26)
- 72. Moving, packing & storage (27)
- 73. Musical instrument sales and service (09)
- 74. Newspaper distribution agencies for home delivery & retail trade (08)
- 75. Non-alcoholic drinking and entertainment establishments (11)
- 76. Office - business and professional (09)
- 77. Office supply and office equipment stores (08)
- 78. Optical products, sales and service (09)
- 79. Orthopedic and medical appliance stores (09)
- 80. Package liquor & party supply stores (09)
- 81. Painting and decorating stores (09)
- 82. Parking lots & structures (30)
- 83. Party supply stores (09)
- 84. Pet shops (09)
- 85. Phonograph record and cassette stores, including sale of compact discs, sheet music (09)
- 86. Photography incl. development of film when conducted as part of the retail business (09)
- 87. Physical fitness facilities (09)
- 88. Physical therapy, speech therapy & related facilities (11)
- 89. Picture framing store & art gallery (08)
- 90. Plumbing showrooms & shops (29)
- 91. Post office and express mail agencies (08)
- 92. Printing shops (29)
- 93. Radio and television sales and repair (09)
- 94. Radio and television stations and studios (13)
- 95. Real estate office (09)
- 96. Recording & sound studios (08)
- 97. Recreation building or community centers (08)
- 98. Repair, rental & servicing of any article the sales of which is permitted in this district
- 99. Restaurants, - carry out with no food consumed on premises (11)
- 100. Restaurants, excluding entertainment & dancing (11)
- 101. Restaurants , including entertainment & dancing (11)
- 102. Schools - music, dance, martial arts & other cultural events (08)
- 103. Secondhand stores & rummage shops (09)
- 104. Sewing machine sales and service (09)
- 105. Shoe stores (09)
- 106. Shoe, clothing and hat repair stores (08)
- 107. Small animal grooming establishment (08)
- 108. Sporting goods stores (09)
- 109. Tailor shops (08)
- 110. Taverns and cocktail lounges (11)
- 111. Taxidermists (08)

112. Telegraph office (08)
113. Telephone answering service (08)
114. Telephone exchange and equipment building (08)
115. Theatres (indoor) (24)
116. Ticket agencies/amusements and sports (08)
117. Tobacco shops (09)
118. Toy shops (09)
119. Trailers/travel trailers, camping trailers/sales & service (26)
120. Travel bureaus and transportation ticket offices (08)
121. Variety stores (09)
122. Veterinarians & animal hospitals (excluding outdoor kennels) (07)
123. Video cassette sales and rental (09)
124. Wearing apparel shops (09)
125. Wholesale establishments (27)
126. Accessory uses, incidental to and on the same zoning lot as the principal use.

The following uses are also permitted in the C3A Restricted Commercial/Industrial District:

1. Building materials & supplies dealer (29)
2. Contractors', architects', and engineers' offices & shops (29)
3. Electronic and scientific precision instruments manufacturing (27)
4. Food manufacture, packaging & processing (27)
5. Heating, ventilating and air conditioning contractor (29)
6. Laboratories - medical, dental &/or optical (09)
7. Laboratories - research and testing (08)
8. Light machinery products – appliances, business machines, etc. (27)
9. Linen Supply (29)
10. Mail order houses (13)
11. Medical & dental offices & clinics (09)
12. Parking lots, other than accessory, & subject to provisions of Chapter 10 (30)
13. Plastic injection molding manufacturer (27)
14. Plastic products assembly (27)
15. Printing and publishing establishments (27)
16. Public utility and service uses (30)
17. Radio and television stations and towers (13)
18. Rope, cord, and twine manufacture (27)
19. Schools-business, commercial & trade; computer tech. & vocational (20)
20. Sporting goods manufacture (27)
21. Warehousing, distribution & wholesale establishments (27)
22. Woodworking & wood products (27).

8.6-2 Conditional Uses

The following conditional uses are allowed in the C3A Restricted Commercial/Industrial District, subject to the provisions of chapter 3, section 3.11:

1. Ambulance service (30)
2. Amusement establishments: bowling alleys, pool halls, dance halls, swimming pools, skating rinks (28)
3. Assisted Living Establishment (30)
4. Automobile detail shops (excluding junk yards) (09)
5. Automobile service center, express (30)
6. Automobile service stations (excluding junk yards) (26)
7. Battery & tire shops/sales & service (26)
8. Bus station (08)
9. Car washes (19)
10. Continuing Care Retirement Community (30)
11. Drive-in establishments (30)
12. Garages for storage, repair & servicing of motor vehicles (excluding junk yards) (26)
13. Laboratories-research & testing (08)
14. Machinery sales, large equipment (13)
15. Masseur/masseuse services (in accordance with the provisions of Chapter 18 of the Municipal Code) (09)
16. Nursing Homes/Convalescent Care/Health Center/Assisted Living (30)
17. Parking lots, open and other than accessory, for the storage of private passenger automobiles (30)
18. Parks (17)
19. Pawn Shops (09)
20. Planned developments (30)
21. Public libraries, museums and art galleries (07)
22. Pylon signs, subject to the regulations set forth in Chapter 11, Section 11.17 of this ordinance
23. Seasonal or temporary uses, consistent with the character of the district and in conformance with all pertinent requirements of the Municipal Code (30)
24. Senior citizen housing (independent living facility) (30)
25. Accessory uses, incidental to, and on the same zoning lot as a principal use.

8.6-3 Lot Size Requirements

In the C3A Restricted Commercial/Industrial District there shall be provided not less than 10,000 square feet of lot area for each principal use; however, planned developments shall provide at least one (1) acre of land area.

8.6-4 Yard Requirements

a. Front and Corner Side Yards.

Uses allowed in the C3A Restricted Commercial/Industrial District shall provide a front yard and a corner side yard of not less than 40 feet in depth.

b. Interior Side Yard.

A minimum interior side yard of 10 feet in depth shall be provided.

c. Rear Yard.

Each lot shall be provided with a rear yard of at least 20 feet in depth.

d. Transitional Yard.

No building or structure in the C3A Restricted Commercial/Industrial District shall be located within 60 feet of a Residence District boundary line, unless such building or structure is effectively screened from such Residence District property by a wall, fence, or densely planted compact hedge, not less than five (5) feet nor more than eight (8) feet in height; in the event of such screening, the transitional yard requirement shall be 20 feet in depth.

8.6-5 Floor Area Ratio/Building Height

In the C3A Restricted Commercial/Industrial District, floor area ratio shall not exceed .50; however, maximum building height may exceed 4 stories or 45 feet by conditional use permit only; and in no event shall building height be greater than six (6) stories or 75 feet. No building or structure shall hereafter be erected in this district within 200 feet of the nearest lot line of an RE, R1 or R2 District that exceeds 35 feet in height.

Section 3. That the City Council finds and adopts, in accordance with and expressly

based on the evidence presented, the following:

a. Existing uses of property within the general area of the property in question; *The Zoning and Planning Commission reviewed the existing uses in the vicinity of the subject properties that are the subject of this request for zoning re-classification. The Commission notes that the proposed C3A Restricted Commercial/Industrial District is identical to the current C3 General Commercial District zoning except for the addition of twenty-two (22) permitted uses from the I1 Restricted Industrial District Permitted Use List.*

b. The zoning classification of property within the general area of the property in question; *The properties along York Street are zoned C3 General Commercial. The subject properties are zoned C3 General Commercial but do not front onto York Street. Properties west of York Street are zoned I1 Restricted Industrial.*

c. The suitability of the property in question to the uses permitted under the existing zoning classification as well as the proposed zoning classification; *The subject properties were developed as industrial/warehouse buildings; the twenty-two (22) proposed additional uses would allow the properties to be used as designed and originally intended.*

d. The current Comprehensive Plan for the City of Elmhurst; *The Zoning and Planning Commission finds that the request complies with the goals and objectives of the Comprehensive Plan; the subject properties are classified as "Business Park" in the Future Land Use Plan.*

Section 4. That the zoning designation of the Subject Property be amended from C3 General Commercial District to C3A Restricted Commercial/Industrial District.

Section 5. That the Official Zoning Map of the City of Elmhurst be amended to reflect such redesignation.

Section 6. Any ordinance or portion of any ordinance in conflict with the provisions of this Ordinance is repealed solely to the extent of such conflict.

Section 7. This Ordinance shall be in full force and effect ten (10) days after its passage, approval and publication in the manner provided by law.

ADOPTED this 18th day of November, 2013, pursuant to a roll call vote as follows:

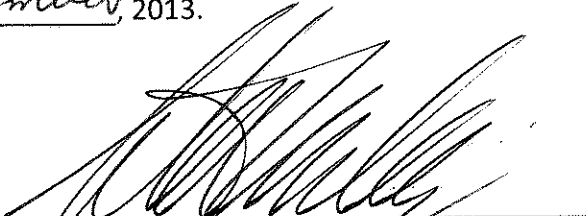
AYES: 12

NAYS: 0

ABSENT: 2


ABSTENTION: _____

APPROVED by me this 18th day of November, 2013.



Steven M. Morley, Mayor of the City of
Elmhurst, DuPage and Cook Counties, Illinois

ATTESTED and filed in my office,
this 18th day of November, 2013.



Patty Spencer, Clerk of the City of Elmhurst,
DuPage and Cook Counties, Illinois