

FEB 04 2008

ORDINANCE NO. 2630

*Wally J. Jaffke*  
City Clerk

**AN ORDINANCE TO ALLOW USED AUTOMOBILE  
SALES AS AN ANCILLARY USE FOR AN AUTOMOBILE  
REPAIR BUSINESS BY SPECIAL USE PERMIT ONLY IN  
A C-3 (HIGHWAY BUSINESS ZONED DISTRICT) IN THE  
CITY OF COLUMBIA, ILLINOIS**

WHEREAS, Section 17.02.050 of the City of Columbia, Illinois (the "City") Zoning Code allows amendments of regulations in zoned districts in the City by the City's City Council, on motion of the City's City Council or on petition of a property owner, after the request is reviewed by the City's Planning Commission and there is a public hearing regarding the requested amendment conducted by the City's Zoning Board of Appeals, following publication of notice of the hearing in a newspaper published in the City;

WHEREAS, Christopher Kalbfleisch, as the owner and operator of Quality Collision, Inc., an Illinois corporation doing business at 201 Southwoods Court in the City, has petitioned the City to amend its Zoning Code to allow used car sales in a C-3 (Highway Business Zoned District) in the City;

WHEREAS, the request was referred to the City's Planning Commission for their consideration and recommendation and on the 12<sup>th</sup> day of November, 2007 the City's Planning Commission recommended to the City Council that the Council approve the Zoning Code amendment request of the petitioner;

WHEREAS, the request was referred to the City's Zoning Board of Appeals for public hearing and a public hearing was held on the request on November 14, 2007, following publication of notice of the hearing as required by law, and the City's Zoning Board of Appeals has recommended that the City Council amend the City's Zoning Code to allow used car sales ancillary to an automobile repair business in a C-3 (Highway Business Zoned District) in the City;

WHEREAS, the City Council of the City of Columbia, Illinois, after considering the recommendations of the City's Planning Commission and Zoning Board of Appeals, has found and determined and does hereby declare that it is necessary and appropriate that the Zoning Code of the City be changed and amended to allow and provide that retail used car sales that are ancillary to an automobile repair business shall be permitted as a Special Use in a C-3 (Highway Business Zoned District) in the City, and that that use not be allowed in any other zoned district in the City, as is more particularly made and provided for in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

**Section 1.** The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

**Section 2.** Subsection "B" of Section 17.30.020 (Uses permitted only by a special use permit), of Chapter 17.30, C-3 (Highway Business Zoned District), of Title 17 (ZONING) of the City of Columbia, Illinois Municipal Code is hereby changed and amended to add thereto auto repair and sales as an ancillary use, to read as follows:

**"B. Uses permitted only by a special use permit.**

The following uses shall be permitted in a C-3 (Highway Business Zoned District) in the city by special use permit only in accordance with Section 17.40.010 (Special uses) and Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) thereof:

1. Auto repairs and sales as an ancillary use;
2. Boat sales and service – retail;
3. Contractor businesses;
4. Day care centers or day nursery for infant, child, and adult;
5. Drug store drive through facility;
6. Employment agencies;
7. Hospitals;
8. Mini-storage businesses;
9. Pet grooming businesses;
10. Recreational vehicles, campers and trailer dealers – sales and service;
11. Used car and truck sales on retail lots; and,
12. Used car and truck sales-retail, ancillary to an automotive business."

**Section 3.** Figure 1 (SPECIAL USE EXCEPTIONS AND REQUIREMENTS) of Section 17.40.010 (Special use exceptions, requirements and procedures) of Chapter 17.40 (SPECIAL USES) of Title 17 (ZONING) of the Municipal Code of the City of Columbia, Illinois is changed and amended to add thereto "Auto repair and sales as an ancillary use" after "Automobile auction business retail and wholesale", to read as follows:

**"FIGURE 1  
SPECIAL USE EXCEPTIONS AND REQUIREMENTS**

<b>District(s) in Which Use May Be Permitted</b>	<b>Requirement Designation</b>
Auto repair and sales as an ancillary use	C-3  Such of the following Figure 1 requirements as

the City Council shall reasonably require, to wit: b, c, d, f, g, h, i, j, k, l, o, p, q, r, s, t, v, x and y, and in addition thereto, such other land development and use and activity restrictions as the City Council shall reasonably require, including but not limited to: prohibiting motor vehicle body work (including painting) on the premises, signage restrictions beyond those required by the City's Street Graphic Control Ordinance, traffic routes and patterns for motor vehicle testing, restrictions on hours of operation, restrictions on hours of operating on-premises lighting, restrictions on on-premises parking beyond those ordinarily required by the City's Zoning Code."

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**Section 4.** This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Alderman Agne moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Stumpf, and the roll call vote was as follows:

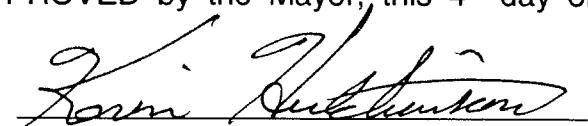
YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor, this 4<sup>th</sup> day of February, 2008.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)