

ORDINANCE NO. O-15-05

AN ORDINANCE AMENDING THE HANOVER PARK COMPREHENSIVE ZONING ORDINANCE ADDING DEFINITIONS, PERMITTED USES, AND SPECIAL USES FOR GENERAL SALES DEALERS, LIMITED SALES DEALERS, PAWN SHOP, PAYDAY LOAN STORE, AND TITLE LOAN STORE

WHEREAS, on July 24, 2014, the Village Board of Trustees adopted Ordinance O-14-25 directing the Development Commission of the Village of Hanover Park (the “Development Commission”) to hold a public hearing on the question of whether (i) the Zoning Ordinance should be amended to include payday loans, car and/or title loans, and/or general sales dealers as a Special Use; (ii) the Zoning or District Map should be changed; or (iii) zoning text amendments are necessary; and

WHEREAS, the Development Commission, pursuant to prior published notice, held its Public Hearing on February 12, 2015, and had forwarded its written recommendations and report on the amendments to the Village Board; and

WHEREAS, the President and Board of Trustees have reviewed said report and recommendations and determined that the following amendment is in conformance with the Comprehensive Plan, in the public interest, and should be passed; and

WHEREAS, the Village of Hanover Park is a home rule unit of local government by virtue of the 1970 Constitution of the State of Illinois and hereby adopts these amendments to the Comprehensive Zoning Ordinance pursuant to its home rule authority; now, therefore,

BE IT ORDAINED by the President and Board of Trustees of the Village of Hanover Park, Cook and DuPage Counties, Illinois, as follows:

SECTION 1: That the Comprehensive Zoning Ordinance is amended by amending Chapter 110 of the Municipal Code of Hanover Park, by adding or modifying in their alphabetically appropriate place in Sec. 110-2.3., definitions of *Banks and other financial institutions, Dealer, General sales dealer, Limited sales dealer, Pawn shop, Payday loan store, Secondhand article, and Title loan store* as follows:

Sec. 110--2.3. - Definitions.

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Banks and other financial institutions: Commercial banks, savings and loan associations, publicly traded securities, brokerage offices and other similar financial institutions, but not including pawn shops, payday loan stores, or title loan stores.

* * * * *

Dealer: Any person, firm partnership, corporation, and any principal, employee, agent or servant thereof, regularly engaged for 30 days or more from one location in or conducting business for the purchase, sale, barter, exchange or the pawn of junk, antiques, secondhand articles, coins, gold, silver, platinum, gems and semiprecious stones.

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General sales dealer: Any dealer who conducts business in any secondhand article.

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Limited sales dealer: (1) Any dealer who does not conduct business in the following secondhand articles: jewelry, coins, precious metals, gold, silver, platinum, gems, semiprecious gems, electronic equipment, radios, televisions, video or audio receivers, appliances, or similar items. (2) A limited sales dealer shall be required to provide evidence acceptable to the village clerk that it is complying with the restrictions of a limited sales dealer.

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Pawn shop: Any business that in any manner lends or advances money or other valuable things, other than securities or written evidence of indebtedness, or that deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. May include businesses that perform such services under other names, such as Cash for Gold.

* * * * *

Payday loan store: A business that provides loans to individuals in exchange for one or more of the following forms of collateral, which are held for an agreed upon period of time prior to presentment for payment or deposit: personal checks, authorization to debit consumers' bank accounts, or interest in consumers' wages, including, but not limited to, wage assignments.

* * * * *

Secondhand article: Any item of personal property or object of value, previously owned or used, which is not purchased or sold as new. Secondhand articles do not include property purchased by one licensed, established merchant from another within or without the village in the normal course of business.

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Title loan store: A business that provides loans to individuals in exchange for receiving titles to the borrower's motor vehicles as collateral.

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SECTION 2: That the Comprehensive Zoning Ordinance is amended by amending Chapter 110 of the Municipal Code of Hanover Park, as amended, by adding new z. and aa. to Section 110-5.9.2. concerning permitted uses in the B-2 Local Business District for *Limited sales dealer* and *General sales dealer*, respectively, as follows:

5.9.2. Permitted uses.

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- z. *Limited sales dealer*, subject to the requirements and limitations of Section 58-301 of Chapter 58 of this Code.
- aa. *General sales dealer*, excluding Pawn shop, subject to the requirements and limitations of Section 58-301 of Chapter 58 of this Code.

and Table 5.1.2. of Chapter 110 of said Municipal Code be amended to reflect the above additional permitted uses.

SECTION 3: That the Comprehensive Zoning Ordinance is amended by amending Chapter 110 of the Municipal Code of Hanover Park, as amended, by adding new aa., bb., and cc. to Section 110-5.9.3. concerning special uses in the B-2 Local Business District for *Pawn shop*, *Payday loan store*, and *Title loan store*, as follows:

5.9.3. Special Uses. The following uses may be allowed by special permit:

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- aa. *Pawn shop*, subject to requirements of Section 58-301 of Chapter 58 of this Code.
- bb. *Payday loan store*.
- cc. *Title loan store*.

Pawn shop, *Payday loan store*, and *Title loan store* uses must adhere to and not violate the following requirements and conditions:

1. No expansion of the use or the physical dimensions of the activity shall be permitted absent a new or amended special use;
2. *Pawn shop*, *Payday loan store*, and *Title loan store* may not be located within 1,000 feet of any of the other said shops or stores and the measurement of such

distance shall be measured from and to the nearest part of any building used for such shops or stores; and

3. For purposes of determining required parking, said facilities shall be classified as “Financial Services” per Section 6.2.3. – Schedule of Parking Requirements.

and Table 5.1.2. of Chapter 110 of said Municipal Code be amended to reflect the above additional special uses.

SECTION 4: That each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof, other than the part affected by such decision.

SECTION 5: Any person, firm, or corporation violating any provision of this Ordinance shall be fined not less than one hundred (\$100.00) dollars nor more than seven hundred fifty (\$750.00) dollars, and each day a violation continues shall be considered a separate violation.

SECTION 6: That except as to the amendments heretofore mentioned, all chapters and sections of the Municipal Code of Hanover Park shall remain in full force and effect.

SECTION 7: That the Village Clerk be and is hereby directed to publish this Ordinance in pamphlet form.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner required by law.

ADOPTED this 5th day of March, 2015, pursuant to a roll call vote as follows:

AYES: Kemper, Kunkel, Cannon, Roberts

NAYS: Konstanzer, Zimel

ABSENT: None

ABSTENTION: None

APPROVED by me this ____ day of _____, 2015

Rodney S. Craig
Village President

ATTESTED, filed in my office, and
published in pamphlet form this ____
day of _____, 2015.

Eira Corral, Village Clerk