




MEMORANDUM

TO: Trustee Anthony Puccio, Chairperson
Economic and Community Development Committee Members

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: January 9, 2023

SUBJECT: **Text Amendment to Chapter 94: Nuisances; Parking/Storage of Vehicles**

EXECUTIVE SUMMARY:

The Economic and Community Development Committee (ECDC) has reviewed selected Village Code provisions pertaining to matters that are under the purview of the Community Development Department and not otherwise administered through other established entities (such as the Zoning Board of Appeals or the Plan Commission). Additionally, the ECDC has been engaged in reviews of the Code Enforcement Policy Manuals and other policy related matters.

Throughout 2022, the Village's Building and Code Enforcement staff have been reviewing a number of existing provisions, based upon past public inquiries and trustee engagement. Staff is introducing a series of amendments to Chapter 94 of Village Code, specifically pertaining to vehicle parking and storage matters. Topics to be reviewed at the ECDC meeting include:

1. Amending the regulatory approach used to determine the types of vehicles that would be permissible on residential lots
2. Changing the surface standard for how a recreational vehicle or trailer can be parked on a residential lot
3. Limit the number of large trucks, boats, and trailers that can be parked on a single residential lot
4. Add language regarding who can enforce ordinances pertaining to vehicles for sale on lots
5. Add language to allow storage of snow clearing equipment on commercial and multifamily lots
6. Combine two separate sections of ordinances into one in the nuisance ordinance

At the ECDC meeting, staff will provide a PowerPoint presentation which will include illustrative examples of each of the issues noted above, which will provide greater context and justification of the rationale of each of the amendments.

Types of Permissible Vehicles on Residential Lots

Section 94.04 (L) et. seq. reads in part as follows (note: if listed, it is deemed a code violation):

(L) (1) All parking and/or storage of commercial vehicles requiring more than a Class B license plate as established by the office of the Secretary of State of the State of Illinois such as trucks, tractors, and trailers on one and two family residential property and residential townhomes; ...

(2) Storage of all other specialized commercial vehicles such as tractors, plows, backhoes, or any other similar equipment stored on one and two family residential property and residential townhomes unless said equipment is garaged, or for a construction site for which a building permit has been issued.

(3) Where said vehicle parking and/or storage of commercial vehicles requiring more than a Class B license plate is otherwise not prohibited by sub-sections (1) and (2) above, such parking and/or storage activity shall be limited and restricted as follows:

(a) Said vehicle shall only be permissible for vehicles are exclusively used for the maintenance activities at the respective property and shall not be for general commercial parking purposes; and

(b) The parking of such vehicles shall be exclusively in designated parking spaces. When site considerations allow, the parking spaces shall be visually separated from public streets and neighboring residential areas and shall be reviewed and approved by the Director of Community Development.

The general nature of such municipal regulations are quite common and are intended to address aesthetic concerns and help ensure that business activities are not otherwise negatively impacting residential properties beyond acceptable local standards.

This section is intended to be rewritten to address changes in the Illinois Secretary of State's plate designation provisions, which has been modified and is no longer the best guide for determining whether a vehicle meets a desired standard for being within the character of a residential neighborhood. The Village has also observed cases in which a vehicle (pick-up truck with contractor storage cabinets) actually has a higher plate weight limit than necessary. Conversely, some smaller trucks can have dump boxes attached to them which based upon past code enforcement cases, presents the reverse compliance challenge.

To remedy this issue and given that this is really an aesthetic regulation, staff is recommending that in lieu of vehicle plates as the descriptive factor, the nuisance codes should be modified to specifically state which vehicles are deemed to be inconsistent with residential properties, and instead functional performance standards are established.

Specific amendments are offered below for illustrative purposes, which would amend or supplement subsection (L)(1) above:

Commercial Vehicles. Not more than one (1) commercial vehicle on a residential property (excluding standard-sized, passenger vehicles including, but not limited to, automobiles, vans, sports utility vehicles, and pick-up trucks), and which

- 1. does not exceed a gross vehicle weight of 10,000 pounds,*
- 2. is not larger than a one-ton truck,*
- 3. the vehicle has a height clearance of greater than 9 feet; or*
- 4. the vehicle exceeds 22 feet in length.*

Trucks specifically prohibited shall include box trucks, tow trucks, dump trucks, boom/lift trucks, or similar vehicles.

Additionally, a preamble/definitions provisions of the nuisance section will be added for clarity and to more fully describe any designated vehicle type subject to additional regulation.

Surface Parking Standards

Village Code (Section 150.301) and the Zoning Ordinance (Section 155.602 (A)(10) already provides standards for requisite off-street parking and driveways. Within Chapter 94.05 (J), the following language is offered within the Nuisance Section, with emphasis added:

*The parking of vehicles, trailers, boats, or other similar equipment on grass, soil, gravel, or other outdoor areas not surfaced with asphalt or concrete as required by Title 15, Chapter 150, Section 150.301 (B) of this Code, except for legal nonconforming parking areas covered under the provisions of Title 15, Chapter 155 of the Village Code. Notwithstanding the forgoing, recreational vehicles, as defined by 625 ILCS 5/1-169, as well as any recreational trailers used to transport snowmobiles, watercraft, all-terrain vehicles, motorbikes or similar recreational vehicles and equipment shall be exempt from this requirement **provided that the wheels and any hitch supports of such recreational vehicles or trailers are parked upon a concrete or asphalt surface adequate to support the entire weight of the associated recreational vehicles or recreational trailer.***

An interpretation of this language would allow for the parking and storage of an applicable vehicle on a property by simply placing a hard surface underneath tires or hitch supports and not under any other parts of the vehicle. Per resident and trustee inquiries, staff is proposing language to change the last section, in the following respects:

1. This approach does not account of vehicles being moved from a support, thereby creating pathway ruts on soft surfaces (or subsequent placement of additional gravel, which is not permissible); and
2. The supporting the entire weight provision can be deemed to be arbitrary from an engineering standard.

To remedy this issue, the end of this section is proposed to be amended so unless such vehicle parking areas shall wholly meet the driveway standard in Section 150.301 (B) (i.e., 6-inches stone + 2-inches compacted blacktop or 2 inches stone + or 5-inches concrete), unless otherwise meeting the legal nonconforming provisions set forth within Section 155.300 et. seq. of the Village Code, it is deemed to be a nuisance.

Number of Recreational Vehicles/Trailers Stored on a Property

The nuisance code provisions are generally silent as it pertains to the number of recreational vehicles that can be stored on a property. Code enforcement staff has been engaged with a several properties that have had multiple RV trailers and the like on a given property, which has raised neighbor concerns that rear yards are functioning more like general storage lots. To that end, staff recommends that outdoor parking more than one recreational vehicle or more than one trailer on a single-family or two-family property is deemed a nuisance.

Vehicles for Sale

Section 10-13-7 of the Lombard Traffic Code reads in part as follows:

Vehicles for sale. It shall be unlawful to park any vehicle upon any street or highway, or in any quasi-public parking lot within fifty (50) feet of the right of way of any street or highway, for the primary purpose of sale, within the Village of Lombard.

"Primary purpose of sale" means; the vehicle is parked with signs or markings clearly indicating that the vehicle is offered for sale and that said vehicle is not being used for any purpose other than offering the vehicle for sale.

It is presumed, in the event a vehicle is parked in excess of ten (10) hours at one (1) location with signs indicating the vehicle is for sale, that the primary purpose is for sale purposes.

Quasi-public parking lots means any off street parking area designated for the use of the general public who have business or some other type of function at the premises where the parking lot is located.

As this language is stated within the Traffic Code, administration and enforcement of these provisions can only be undertaken by the Police Department. In consultation with the Police Chief, staff also proposes to add the language noted above within Chapter 94 for cases whereby the vehicle for sale is not on a street or highway. This addition would allow for Code Enforcement staff to administer the provisions in a similar manner as other property-related nuisances. However, the language noted above is intended to also remain within the Traffic Code, as it would still give the Police Department authority to cite or even remove vehicles, if deemed appropriate or necessary to expedite their removal. The Police Department would retain sole jurisdiction of such vehicles if located on the street, so the first sentence of the aforementioned section would read essentially as follows:

parking any vehicle upon any quasi-public parking lot within fifty (50) feet of the right of way of any street or highway, for the primary purpose of sale, within the Village.

Storage of Snow Clearing Equipment

It is not uncommon for owners of commercial shopping center or larger commercial or industrial properties to store snow removal equipment on properties. This activity is largely done so that clearing response times are quicker and the clearing can be done more efficiently. Staff has received occasional inquiries questioning such storage activities as permissible. To that end and to clarify the parameters of such activities, staff proposes the inclusion of the following language supplementing or blending into the aforementioned provisions in Subsection (3)(a) above.

Notwithstanding any other provisions of Village Code, the parking of snow removal equipment shall not be deemed to be a nuisance violation provided that such storage is exclusively for the use and benefit of the property in which the vehicle is being stored upon and such storage shall only be permissible from October 15 through May 1 of the following year.

Structure of Chapter 94 and Notice Provisions

With each of the provisions under review, staff is working with Village Counsel to memorialize the proposed amendments and prepare a draft ordinance restructuring the Chapter 94 provisions. In the review effort, the current code provisions denote due notice and the process (Section 94.03) or no notice provisions. However, in reviewing the specific activities noted within each subsection, the designations do not closely equate to the nature of a violation and a reasonable time period for compliance (i.e., certified written notice for a dead animal carcass (which can create a health/safety issue) versus parking of vehicles on grass, which requires no notice.

ACTION REQUESTED

These amendments are being brought forward to the ECDC for discussion and a recommendation. If deemed acceptable, staff recommends that the ECDC direct staff to work with Village Counsel to prepare a final draft ordinance for consideration based upon the representations set forth above and as recommended by the ECDC members.