

CITY OF DARIEN
PLANNING AND ZONING COMMISSION

Wednesday, September 6, 2023

7:00 PM

City Hall Council Chambers

1702 Plainfield Road

AGENDA

- 1) Call to Order
- 2) Roll Call
- 3) Regular Meeting – Old Business (PAGE 6)
 - a. **Public Hearing – PZC2023-05 (CONTINUED FROM 08/16/2023)**
O’Brien Text Amendment & Special Use
Petition from Stephen O’Brien requesting the following:
 - 1) Zoning Text Amendment to Section 5A-9-3-4 of the Zoning Ordinance listing “motor vehicle sales” as a special use within the Office, Research, and Light Industry (OR&I) Zoning District; and
 - 2) Special use approval for motor vehicle sales within the Office, Research, and Light Industry (OR&I) Zoning District.
- 4) Regular Meeting – New Business (PAGE 31)
 - a. **Public Hearing – PZC2023-07**
Electric Vehicle (EV) Charging Stations Text Amendment
Petition from the City of Darien to amend the Zoning Ordinance (i.e. Text Amendment) to create a section regulating Electric Vehicle (EV) charging stations.
- 5) Staff Updates & Correspondence
- 6) Approval of Minutes August 16, 2023
- 7) Next Meeting September 20, 2023
- 8) Public Comments [On Any Topic Related to Planning and Zoning]
- 9) Adjournment

MINUTES CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING

Wednesday, August 16, 2023

PRESENT: Lou Mallers – Chairperson, Shari Gillespie, Chris Green, Chris Jackson, John Johnson, Julie Kasprowicz

ABSENT: Robert Erickson, Bryan Gay, Hilda Gonzalez

OTHERS: Jordan Yanke - City Planner

Chairperson Lou Mallers called the meeting to order at 7:00 p.m. at the Darien City Hall, Council Chambers, 1702 Plainfield Road, Darien, Illinois. Chairperson Mallers declared a quorum present and swore in the audience members wishing to present public testimony.

Regular Meeting – New Business

- a. **Public Hearing – PZC2023-05 O’Brien Text Amendment & Special Use Petition from Stephen O’Brien requesting the following: 1) Zoning Text Amendment to Section 5A-9-3-4 of the Zoning Ordinance listing “motor vehicle sales” as a special use within the Office, Research, and Light Industry (OR&I) Zoning District; and 2) Special use approval for motor vehicle sales within the Office, Research, and Light Industry (OR&I) Zoning District.**

Mr. Jordan Yanke, City Planner reported that the subject property is located off Wilmette Avenue, and it is less than one acre in size and is zoned Office, Research, and Light Industry (OR&I). He reported that the property contains a longstanding industrial building housing multiple tenants and that the petitioner would occupy two of the existing tenant spaces totaling 4,000 square feet in floor area.

Mr. Yanke reported that the space is currently occupied by an auto repair/body shop, including a paint booth, which was authorized via a zoning text amendment and special use approved in 2016. He reported that a condition tied to these approvals requires all auto repair activity and vehicles to be within the building. He further reported that the petitioner has proposed adding motor vehicle sales as part of the overall business operation on site.

Mr. Yanke reported that while the sales activity would be limited in nature, the zoning ordinance does not permit any type of vehicle sales within the OR&I District. He reported that this will require a text amendment to allow motor vehicles sales and a special use within the OR&I District.

The petitioner, Mr. Stephen O'Brien stated that his business model is to purchase insurance company total loss vehicles and repair and put in show room for sale. He stated that he advertises on Ebay and the internet and that he hopes to sell 4 cars a month. He further stated that the State of Illinois requirements are noted on page 20 of the packet.

Mr. O'Brien stated that the two building owners were present and that there will be two different businesses with three different licenses which are a repairer license, rebuilders license, used car sales license. Cars are new vehicles.

Chairperson Lou Mallers questioned if there will a lot of build out needed.

The petitioner stated that he would be doing some painting.

Commissioner Julie Kasprowicz questioned the purpose of not having sales.

Mr. Yanke reported that the 2016 ORI was always meant for an office/light industry District. He reported that giving the existing building and the use that the City was more comfortable with reviewing every petition to the City.

Commissioner Kasprowicz asked how many cars the area can fit and if he will be changing signage.

The petitioner stated that they plan on having 5 cars but could have up to 7. He stated that he will have signage on the windows and if the purchaser choses to test drive they can.

Commissioner Jackson questioned if buyers know about the sales via the internet and if it is by appointment only.

The petitioner stated that he advertises through Ebay, Autotrader.com, Cars.com. He stated that a warranty can also be purchased.

Mr. James Akerns, Willowbrook, building owner stated that the previous business did the same thing except for sales and that there were never any issues.

Commissioner Jackson questioned if there are any environmental issues.

The petitioner stated that there are no environmental issues and that the building is set up for this type of business. He stated that the building is has been sprinklered since it was built.

Commissioner Kasprowicz questioned how many tenants are in the building?

The petitioner stated that there is presently one tenant and that he occupies the other half for his business. He stated that the one tenant does not have any objection to the new business.

Mr. Yanke reported that he researched and found that the Burr Ridge district is similar to the total operation and they have strict restrictions and what the City's OR&I has in place.

Commissioner Jackson questioned if motor vehicle sales are allowed in Darien.

Mr. Yanke reported that it is allowed in B-2 and B-3.

There was no one else in the audience wishing to present public comment.

Commissioner Jackson made a motion, and it was seconded by Commissioner Gillespie to continue Public Hearing – PZC2023-05 O'Brien Text Amendment & Special Use Petition from Stephen O'Brien requesting the following: 1) Zoning Text Amendment to Section 5A-9-3-4 of the Zoning Ordinance listing "motor vehicle sales" as a special use within the Office, Research, and Light Industry (OR&I) Zoning District; and 2) Special use approval for motor vehicle sales within the Office, Research, and Light Industry (OR&I) Zoning District and for staff to do research review and definitions of use that may be conducive to better streamline the review process.

Upon voice vote, the MOTION carried unanimously 6-0.

b. Public Hearing – PZC2023-06 Mixed-Use District Text Amendment Petition from the City of Darien to amend the Zoning Ordinance (i.e., Text Amendment) to create a Mixed-Use Zoning District.

Mr. Jordan Yanke, City Planner reported that the City Council held its annual goal-setting session and that some of the meeting focused on the City's zoning ordinance and its current list of permitted/special uses in the business, office, and industrial districts. He reported that during the focus session the City Council pointed to the fact the zoning ordinance does not include a mixed-use district.

Mr. Yanke reported that the City Council directed staff to review the list of uses and create a mixed-use zoning district.

Mr. Yanke reported that staff developed the recommended ordinance revisions creating a mixed-use district to recommend the ordinance revisions to the Planning and Zoning Commission for a public hearing. He further reported that the Planning and Zoning Commission is to review and recommend on the mixed-use district ordinance provided per this agenda memo.

There was some discussion on how to go about reviewing. It was agreed that the PZC review the recommendations and report back to staff who will coordinate the comments for a future meeting.

There was no one else in the audience wishing to present public comment.

Commissioner Jackson made a motion, and it was seconded by Commissioner Gillespie to continue to the next public hearing, Public Hearing – PZC2023-06 Mixed-Use District Text Amendment Petition from the City of Darien to amend the Zoning Ordinance (i.e., Text Amendment) to create a Mixed-Use Zoning District.

Upon voice vote, the MOTION carried unanimously 6-0.

Staff Updates & Correspondence

Mr. Jordan Yanke provided an update and timeline on the upcoming meetings.

Minutes

Commissioner Jackson made a motion, and it was seconded by Commissioner Gillespie to approve the June 7, 2023, Regular Meeting Minutes as amended changing “Alderman Kasproicz to Commissioner Kasproicz”.

Upon voice vote, THE MOTION CARRIED 6-0.

Next Meeting

Mr. Yanke announced that the next meeting is scheduled for September 6, 2023, at 7:00 p.m.

Public Comments (On any topic related to Planning and Zoning)

Mr. John Urubek was a resident in the meeting who was just interested in listening to the meeting.

Adjournment

With no further business before the Commission, Commissioner Gillespie made a motion, and it was seconded by Commissioner Kasproicz. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 8:28 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
Chairperson

AGENDA MEMO
PLANNING AND ZONING COMMISSION
SEPTEMBER 6, 2023

CASE

PZC2023-05

Zoning Text Amendment – Motor Vehicle Sales
Special Use (8408 Wilmette Avenue, Units B & C)

ISSUE STATEMENT

Petitioner (Stephen O’Brien) requests the following:

- 1) Zoning Text Amendment to Section 5A-9-3-4 of the Zoning Ordinance listing “motor vehicle sales” as a special use within the Office, Research, and Light Industry (OR&I) Zoning District; and
- 2) Special use approval for motor vehicle sales within the Office, Research, and Light Industry (OR&I) Zoning District.

While the proposed text amendment applies to the zoning ordinance in general, the special use application applies to the subject property at 8408 Wilmette Avenue, Units B & C. The property is located within the Office, Research, and Light Industry (OR&I) District.

Applicable Regulations:

Ordinance No. O-02-16, Special Use
Zoning Section 5A-9-3, OR&I District Standards

GENERAL INFORMATION

Petitioner:

Stephen O’Brien

Property Owner:

GJSK Company

Property Location:

8404 Wilmette Avenue, Units B & C

PIN Number:

09-34-300-020

Existing Zoning:

Office, Research, and Light Industry (OR&I)

Existing Land Use:

Multi-Tenant Industrial Building, Auto Repair/Body Shop

Comprehensive Plan:

Office (Existing); Office (Future)

Surrounding Zoning & Uses

North:

Office, Research, and Light Industry (OR&I); Industrial

East:

Multi-Family Residence District (R-3); Multi-Family

South:

Office, Research, and Light Industry (OR&I); Industrial

West:

Office, Research, and Light Industry (OR&I); Kennel

History:

The subject property contains a longstanding industrial building that has multiple tenants. The subject space (Units B & C) were approved for an auto repair/body shop in 2016 under special use authorization per Ordinance No. O-02-16.

Size of Property:

0.92 Acres

Floodplain:

N/A

Natural Features:

N/A

Transportation:

The petition site gains access from Wilmette Avenue.

PETITIONER DOCUMENTS (ATTACHED TO MEMO)

- 1) APPLICATION
- 2) JUSTIFICATION NARRATIVE
- 3) FLOOR PLAN
- 4) SUBDIVISION PLAT
- 5) SECRETERAY OF STATE DOCUMENTS

CITY STAFF DOCUMENTS (ATTACHED TO MEMO)

- 6) ZONING SECTION 5A-9-3_OR&I DISTRICT
- 7) LOCATION MAP & AERIAL IMAGE
- 8) SITE PHOTOS

PLANNING OVERVIEW/DISCUSSION

The subject property is located off Wilmette Avenue. It is slightly less than one (1) acre in size and is zoned Office, Research, and Light Industry (OR&I). The property contains a longstanding industrial building housing multiple tenants. The petitioner would occupy two (2) of the existing tenant spaces totaling 4,000 square feet in floor area. The space is currently occupied by an auto repair/body shop, including a paint booth, which was authorized via a zoning text amendment and special use approved in 2016. A condition tied to these approvals requires all auto repair activity and vehicles to be within the building.

At this time the petitioner has proposed adding motor vehicle sales on site. While the sales activity would be limited in nature, the zoning ordinance does not permit any type of vehicle sales within the OR&I District. After being informed of this and having further discussion the petitioner decided to submit for a text amendment to allow motor vehicles sales and a special use within the OR&I District. The petition is similar to the aforementioned case in 2016 but pertains to vehicles sales instead of auto repair.

The Planning and Zoning Commission is to consider the proposed text amendment and special use in tandem, and is tasked with recommending conditions or edits for the zoning text amendment and special use if deemed appropriate. Items to be considered are hours of operation, storage of vehicles, parking, and signage.

UPDATE FROM 08/16/2023 PLANNING AND ZONING COMMISSION MEETING

The Planning and Zoning Commission heard this petition at its meeting on August 16, 2023. The case was continued by the Planning and Zoning Commission, meaning no recommendation was given. During the meeting the Planning and Zoning Commission directed staff to gather additional details pertaining to automobile sales and how the use is regulated by nearby communities. Staff researched multiple zoning codes of other communities and provided an overview of automobile sales and how the use is regulated per table on the next page. It should be noted that staff researched the use and how it is regulated by other communities within generally comparable districts. This information is for discussion purposes during the Planning and Zoning Commission meeting on September 6, 2023.

AGENDA MEMO PZC2023-05

MUNICIPALITY	USE NAME	ALLOWANCE	DISTRICT(S)	CONDITIONS
BOLINGBROOK	AUTOMOBILE SALES	SPECIAL USE	COMMERCIAL URBAN REDEVELOPMENT DISTRICT	ASSOCIATED REPAIR ACTIVITY INDOOR ONLY
BURR RIDGE	AUTOMOBILE SALES	SPECIAL USE	LIGHT INDUSTRIAL DISTRICT	INDOOR ONLY
WESTMONT	AUTOMOBILE SALES	SPECIAL USE	MANUFACTURING DISTRICT	SCREENING/ LANDSCAPE BUFFER
WILLOWBROOK	MOTOR VEHICLE SALES & RENTAL	SPECIAL USE	BUSINESS DISTRICT & LIGHT MANUFACTURING DISTRICT	SCREENING/ LANDSCAPE BUFFER

Staff Review Comments & Findings of Fact

City staff has reviewed the submittal documents and staff does not have review comments pertaining to the site plan or floor plan. The project involves almost no physical site work and the existing character of the site would remain the same.

Based on the community comparison table and research of zoning codes, staff finds that nearby jurisdictions allow automobile/motor vehicle sales within similar districts to the Office, Research, and Light Industry (OR&I) District in Darien. There is a consistent theme of requiring operations to be within a completely enclosed building and/or requiring robust screening of properties that have automotive sales. While there is not a “one size fits all” approach, staff does not see a detriment to allowing vehicle sales within the Office, Research, and Light Industry (OR&I) District provided it is classified as a special use within the ordinance. A special use classification triggers a public hearing process for each individual user and requires review by the Planning and Zoning Commission and approval by the City Council. Additionally, the Office, Research, and Light Industry (OR&I) District has existing conditions that prohibit outdoor storage and require all business, processing, and other services to be conducted completely within enclosed buildings. This is consistent with many ordinances from other jurisdictions and is what staff found to be the case applied to automobile sales in Burr Ridge.

Note that the petitioner submitted a Justification Narrative detailing the request. The narrative is attached to this memo. Included on the next page are the standards for amendments and the special use criteria that the Planning and Zoning Commission is to consider for recommending on the case.

Standards for Amendments:

The Plan Commission shall consider the following factors and other pertinent factors in developing a recommendation for the City Council:

- 1. Existing uses of property within the general area of the property in question, and the resulting character of the general area;*
- 2. The zoning classifications of property within the general area of the property in question;*
- 3. The suitability of the property in question to the uses permitted under the existing zoning classification including consideration of the length of time the property has been vacant as zoned;*
- 4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classifications and the impact to surrounding property likely to result from the proposed use;*
- 5. The reduction in value of the subject property resulting from the particular zoning restriction as compared to the gain to the public if the property remains restricted; and*
- 6. The policies of all current official plans or plan elements of the City.*

Special Use Criteria:

No special use shall be recommended to the City Council by the Plan Commission, nor approved by the City Council, unless findings of fact have been made on those of the following factors which relate to the special use being sought:

- 1. That the special use is deemed necessary for the public convenience at the location specified.*
- 2. That the establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, or general welfare.*
- 3. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.*
- 4. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*
- 5. That the exterior architectural design, landscape treatment, and functional plan of any proposed structure will not be at variation with either the exterior architectural design, landscape treatment, and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.*
- 6. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.*
- 7. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*
- 8. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the Plan Commission and Planning and Development Committee.*

DECISION MODE

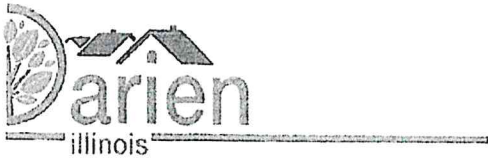
The Planning and Zoning Commission will consider this item at its meeting on September 6, 2023.

MEETING SCHEDULE

Planning and Zoning Commission
Municipal Services Committee
City Council

September 6, 2023
September 25, 2023
October 2, 2023

ATTACHMENT (1): APPLICATION



ZONING APPLICATION

CITY OF DARIEN
1702 Plainfield Road, Darien, IL 60561
www.darienil.us 630-852-5000

CONTACT INFORMATION

Applicant's Name: Stephen O'Brien Owner's Name: J KERINS

Address, City, State, Zip Code: 25 W 120 Ridgeland Ave. Naperville IL, 60563 Address, City, State, Zip Code: 8408 WILMETTE AVE DARIEN 60561

Telephone: 630 674 1181 Telephone: 630 515 9111

Email: stevemob1@yahoo.com Email: KERINSINDUSTRIES@MSN.COM

PROPERTY INFORMATION

Property address: 8408 Wilmette Ave. UNIT C PIN Number(s): 09-34-300-020

Zoning District: OR&I Current Land Use(s): LIGHT industry

RECEIVED

JUL 03 2023

(Attach additional information per the Submittal Checklist.)

REQUEST

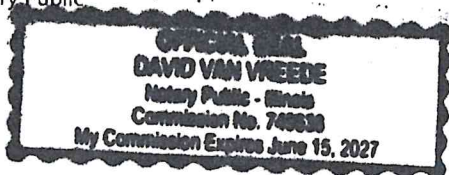
Brief description of the zoning approval requested. (Contact the City Planner for guidance.)

Amendment TO TEXT AND Special use.

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that STEPHEN O'BRIEN is personally known by me to be the same person whose name is subscribed above and has appeared before me this day in person and acknowledged that they have signed this document as their own free and voluntary act, for the purposes therein set forth.

Given under my hand and seal, this 30 day of JUNE 2023

Notary Public



For office use only	
Date Received:	<u>07/03/2023</u>
Case Number:	<u>PZC2023-05</u>
Fee Paid:	<u>\$ 985.00</u>
Hearing Date:	<u>08/14/2023</u>

ATTACHMENT (2): JUSTIFICATION NARRATIVE

June 29, 2023

Darien City Counsel
1702 Plainfield Rd.
Darien, IL 60561

RECEIVED
JUL 03 2023
Community Development
City of Darien

RE: Integrity Auto Group Text Addition Request and Special use permit for property located at; 8408 Wilmette Ave, Unit C, Darien IL.

As far as Integrity Auto business model is concerned, the day-to-day operations are as follows:

- We purchase insurance company total loss vehicles from the insurance company auction and repair them in our body shop in the unit next to ours.
- We then list the vehicles for sale on eBay and other internet sites such as auto trader and cars.com.
- Before the vehicles are sold, a potential buyer comes to inspect the vehicle inside our facility.
- After vehicles are sold, the paperwork is completed, and the vehicles are picked up by the customer.
- These vehicles are mainly between 1-3 years old with low mileage.
- The vehicles are stored inside our unit to keep them clean, dry and out of the weather.

We are anticipating selling between 4-6 vehicles per month. We will have signage with the business name and phone number on the building unit glass (window glass size approx. 3X5). Also, we will have posted hours of operation (10AM-5PM M-F), (9AM-noon Saturdays) and closed on Sunday, this will be posted on the entrance door glass, which is (approx. 2X3).

No vehicles will be displayed outside, all business will be conducted within all Illinois State Laws and guidelines, also Darien City Laws and guidelines, with Community and neighbors in mind. It is of paramount importance we do not impact the City of Darien in a negative way.

It is our commitment to maintain a clean and safe exterior and parking area as well as the office and showroom inside the building.

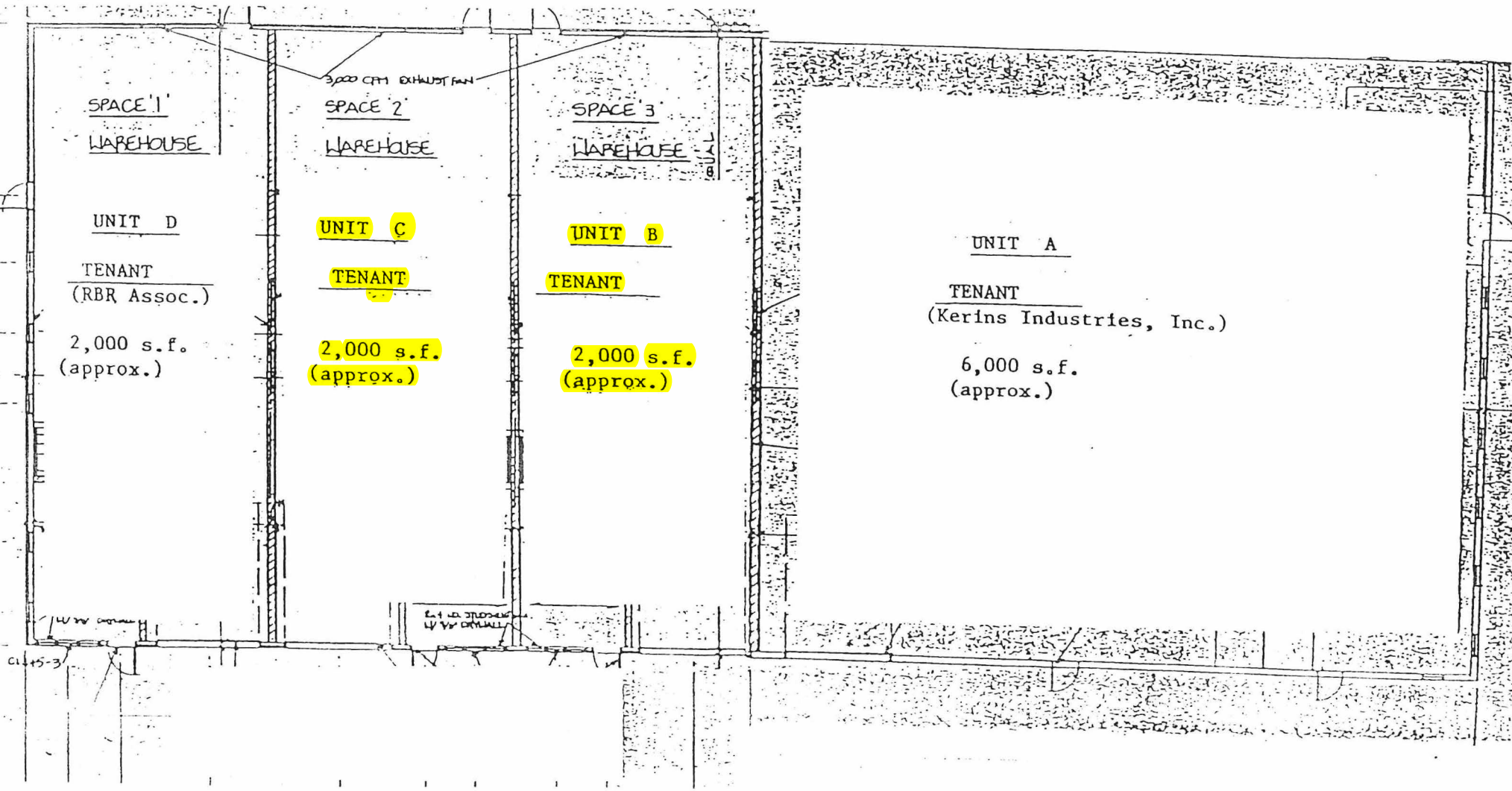
Thank you for considering the opportunity for me to start and grow this new business.

Sincerely,

Steve O'Brien

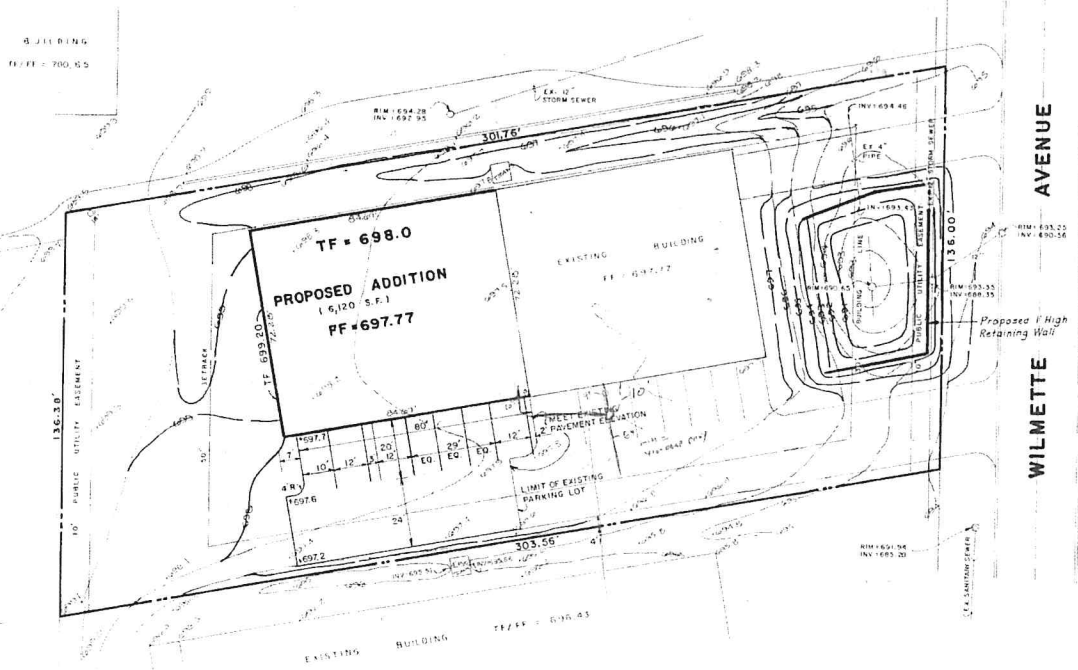
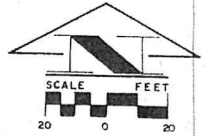
ATTACHMENT (3): FLOOR PLAN

EXHIBIT A
SITE PLAN
8408 Wilmette Ave.
Darien, Illinois

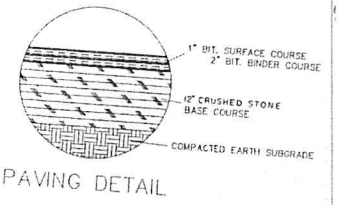


ATTACHMENT (4): SUBDIVISION PLAT

LOT 3 GASAWAY SUBDIVISION



NOTE: FORD TO BE REGRADED IN ACCORDANCE WITH AFFORDED PLAN DATED 3-19-89 VOLUME.



NOTE:
GUTTERS TO DISCHARGE TO THE NORTH SIDE OF THE BUILDING ONLY
3 UNITS TO RECEIVE THEIR SEWER AND WATER FROM THE EXISTING BUILDING

STORM SUMMARY	
EXISTING IMPERVIOUS	+ 12,275 S.F.
PROPOSED IMPERVIOUS	+ 9,358 S.F.
TOTAL IMPERVIOUS	+ 22,353 S.F.
TOTAL IMPERVIOUS PROVIDED FOR UNDER 12-5-87 PLAN	+ 22,358 S.F.
(LATEST REC. 3-19-89)	
NET INCREASE (DECREASE)	- 5 S.F.

BENCHMARK
RIM OF SANITARY MANHOLE BY THE SOUTHEAST CORNER OF THIS LOT 3.
ELEVATION.....691.50
(U.S.G.S.)

GEORGE KERRIN
Kerrin's Industries
8408 Wilmette Avenue
Darien, IL 60561
708-515-9111

	DESIGNED	DATE
	12-5-87	12-16-94
CONSULTING CIVIL ENGINEERS • LAND SURVEYORS 309 CANAL STREET, LEMONT, IL 60459 1700 637-7770	DRAWN DATE 12-16-94	CHECKED DATE 12-16-94

ATTACHMENT (5): SECRETERY OF STATE DOCUMENTS

To the building and development department of Darien Illinois the dealer license is required and needed to buy and sell vehicles legally by the state law in Illinois the intention is to purchase insurance company total loss vehicles to repair in our body shop and sell on eBay and online auctions we have an indoor show room space for one vehicle in an indoor showroom meets requirements for space; by Illinois secretary of state law as per 625 IL cs 5/5-100 established place of business statute.

Thank you Stephen obrien 630 674 1181 slevemob1@yahoo.com

Stephen O'Brien

Sent from my iPad


May 12, 2023

Dear Jordan Yanke,

Thank you for reviewing my letter of intent. The classification type we are looking to obtain specifically is (5/1-215 used car dealer). As per Illinois Secretary of State Dealer handbook. This is Pertaining to; 8408 Wilmette Ave, Unit B, Darien, Illinois.

Thank you,

Stephen O'Brien

A handwritten signature in cursive script that reads "Stephen O'Brien". The signature is written in black ink and is positioned below the typed name.



Secretary of State
Notice of Proper Zoning

This space for use by Secretary of State

Secretary of State
Vehicle Services Department
Dealer Licensing Section
501 S. Second St., Rm. 069
Springfield, IL 62756
217-782-7817
ilsos.gov

In order to process your Dealer License application, you must complete the applicant section below and then have the proper zoning jurisdiction complete the bottom portion of the form.

TO BE COMPLETED BY APPLICANT

I Stephen O'Brien am filing an application with the Office of the Secretary of State to obtain a license to conduct the business of a Used CAR Dealer located at 8408 Wilmette Ave, Darien IL 60561 Unit B

Applicant Name: Stephen O'Brien
Dealer License Type: Used CAR Dealer

Complete Address of Business: 8408 Wilmette Ave, Darien IL 60561 Unit B

Signature of Applicant: Stephen O'Brien

TO BE COMPLETED BY ZONING OFFICIAL

The Zoning Office of _____ hereby affirms the business mentioned above is in compliance with local zoning laws and regulations to conduct this type of business.

Signature of Authorized Zoning Official

Subscribed and sworn to before me this _____ day of _____, 20_____.

(SEAL)

Notary Public

DEALER HANDBOOK

Illinois Secretary of State Police
110 E. Adams St.
Springfield, IL 62701

JESSE WHITE • SECRETARY OF STATE



April 2022

This booklet was created to assist persons licensed or required to be licensed by the Secretary of State as a:

1. New vehicle dealer
2. Used vehicle dealer
3. Repairer
4. Rebuilder
5. Auto Parts Recycler
6. Scrap Processor
7. Buy Here, Pay Here

This booklet consists of two separate and distinct parts:

PART ONE:

**ESTABLISHED PLACE OF BUSINESS
REQUIREMENTS**

PART TWO:

RECORD-KEEPING REQUIREMENTS

Information contained within this booklet is excerpted from applicable
Illinois Vehicle Code and Illinois Administrative Code sections.

PART ONE

Established Place of Business Requirements



JESSE WHITE • SECRETARY OF STATE

ILLINOIS VEHICLE CODE
ILLINOIS COMPILED STATUTES

Definitions

5/1-105.3. Automotive parts recycler

§ 1-105.31. Automotive parts recycler. A person who is in the business of acquiring previously owned vehicles and vehicle parts for the primary purpose of disposing of parts of vehicles in a manner other than that described in the definition of a "scrap processor" in this Code or disposing of previously owned vehicles in the manner described in the definition of a "scrap processor" in this Code.

5/1-110.2. Certificate of purchase

§ 1-110.2. Certificate of purchase. A bill of sale given to a licensee making an acquisition of a vehicle under Sections 4-208 and 4-209 of this Code.

5/1-111.1b. Chassis

§ 1-111.1b. Chassis. Every frame or supportive element of a vehicle whether or not a manufacturer's identification number, serial number, or other identifying numbers are present on said part.

5/1-115. Dealer

§ 1-115. Dealer. Every person engaged in the business of acquiring or disposing of vehicles or their essential parts and who has an established place of business for such purpose.

5/1-115.1. Disposition of vehicle or vehicle part

§ 1-115.1. Disposition of vehicle or vehicle part. The purchase, exchange, transfer, sale, assignment or other change of ownership or possession or the junking or wrecking of a vehicle or vehicle part.

5/1-118. Essential parts

§ 1-118. Essential parts. All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation. "Essential parts" includes the following: vehicle hulks, shells, chassis, frames, front end assemblies (which may consist of headlight, grill, fenders and hood), front clip (front end assembly with cowl attached), rear clip (which may consist of quarter panels, fenders, floor and top), doors, hatchbacks, fenders, cabs, cab clips, cowls, hoods, trunk lids, deck lids, bed, front bumper, rear bumper, transmissions, seats, engines, and similar parts. "Essential parts" also includes fairings, fuel tanks, and forks of motorcycles. "Essential parts" shall also include stereo radios. An essential part which does not have affixed to it an identification number as defined in Section 1-129 adopts the identification number of the vehicle to which such part is affixed,

installed or mounted. "Essential parts" does not include an engine, transmission, or a rear axle that is used in a glider kit.

5/1-123.3. Frame

§ 1-123.3. Frame. The main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.

5/1-128. House trailer

§ 1-128. House trailer. (a) A trailer or semitrailer equipped and used for living quarters or for human habitation (temporarily or permanently) rather than for the transportation of freight, goods, wares and merchandise; or

(b) A house trailer or a semitrailer which is used commercially (temporarily or permanently), that is, for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

5/1-129. Identification number

§ 1-129. Identification Number. The numbers and letters, if any, on a vehicle or essential part, affixed by its manufacturer, the Illinois Secretary of State or the Illinois State Police for the purpose of identifying the vehicle or essential part, or which is required to be affixed to the vehicle or part by federal or state law.

5/1-134.1. Junk vehicle

§ 1-134.1. Junk vehicle. A junk vehicle is a vehicle which has been or is being disassembled, crushed, compressed, flattened, destroyed or otherwise reduced to a state in which it no longer can be returned to an operable state, or has been branded or assigned as junk or a similar designation by another state or jurisdiction.

5/1-144.05. Model year

§ 1-144.05. Model year. The year of manufacture of a vehicle based upon the annual production period of the vehicle as designated by the manufacturer and indicated on the title and registration of the vehicle. If the manufacturer does not designate a production period for the vehicle, then "model year" means the calendar year of manufacture.

5/1-146. Motor vehicle

§ 1-146. Motor vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not

625 ILCS 5/5-100 Established Place of Business

Established Place of Business is the place owned, or leased, and occupied by any person duly licensed or required to be licensed as a dealer for the purpose of engaging in:

1. selling,
2. buying,
3. bartering,
4. displaying,
5. exchanging or dealing in, on consignment or otherwise, vehicles and their essential parts and for such other ancillary purposes as may be permitted by the Secretary by rule.

The established place of business shall include an office in which the dealer's records shall be separate and distinct from any other business or tenant which may occupy space in the same building.

This office shall not be located in a:

1. house trailer,
2. residence,
3. tent,
4. temporary stand,
5. temporary address,
6. room or rooms in a hotel or rooming house, nor the premises occupied by a single or multiple unit residence.

"Established place of business" only includes a place with an outdoor lot capable of parking at least 5 vehicles or an indoor lot with space for a minimum of one vehicle to be parked in its indoor showroom.

Established place of business for a scrap processor shall be the fixed location where the scrap processor maintains its principal place of business.

The Secretary of State shall, by rule and regulation, adopt guidelines for the administration and enforcement of this definition, such as, but not limited to:

1. issues concerning the required hours of operation,
2. descriptions as to where vehicles are displayed and offered for sale,
3. where books and records are maintained and requirements for the fulfillment of warranties

A dealer may have an additional place of business (supplemental) as defined in this Section:

"Additional place of business" means a place owned or leased and occupied by the dealer in addition to its established place of business, at which the dealer conducts or intends to conduct business on a **permanent or long-term** basis. It does not include:

"Off site sale" which means the temporary display and sale of vehicles, for a period of not more than 7 calendar days (excluding Sundays), by a dealer licensed under 5-101 or 5-102, at a place other than the dealer's established place of business or additional places of business.

"Display Exhibition" means a temporary display of vehicles by a dealer licensed under 5-101 or 5-102 at a location at which **no** vehicles are offered for sale, that is conducted at a place other than the dealer's established and additional places of business.

"Relevant market area", for a new vehicle dealer and for a used vehicle dealer, means the area within 10 miles of the established or additional place of business of the dealer located in a county with a population of 300,000 or more, or within 15 miles if the established place of business is located in a county with a population of less than 300,000.

"Trade Show Exhibition" is a display exhibition that is participated in by at least 3 dealers, 2 of which must be licensed under 5-101 or 5-102; and a trade show exhibition of new vehicles shall only be participated in by licensed new vehicle dealers at least 2 of which must be licensed under Section 5-101.

ILLINOIS ADMINISTRATIVE CODE
ESTABLISHED PLACE OF BUSINESS

Requirements

The following requirements for an established place of business are set forth in the Illinois Administrative Code, Title 92, TRANSPORTATION, CHAPTER II, SECRETARY OF STATE, PART 1020.10, DEALERS, WRECKERS, TRANSPORTERS AND REBUILDERS.

Section 1020.10 (a) Dealers Established Place of Business

Each person seeking to be or already duly licensed as a new or used vehicle dealer under the Illinois Vehicle Code (IVC) (625 ILCS 5) shall maintain an established place of business that shall, in addition to those requirements in Section 5/5-100 of the Illinois Vehicle Code meet the following requirements:

1. Have office facilities in a building for maintaining and keeping books and records as are required. The office facilities shall be permanently mounted on a fixed foundation and may not include a trailer with axle attached and still moveable. It may include, however, a house trailer in a licensed mobile home park or dealership lot with tires removed and utilities attached.
2. Be properly and permanently equipped with the necessary office equipment and machines, and documents and papers adequate to properly conduct business as a dealer and must be within a permanent building or structure as required in subsection (a)(1).
3. Be equipped with an operating telephone for inbound and outbound calls and have the business telephone number published in the telephone directory generally available in the dealership area, and be adequately equipped with operating electric lights.
4. Have the name of the dealership posted on the front entrance door.
5. Have posted on the front entrance door a sign setting forth the days and regular and reasonable hours when open for business.

A dealership shall not be deemed as being open for business unless at least one employee, who is able to conduct regular business, is on the premises and available to the public and the dealership must be operated consistent with general dealer practices.

The dealership must be open:

- a. five (5) days out of seven (7) days in a week
- b. minimum of four (4) consecutive hours per day.

However, dealers who operate their dealerships less than 12 months shall state in the license application those months closed and shall post the months of closure in a prominent place for the public to see in the dealership office. During the posted closure months, the dealership is not required to maintain regular business hours.

6. Maintain a lot, being the area not occupied by a building, that shall be surfaced with rock or better surface material, and that shall be properly illuminated, if open after sundown, so that vehicles for sale can be properly inspected by any prospective customer.
 - a. The lot used for the sale of vehicles shall be separate and apart from any other business. In addition, where a dealer is selling new and used vehicles, the new cars shall be parked separately and apart from the used vehicles.
 - b. The above lot requirement shall not be applicable if the place of business has an indoor showroom, properly illuminated, for the display of vehicles held for sale.
 - c. The separate lot requirement specified in subsection (6) (a) (b) shall not prohibit the operation by the dealer of other businesses on the same premises, which shall include the lot, provided:
 - 1) the businesses are reasonably related to the sale or operation of new or used automobiles,
 - 2) further that the sale of new or used automobiles shall constitute at least 50% of the gross revenues of the licensed holder, and

Businesses reasonably related to the sale or operation of automobiles shall include only:

- the sale of automobile parts and accessories,
- the sale of gasoline, diesel fuel, oil and lubricant,
- the sale of automobile tires,
- the leasing of automobiles,
- insuring automobiles, and
- financing of automobiles sold by the licensed dealers engaged in these businesses.

Licensed dealers engaged in operating businesses other than those stated herein shall remove such businesses or modify to comply with this rule within 60 days of notification by the Secretary of State, or be subject to the revocation or suspension of their dealers license.

7. Dealership in a Department Store

- Where a dealer maintains a place of business within a department store, the dealership shall be separated from other operations within the department store.

8. Sign

- A permanent sign bearing the name of the dealership must be displayed
 - if the dealership is open after sundown, the sign shall be properly illuminated
 - the sign shall be visible from the highway leading to the established place of business.

9. Display a federally required pricing document on all new motor vehicles held for sale.

10. If the premises are leased, such lease must be for at least the duration of the current licensed period.

IAC 1020.10 (b) Supplemental Lot

An Illinois licensed dealer may operate as an additional place of business a permanent supplemental lot which will meet all the requirements as previously stated except:

- records required to be kept shall be maintained at the principal place of business **UNLESS** the supplement lot is more than one mile from the main dealership.

The one mile shall be measured by the most direct road between the dealership and the supplemental lot.

1. A licensed dealer shall apply for the supplemental lot authorization when filing the application required by Sections 5/5-101 or 5/5-102 or the application may be filed for the supplemental lot authorization during the licensed period.
2. The applicable fee as provided in Sections 5/5-101 (b) (7) and 5/5-102 (b) (5) is required.
3. No vehicle sales at supplemental lots shall be allowed on Sundays except as provided for in Section 5/5-106 of the Illinois Vehicle Code.

NOTE: Each person seeking to be or already duly licensed as a scrap processor, automotive parts recycler, rebuilder, repairer or out of state salvage buyer under the I.V.C. shall maintain an established place of business which shall meet the requirements contained within Section (a) above, except that no lot as set forth in (a)6 is required. However, if open after sundown, the premises shall be adequately illuminated so that prospective purchasers may inspect the items held for sale.

None of the requirements of this section shall apply to the place of business of a vehicle auctioneer licensed under Chapter 5, Article VII of the I.V.C.

IAC 1020.10 (c) Trade Show Exhibition, Display Exhibition and Off Site Sale

A licensed dealer may operate as an additional place of business an exhibition area in a trade show exhibition, display exhibition, or off site sale provided:

1. The trade show exhibition, display exhibition or off site sale must be conducted separate and away from the licensed dealer's established and additional places of business.
2. The licensed dealer has a currently valid new or used vehicle dealer's license issued by the Secretary of State of Illinois or another State where applicable.
3. The applicant dealer meets the requirements of subsection (c) (7), (8) or (9) of this section.
4. No permit granted for an additional location in a trade show exhibition, display exhibition or off site sale may be transferred nor removed to another location.

ATTACHMENT (6): OR&I DISTRICT

5A-9-3: OR&I OFFICE, RESEARCH AND LIGHT INDUSTRY DISTRICT:

5A-9-3-1: INTENT:

The OR&I Office, Research and Light Industry District is intended to provide an environment suitable for and limited to research and development activities, engineering and testing activities, and related operations, office uses, and warehousing, and also limited manufacturing uses that will not have an adverse effect upon the environmental quality of the community.

No OR&I District shall be established by any new regulation unless the proposed new district area, by itself or in conjunction with any contiguous territory which either lies within the City and is already zoned OR&I or which lies within an adjacent municipality and is in a similar zoning classification, is at least six (6) acres. (Ord. 0-03-00, 4-3-2000)

5A-9-3-2: SITE PLAN APPROVAL PROCESS:

To ensure that the details of development of office and industrial areas for authorized uses will be such that the operation of the use will not offend the public interest, will be compatible and be planned in conformity with surrounding uses and will not adversely affect the flow of traffic within the community, a site plan shall be submitted. Refer to the approval process and submittal requirements as outlined in Chapter 2 of this Title. (Ord. 0-03-00, 4-3-2000)

5A-9-3-3: PERMITTED USES:

No building, structure, or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

(A) Laboratories, offices, and other facilities for research and development including basic, applied, development, and technical services conducted by or for any individual, organization, or concern, whether public or private.

(B) Production of prototype products when limited to the scale reasonably necessary for full investigation of the merits of a product, including commercial viability.

(C) Pilot plants in which processes planned for use in production elsewhere can be tested to the extent reasonably necessary for full investigation of the merits of a product or process including commercial viability.

(D) Engineering and testing laboratories and offices.

(E) Offices, business or professional.

(F) Clinics, medical and dental.

(G) Banks and financial institutions.

(H) Light industrial activities, including, but not limited to, electronic and scientific precision instruments manufacture, cloth products manufacture, light machinery production and assembly, printing and publishing.

(I) Warehouses, wholesale and storage facilities, but excluding motor freight terminals.

(J) Civic buildings.

(K) Auxiliary retail and services. (Ord. 0-03-00, 4-3-2000)

5A-9-3-4: SPECIAL USES:

The following special uses may be permitted in specific situations in accordance with the procedures outlined in section 5A-2-2-6 of this title, as appropriate:

Brewing facilities, as defined in section 3-3-7-14, "Class N License", of this code.

Garages for storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding.

Height limit increases as specified in subsection 5A-9-3-9(A) of this chapter.

Planned unit developments (in accordance with the requirements of chapter 3 of this title). The primary use within a planned unit development shall be one or more of the principal permitted uses, and may include any of the following uses:

Commercial services, business support services, motorist services, and employee services.

Cultural and recreational facilities, churches, auditoriums, and public gathering places.

Educational facilities.

Health clubs.

Kennels, indoor boarding only.

Restaurants.

Public and private utility facilities. (Ord. 0-03-00, 4-3-2000; amd. Ord. 0-04-02, 2-4-2002; Ord. 0-32-14, 11-3-2014; Ord. 0-02-16, 1-18-2016)

5A-9-3-5: REQUIRED CONDITIONS:

The following conditions shall be required:

(A) No product shall be produced on the premises in a pilot plant primarily for sale either directly or indirectly, except with respect to such products, which, by their character, require production within a research and development environment.

(B) Auxiliary retail and services shall be incidental to the principal uses and shall be for the convenience of the tenants and

employees of the building, structure or district in which located. These uses shall be conducted wholly within a building or structure and there shall be no exterior display of the auxiliary function.

(C) Outside storage is not allowed. (Ord. 0-03-00, 4-3-2000)

5A-9-3-6: AREA REQUIREMENTS:

The minimum lot area on the OR&I district shall be two (2) acres, except for planned unit developments which shall have a minimum land area of three (3) acres. (Ord. 0-03-00, 4-3-2000)

5A-9-3-7: WIDTH REQUIREMENTS:

The minimum lot width in the OR&I district shall be one hundred fifty feet (150'). (Ord. 0-03-00, 4-3-2000)

5A-9-3-8: YARD REQUIREMENTS:

The minimum yards required in the OR&I district shall be as follows:

(A) Front And Corner Side Yards:

1. Abutting Or Adjoining A Nonresidential District:

(a) Yard Depth: There shall be a required front and corner side yard of not less than fifty feet (50') in depth; provided, however, that such yard shall be increased in depth by one foot (1') for each three feet (3') in height by which any building on the lot exceeds a height of thirty feet (30').

(b) Off-Street Parking Facilities Setback: Off-street parking facilities are not allowed within the first thirty feet (30') of the required front or corner side yard.

2. Abutting Or Adjoining A Residential District:

(a) Yard Depth: There shall be a required front or corner side yard of not less than fifty feet (50') in depth; provided, however, that such yard shall be increased in depth by one foot (1') for each three feet (3') in height by which any building on the lot exceeds a height of thirty feet (30'), and shall be increased an additional twenty five feet (25') if it abuts to or adjoins a lot in a residence district.

(b) Off-Street Parking Facilities Setback: Off-street parking facilities are not allowed within the first thirty feet (30') of the required front or corner side yard.

(B) Interior Side And Rear Yards:

1. Abutting Or Adjoining A Nonresidential District:

(a) Yard Depth: There shall be a required side and rear yard of not less than thirty feet (30') in depth, except that such side and rear yard shall be increased by one foot (1') for each three feet (3') in height that any building on the lot exceeds a height of thirty feet (30').

(b) Off-Street Parking Facilities Setback: Off-street parking facilities within an interior side or rear yard are not allowed within the first twenty feet (20') of the required yard.

2. Abutting Or Adjoining A Residential District:

(a) Yard Depth: There shall be a required interior side and rear yard of not less than thirty feet (30') in depth, except that such interior side or rear yard shall be increased by one foot (1') for each three feet (3') in height that any building on the lot exceeds a height of thirty feet (30'), and shall be increased an additional forty five feet (45') if such rear or interior side lot line abuts or adjoins a lot in a residence district.

(b) Off-Street Parking Facilities Setback: Off-street parking facilities within an interior side or rear yard shall not be nearer than thirty feet (30') from an adjoining lot in a residential district.

(c) Required Fence: Where a rear or interior side lot line in the OR&I District coincides with an interior side or rear lot line in an adjacent residential district, a fence of at least seventy five percent (75%) opacity shall be provided within the yard along the property line. The height of such fence shall be a minimum of six feet (6'), not to exceed eight feet (8').

(C) Accessory Structures: Accessory structures shall comply with yard and setback requirements as prescribed in Section 5A-5-9 of this Title.

(D) Permitted Obstructions In Required Yard: Permitted obstructions in required yards are allowed as described herein and as prescribed in Section 5A-5-7-3 of this Title and Chapter 11 of this Title including:

1. Drives And Off-Street Parking Facilities: Required yards may be occupied by drives and off-street parking facilities when constructed in accordance with the setback requirements of this District and in compliance with Section 5A-5-7-3 of this Title and Chapter 11 of this Title.

2. Joint Parking: In the case of joint parking facilities, parking may occur in the required yard without regard to the side lot line at the point of the combination of the parcels, and in compliance with subsections 5A-11-2-1(B) and (C) of this Title. (Ord. 0-03-00, 4-3-2000)

5A-9-3-9: HEIGHT LIMITATIONS, BULK REGULATIONS:

The maximum height, floor area ratio, and other bulk regulations for all buildings and structures in the OR&I District shall be as follows:

(A) The maximum height for all buildings and structures in the OR&I District shall be forty feet (40'); however, this limit may be increased by special use approval granted by the City Council, and after public hearings before the Plan Commission. Any such

increased height shall be reasonably required for the particular research or development use to which the property in question is to be put, and such increase shall not unduly conflict with the intent of this Title or interfere with the rights of the public.

(B) The basic floor area ratio in the OR&I district shall be 0.6.

1. If seventy five percent (75%) or more of the required parking is provided underground or within the building, then a floor area ratio premium of 0.20 shall be allowed.

2. Under a planned unit development, a floor area ratio premium of 0.1 will be granted for each additional five percent (5%) open space over the minimum requirement of twenty five percent (25%) of the total net site area, up to a maximum total of thirty five percent (35%).

(C) Not more than seventy five percent (75%) of the net site area shall be covered by principal and accessory buildings and structures and paved or impervious areas. (Ord. 0-03-00, 4-3-2000)

5A-9-3-10: COMPLIANCE WITH THIS TITLE AND OTHER APPLICABLE TITLES OF THIS CODE REQUIRED:

Properties located in this district shall comply with all applicable regulations of this title as well as all other applicable regulations with this code. At a minimum, the following regulations must be adhered to:

(A) Landscape Requirements: All establishments shall comply with the landscaping requirements of chapter 10 of this title.

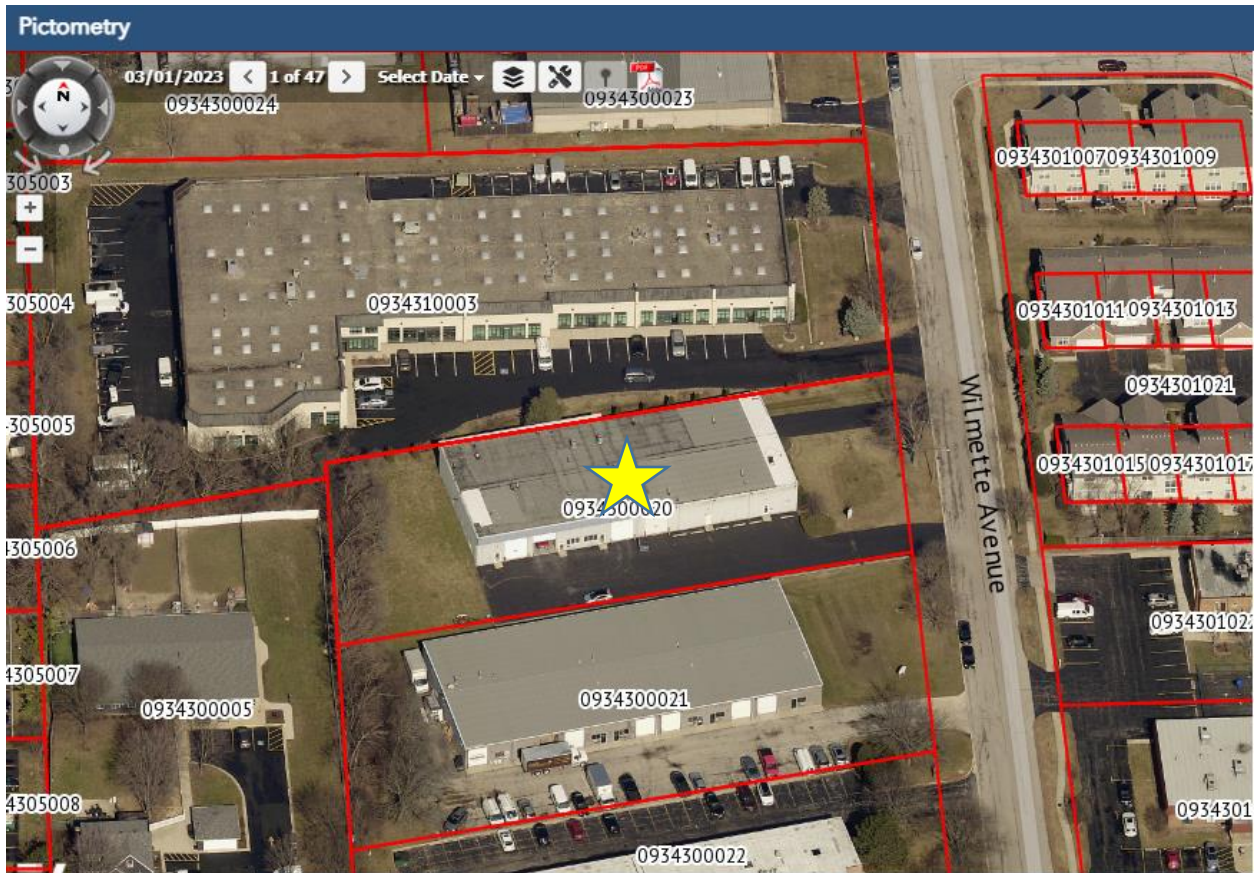
(B) Off Street Parking And Loading Requirements: All establishments shall comply with the off street parking and loading requirements of chapter 11 of this title.

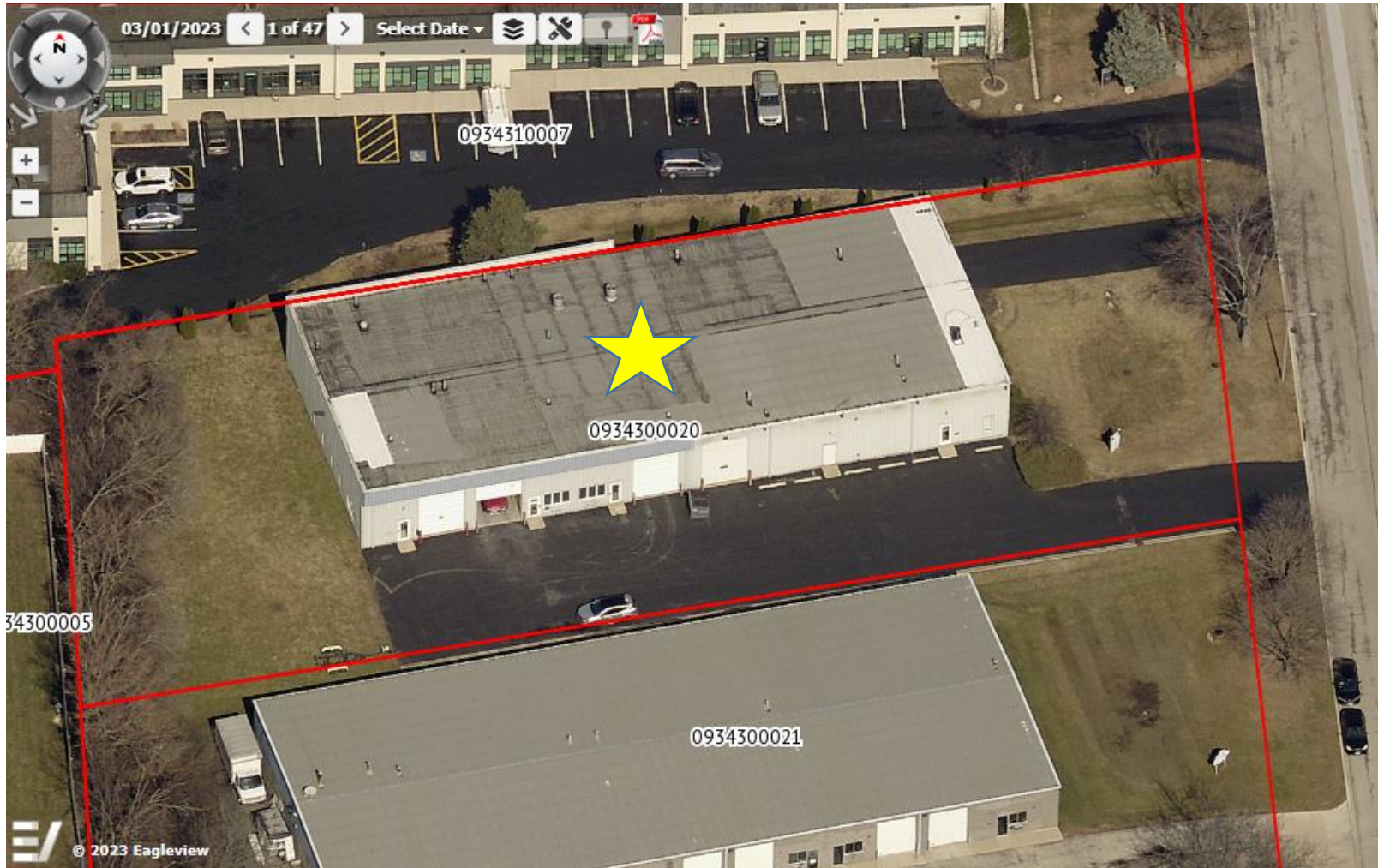
(C) Final Engineering: Provisions for stormwater management and engineering must be made in compliance with applicable codes.

(D) Performance Standards: Processes and equipment employed within the office, research and light industrial district shall be limited to those which comply with the performance standards of chapter 12 of this title.

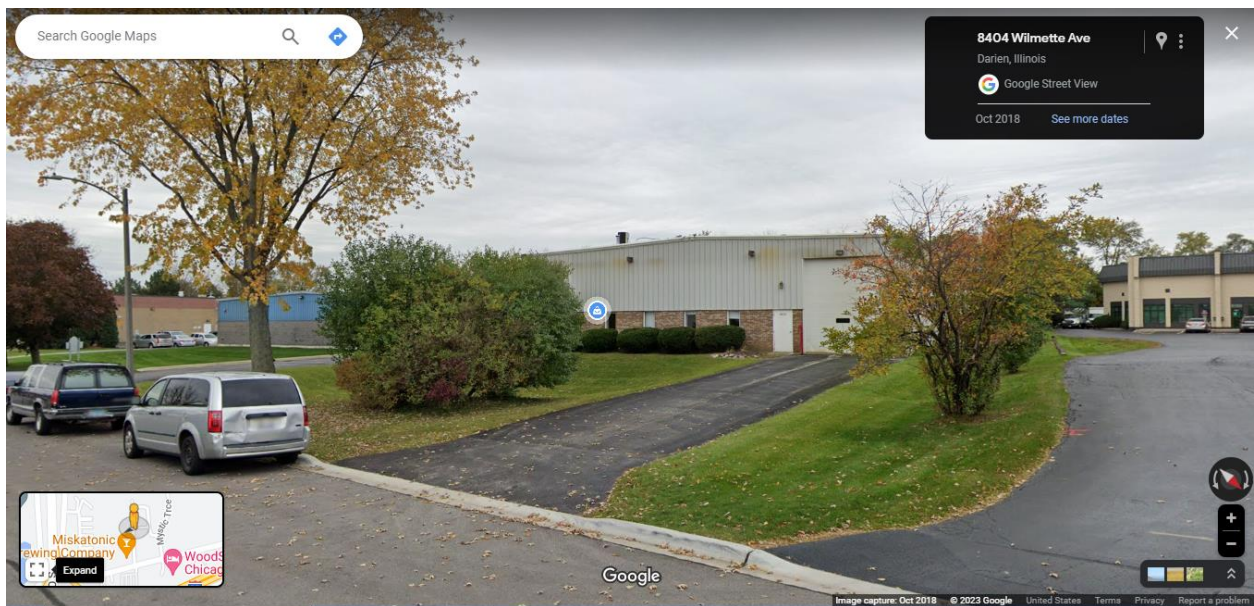
(E) Sign Regulations: The signs on the property shall comply with the Darien sign code (title 4, chapter 3 of this code). (Ord. 0-03-00, 4-3-2000)

ATTACHMENT (7): LOCATION MAP & AERIAL IMAGE





ATTACHMENT (8): SITE PHOTOS



AGENDA MEMO
PLANNING AND ZONING COMMISSION
SEPTEMBER 6, 2023

CASE

PZC2023-07

Electric Vehicle (EV) Charging Stations
Zoning Text Amendment

ISSUE STATEMENT

Petition from the City of Darien to amend the Zoning Ordinance (i.e. Text Amendment) to create a section regulating Electric Vehicle (EV) charging stations.

ATTACHMENTS

- 1) **DRAFT ORDINANCE REVISIONS (EV CHARGING STATIONS)**
- 2) **OTHER MUNICIPAL ORDINANCES**
- 3) **ZONING SECTION 5A-2-2-5(G): STANDARDS FOR AMENDMENTS**

BACKGROUND/OVERVIEW

In late 2022, ComEd and the Metropolitan Mayors Caucus announced an inaugural cohort of communities participating in an EV Readiness Program, a unique initiative launched to help local governments prepare to meet the growing demand for Electric Vehicles (EVs) and charging infrastructure. Funded in part with a \$225,000 commitment from ComEd, the EV Readiness Program is meant to help communities streamline policies and implement best practices for safe and effective regional transportation electrification. Through the Readiness program ComEd is working with communities across the region in preparing them to meet sustainability and EV adoption goals.

With the City being an inaugural cohort community, a focus on policy development related to EV infrastructure, permitting/zoning, safety, and community engagement is paramount. Therefore, staff developed revisions to the zoning ordinance pertaining to EV charging stations in order to streamline implementation and regulate infrastructure throughout the City.

After Municipal Services Committee review, the City Council made a motion on August 21, 2023, to recommend the ordinance revisions to the Planning and Zoning Commission for public hearing. The Planning and Zoning Commission is to review and recommend on the proposed ordinance for EV charging stations. In addition to the attached revision document, note the other municipal ordinances used/researched in order to formulate the text amendment. Also included are the standards that the Planning and Zoning Commission is to consider in recommending on the case.

DECISION MODE

The Planning and Zoning Commission will consider this item at its meeting on September 6, 2023.

MEETING SCHEDULE

Planning and Zoning Commission
Municipal Services Committee
City Council

September 6, 2023
September 25, 2023
October 2, 2023

**ELECTRIC VEHICLE CHARGING STATIONS
(ZONING SECTION 5A-X-X)**

Electric Vehicle Charging Stations

(A) General

1. Electric vehicle charging stations and infrastructure shall be permitted as accessory uses to lawfully established principal uses in all zoning districts.
2. If the primary use of a parcel is the retail charging of electric vehicle batteries, then the use shall be considered as an “Automobile Service Station” for zoning purposes.

(B) Parking

1. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements. A parking space served by electric vehicle supply equipment shall count as at least two (2) standard automobile parking spaces.
2. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles.
3. No minimum number of charging station spaces is required.
4. Pavement Marking: Pavement markings are required. Any and all pavement markings shall be the color white or yellow and shall match the color used for all other parking stalls. No additional stencil will be permitted.

(C) Equipment Location

1. Electric charging station equipment may not be located in a place that obstructs or interferes with a driver’s view of approaching, merging, or intersecting traffic in and around the right-of-way.
2. The charging station equipment must not impede pedestrian, bicycle, or vehicular traffic, or be located within the required area of the legal parking space, vehicle overhang, or associated circulation aisles as required by this chapter.
3. Adequate protection of charging station equipment from vehicles must be provided, such as curbing, bollards, or wheel stops.

(D) Landscaping

1. Where landscaping is possible, landscaping shall be provided around electric vehicle supply equipment.

(E) Signage

Public electric vehicle charging stations must be posted with signage indicating that the space is reserved for electric vehicle “charging” purposes only. The signage must also have a phone number or other contact information to report when the equipment is not functioning properly, and any time limits on use, tow away, or fine provisions.

DEFINITIONS (ZONING SECTION 5A-13-1)

CHARGING: When the connector from an electric vehicle supply equipment (or standard outlet) is inserted into the electric vehicle inlet, and electrical power is being transferred for the purpose of recharging the batteries on board the electric vehicle.

ELECTRIC VEHICLE: A vehicle that stores electric energy to be used for propulsion. An electric vehicle shall be defined as a “motor vehicle,” as defined in the Illinois Vehicle Code; and (i) which displays the State of Illinois EV license tag; or (ii) any vehicle defined by the air resources board as “off-vehicle charge capable” meaning having the capability to charge a battery from an off-vehicle electric energy source that cannot be connected or coupled to the vehicle in any manner while the vehicle is being driven.

ELECTRIC VEHICLE CHARGING INFRASTRUCTURE: “Make ready” electrical equipment including panels with circuit breakers, switchboards, transformers, conduit, wiring, junction boxes, conduit hangers, and other interconnections necessary and integral to delivering electrical power from a facility for charging electric vehicles.

ELECTRIC VEHICLE CHARGING STATION: Equipment designed to safely supply power from a facility or structure to electric vehicles. Electric vehicle charging stations include hard-wired electric vehicle charging stations and electric vehicle charging stations that plug in to standard wall outlets and may also integrate communication, metering, GPS, and other features that assist electric vehicle drivers and the host facility.

ELECTRIC VEHICLE SUPPLY EQUIPMENT: Equipment designed to safely supply power from a facility or structure to electric vehicles. Electric vehicle supply equipment includes hard-wired electric vehicle charging stations, electric vehicle charging stations that plug in to standard wall outlets and portable electric vehicle chargers. Electric vehicle supply equipment may also integrate communication, metering, GPS, two-way electricity flow management, and other features that assist electric vehicle drivers and the host facility.

NON-ELECTRIC VEHICLE: Vehicle that does not meet the definition of Electric Vehicle (EV).

§ 154.128 - ELECTRIC VEHICLE PARKING.

- (A) Purpose: The intent of this section is to remove barriers to the use of electric vehicles, expedite and promote the development of safe, convenient, and cost-effective electric vehicle infrastructure to support the use of electric vehicles, and protect the environment by reducing vehicle emissions.
- (B) Permitted Locations:
- (1) Retail Charging, Accessory Use:
- (a) Level 1 and Level 2 Charging Stations: Level 1 and level 2 charging stations are permitted in every zoning district, when accessory to the primary permitted use of said district. Charging stations located at single-family and multiple-family dwellings shall be designated as private use only. Installation of charging stations shall be subject to permit approval. All necessary permits must be obtained prior to the installation of any charging station.
- (b) Level 3 (DC Fast) Charging Stations: Level 3 (DC fast) charging stations are permitted only in business and manufacturing districts when accessory to the primary permitted use. All necessary building and electrical permits must be obtained prior to the installation of any charging station. Installation thereof shall be subject to permit approval.
- (2) Retail Charging Primary Use: If the primary use of a parcel is the retail charging of electric vehicle batteries, then the use shall be considered a gas station for zoning purposes.
- (C) Station Requirements and Design Criteria:
- (1) Charging Station Space Requirements:
- (a) Minimum Requirements: A charging station space may be included in the calculation for minimum parking spaces that are required pursuant to other village and state regulations; however, the designation of a parking space exclusively for use by electric vehicles shall not have a negative impact on the parking demand within the village. The director of community development or his or her designee may require the removal of this exclusive designation if, in his or her sole discretion, said designation creates any parking issues within the village.
- (b) Number: No minimum number of charging station spaces is required.
- (2) Charging Station Space Location and Design Criteria: Where provided, spaces for charging station purposes are required to include the following:
- (a) Maintenance: Charging station equipment, bollards and parking spaces shall be maintained in all respects. The property owner of the equipment shall be responsible for the maintenance of the charging station and shall provide warranty and service for the charging stations and infrastructure for the duration of their useful life. A phone number

or other contact information shall be provided on the charging station equipment for reporting purposes when the equipment is not functioning or other equipment problems are encountered.

- (b) Accessibility: Where charging station equipment is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the charging station equipment shall be located so as not to interfere with accessibility requirements of the Illinois Accessibility Code or other applicable accessibility standards.
 - (c) Lighting: Where charging station equipment is installed, adequate site lighting shall be provided in accordance with village ordinances and regulations.
 - (d) Charging Station Equipment: Charging station outlets and connector devices shall be no less than thirty-six inches (36") and no higher than forty-eight inches (48") from the ground or pavement surface where mounted, and shall contain a retraction device and/or a place to hang permanent cords and connectors a sufficient and safe distance above the ground or pavement surface. Equipment shall be mounted on pedestals, and located as to not impede pedestrian travel or create trip hazards on sidewalks.
 - (e) Charging Station Equipment Protection: Adequate charging station equipment protection, such as barrier curbing, concrete filled steel bollards, or similar shall be used.
 - (f) Usage Fees: An owner of a charging station is not prohibited from collecting a fee for the use of a charging station, in accordance with applicable state and federal regulations. Fees shall be prominently displayed on the charging station.
 - (g) Notification: Information on the charging station, identifying voltage and amperage levels and time of use, fees, or safety information.
 - (h) Location: Electric vehicle charging station equipment is encouraged in landscaped areas. When located within a parking lot, electric vehicle charging station equipment shall be centrally located between parking spaces to avoid vehicle conflicts.
 - (i) Pavement Marking: Any and all pavement markings shall be in compliance with section 154.122 of this Code. Any and all pavement markings shall be the color white or yellow and shall match the color used for all other parking stalls. No additional stencil will be permitted.
- (3) Data Collection: To allow for maintenance and notification, the village shall require the owners of public charging stations to provide information on the charging station's geographic location, date of installation, equipment type and model, and owner contact information to the village manager or his/her designee.
- (D) Quantity and Location Requirements:
- (1)

Residential: In order to proactively plan for and accommodate the anticipated growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new one-family and multiple-family homes with garages be constructed to provide a 220-240 volt/40-amp outlet on a dedicated circuit in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a level 2 charging station.

- (2) Nonresidential: In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new and expanded nonresidential development parking areas provide the electrical capacity necessary to accommodate the future hardwire installation of level 2 charging stations. It is recommended that a typical parking lot (e.g., one thousand (1,000) or less parking spaces) have a minimum ratio of two percent (2%) of the total parking spaces prepared for such stations.
- (3) Accessible Charging Stations: Any location where electric vehicle charging stations are installed shall be required to have at least one (1) parking space equipped with an accessible charging station. Accessible charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel to and from the building or facility. It is not necessary to designate the accessible charging station exclusively for the use of disabled persons. Accessible charging stations shall be maintained in compliance with the Americans with Disability Acts of 1990, 42 U.S.C. § 12101 and all applicable state and federal laws.

(E) Signage:

- (1) All electric vehicle charging stations shall comply with all village sign regulations except this provision supersedes section 119.37 of this Code with respect to electric vehicle charging station signage only.
- (2) Off-site signage and advertising are allowed on an electric vehicle charging station if it meets the definition of a public service object as permitted pursuant to subsection 155.50(E)(3).
- (3) On-site advertising is allowed on an electric vehicle charging station only when it is an integral part of the electric vehicle charging station. All advertising is limited to the promotion of goods, services and products of the owner and tenants on-site where the electric vehicle charging station is located. The on-site advertising may consist of static images that change no faster than once every ten (10) seconds or a continuous video on a LED screen. No advertisement shall play or emit any sound. Except as indicated in this section, the size of any on-site advertising signage shall not exceed four (4) square feet in gross surface area for each exposed face, nor exceed an aggregate gross surface area of six (6) square feet. On-site advertising signage on a video screen shall not exceed an aggregate gross surface area of one-fourth (0.25) square feet. If the electric vehicle charging station is located at a shopping

center greater than five hundred thousand (500,000) square feet in total size, the size of any on-site advertising signage shall not exceed eleven (11) square feet in gross surface area for each exposed face, nor exceed an aggregate gross surface area of sixteen (16) square feet.

(4) Each charging station space shall be posted with signage indicating days and hours of operation if time limits or tow away provisions are to be enforced.

(F) License Required:

(1) Any person or entity owning or operating an electric vehicle charging station within the village must obtain a vending machine license pursuant to section 119.30 et seq. of this Code.

(Ord. 19-009, passed 2-12-2019; Am. Ord. 21-004, passed 1-12-2021; Am. Ord. 21-044, passed 4-13-2021; Am. Ord. 21-082, passed 8-24-2021)

Sec. 118-70. - Electric vehicle charging stations.

- (a) *Station location.* In residential districts, an electric vehicle charging station is permitted in any area where a vehicle may be parked. In all other districts, the station is permitted for use with any legal parking space that is not in a required vehicle parking space, except when that parking space is dedicated to a specific residence.
- (b) *Equipment location.* The charging station equipment must not impede pedestrian, bicycle, or vehicular traffic or be located within the required area of the legal parking space, vehicle overhang, or associated circulation aisles as required by this chapter.
- (c) *Requirements for public use.* When the station is intended to be used by the public:
 - (1) *Equipment protection.* Adequate protection of charging station equipment from vehicles must be provided, such as curbing, bollards, or wheel stops.
 - (2) *Signage.* Any charging station that is intended to be used for multiple users must have signage indicating that parking is for electric vehicle charging only, a phone number or other contact information to report when the equipment is not functioning properly, and any time limits on use, tow away, or fine provisions.
 - (3) *Parking space identification.* The parking space must be identified per the Electric Vehicle Charging Station Guidelines.
 - (4) *Principal use.* If the primary purpose of the lot is the charging of vehicles, the use is considered an automotive fuel station for zoning purposes.

(Ord. No. 19-4-C-4451, § 1, 4-15-2019)

6.10.7. - Electric Vehicle Charging Stations

A. General

1. Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses to lawfully established principal uses in all zoning districts.
2. Public EV charging stations are permitted as accessory uses to lawfully established principal nonresidential uses in all zoning districts.

B. Parking

1. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
2. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles.

C. Equipment

Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.

D. Signage

Public electric vehicle charging stations must be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

ATTACHMENT (3): STANDARDS FOR AMENDMENTS

5A-2-2-5: AMENDMENTS:

(G) Standards: The Plan Commission shall consider the following factors and other pertinent factors in developing a recommendation for the City Council:

1. Existing uses of property within the general area of the property in question, and the resulting character of the general area;
2. The zoning classifications of property within the general area of the property in question;
3. The suitability of the property in question to the uses permitted under the existing zoning classification including consideration of the length of time the property has been vacant as zoned;
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classifications and the impact to surrounding property likely to result from the proposed use;
5. The reduction in value of the subject property resulting from the particular zoning restriction as compared to the gain to the public if the property remains restricted; and
6. The policies of all current official plans or plan elements of the City.