

MEETING AGENDA

ZONING BOARD OF APPEALS/PLAN COMMISSION

**Thursday, October 21, 2021, at 7:30 pm
Village Hall, 1 N Prospect Avenue**

NOTICE: Public comments and any responses that one would like read into the public meeting record be submitted by completing the Public Meeting Comment Form prior to 5 PM the day of the meeting. The form is located on our website at www.clarendonhills.us/PublicComment

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF MINUTES – May 20, 2021**
- V. NEW BUSINESS**
 - None**
- VI. OLD BUSINESS**
 - a. **[This item required renewed public notice publishing, which was accomplished]**
 - Case No 500 /** Village-initiated text amendment to Article 10 – 10.9 Commercial and Recreational Vehicle Storage. The proposed text amendment provides regulations regarding the storage of commercial and recreational vehicles on private property
- VII. COMMENTS FROM THE AUDIENCE**
- VIII. DISCUSSION ITEMS – None**
- IX. ADJOURNMENT**

ZONING BOARD OF APPEALS/PLAN COMMISSION

MEETING MINUTES

Thursday, May 20, 2021, at 7:30 pm
(Virtual Meeting via MS Teams)

Village Hall, 1 N. Prospect Avenue, Clarendon Hills, Illinois

I. **CALL TO ORDER.**

Chairman Kuhn called the Zoning Board of Appeals/Plan Commission meeting to order at 7:30 pm.

II. **ROLL CALL.**

Present: Chairman Greg Kuhn, Peter Jablonski, Andriy Striltschuk, Karin Hanke, and Krista Casper

Absent: Tom Szurgot and Jeff Keiner

Others Present: Community Development Director Dan Ungerleider

III. **APPROVAL OF MINUTES.**

February 18, 2021 – Mrs. Casper noted that there was an incomplete sentence on the second page of the draft minutes. Mr. Ungerleider offered a correction that was accepted by the Commission. Mrs. Casper made a motion, seconded by Mrs. Hanke, to approve the minutes as corrected from the ZBA/PC meeting held on December 17, 2020. The motion passed by a unanimous voice vote.

IV. **NEW BUSINESS.**

Case No Z500 / Request for Plat of Subdivision approval for 206 Oxford Avenue Consolidation Plat. Mr. Ungerleider provided a brief background of the Commission's responsibility to review and approve plats of subdivision. The task is established by State law under the Plat Act, requiring local Plan Commission confirmation that plats of subdivision are drawn in compliance with state and local zoning and development standards. He noted that this was not a public hearing.

Mr. Ungerleider reported that the petitioner and owner of the subject property, Mr. John Weicher, was seeking approval seeking approval for the Plat of Consolidation of 206 Oxford Avenue, a plat of subdivision consolidating two (2) parcels into a one (1) lot single-family residential subdivision (see the attached reduced plat and location map). The petitioner plans to complete a building addition on the west side of the home cross over the property line dividing the parcels. As a result of these changes, the Petitioner is required to consolidate both parcels into one parcel or zoning lot. When consolidated, the new 25,101 square foot lot and home will comply with the minimum lot standards established for properties and bulk standards according to the R-1 Single-Family Residential District, the existing zoning designation for the subject property.

At the conclusion of Mr. Ungerleider's presentation, the Commission discussed the case. Mr. Jablonski made a motion, seconded by Karin Hanke, to recommend APPROVAL for the Plat of Consolidation of 206 Oxford Avenue, a plat of subdivision consolidating two parcels into a one (1) lot single-family residential subdivision. The motion was passed unanimously, by a vote of 5-0.

V. **OLD BUSINESS. None**

VI. **COMMENTS FROM THE AUDIENCE. None**

VII. **DISCUSSION ITEMS.**

Mr. Ungerleider noted that discussion regarding commercial vehicles and recreation vehicles text amendments would need to be delayed to future meeting since the public notice used during the previous discuss had expired. A notice will need to be posted for a future meeting in consideration of this subject. Chairman Kuhn expressed the importance of this topic given the potential impact of these vehicles on the Village's changing communities.

Mr. Ungerleider added that in the near future the Village Board's Land Use Committee will have a meeting to discuss commercial and recreation vehicles, large group homes, short term rentals and other land uses issues. Members of the Zoning Board of Appeals/Plan Commission, as well as the general public, are welcome to attend this meeting.

Chairman Kuhn expressed appreciation for the opportunity to work with the Downtown Design Review Commission in their review of the upcoming Burlington Plaza improvements later this summer.

VIII. **ADJOURNMENT.** A motion was made by Mrs. Hanke and seconded by Mrs. Casper to adjourn the meeting at 8:05 pm. The motion passed unanimously by a voice vote.

Respectfully Submitted,



Dan- Ungerleider, Community Development Director

MEMORANDUM

TO: Chair and Members of the Zoning Board of Appeals and Plan Commission

FROM: Jonathan Mendel, Community Development Director

DATE: October 21, 2021

RE: **Case No 500 / Village-initiated text amendment to Article 10 – 10.9 Commercial and Recreational Vehicle Storage. The proposed text amendment provides regulations regarding the storage of commercial and recreational vehicles on private property. [PUBLIC HEARING]**

Last February, staff brought Zoning Ordinance text amendments to adjust and expand Section 20.10.9 of the current code. This was needed as all the regulations of RV storage and parking within the Village were inadvertently left out of the modernization process in 2017-2019.

At the February 18, 2021 ZBA/PC meeting, staff and the Board discussed the proposed new text for Section 20.10.9 and other items that could be included or further analyzed. Below is summary of the items/categories for further discussion:

- Reevaluate the regulated size of RVs being stored
- Time limits on length/period of storage
- Minimum RV condition standards
- Screening and additional setback requirements for RV storage location

Considering the significant amount of time since the codification of the modernized zoning ordinance (October 2019 to present), it is recommended the pre-modernization RV regulatory language to the current code's Section 20.10.9 to have regulations for RV storage and parking on the books. This is critical as we currently do not have any such regulations within the Zoning Ordinance and this could be construed as an unregulated use of land and culturally problematic.

Once the regulations are in place, we can continue evaluating and analyzing changes to the regulations to account for contemporary community desires on the subject.

Three exhibits are attached to this staff report:

- Exhibit A adds the pre-modernization RV regulatory text to the current code Section 20.10.9 to once again regulate this activity and provide the Village additional time to reevaluate the RV regulatory scheme.
- Exhibit B is the February 18, 2021 discussion including the staff report and the meeting minutes

Requested Action: Approval of a motion recommending the text contained in Exhibit A of this report be adopted by ordinance.

att. Exhibit A – Amended Section 20.10.9 to include pre-modernization regulatory text
Exhibit B – February 18, 2021 staff report and meeting minutes

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EXHIBIT A

Proposed text amendment for Section 20.10.9

20.10.9: STORAGE OF COMMERCIAL AND RECREATIONAL VEHICLES:

~~—A. No commercial vehicle may be parked outdoors on a lot in a residential district, with the exception of vehicles engaged in loading or unloading or current work being done to the adjacent premises. This does not include standard size passenger motor vehicles (including, but not limited to: vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks), which are permitted to be stored or parked outdoors overnight on lots in residential districts. This includes vehicles owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area. Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.~~

~~—B. All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be stored or parked outside overnight on a lot in a residential district.~~

~~—C. For non-residential uses in the non-residential districts, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be in operable condition. Signs placed or painted on parked vehicles where the only purpose is to advertise a product or service, or to direct the public to a business or activity located on or off the premises, are prohibited. (Ord. 19-10-26)~~

A. Commercial Vehicles

- (1) No commercial vehicle may be parked outdoors on a lot in a residential district, with the exception of vehicles engaged in loading or unloading or current work being done to the adjacent premises. This does not include standard size passenger motor vehicles (including, but not limited to: vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks), which are permitted to be stored or parked outdoors overnight on lots in residential districts. This includes vehicles owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area. Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.
- (2) All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be stored or parked outside overnight on a lot in a residential district.
- (3) For non-residential uses in the non-residential districts, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be in operable

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condition. Signs placed or painted on parked vehicles where the only purpose is to advertise a product or service, or to direct the public to a business or activity located on or off the premises, are prohibited.

B. TRAILERS, BOATS, AND RECREATIONAL VEHICLES: Except when located in a garage or fully enclosed structure, trailers, boats, and recreational vehicles may be parked or stored only in the rear yard of any zoning lot provided the following conditions also are met:

- (1) **Temporary Office:** A trailer may be used as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located during the time when construction or development is actively under way.
- (2) **Yard Requirements:** Trailers, boats, and RVs may be parked or stored on a zoning lot provided they are parked or stored so as to meet all yard requirements for accessory structures on the premises where parked or stored, and provided they are not used or occupied for living, sleeping, housekeeping, or business purposes.
- (3) **Bulk Regulations:**
 - (a) Permitted travel trailers, pickup coaches, motorized homes and camping trailers constructed as temporary shelter for travel purposes shall not exceed eight feet (8') in width, eleven feet (11') in height, and thirty feet (30') in length including bumpers and hitches; and
 - (b) Permitted boats shall not exceed twenty feet (20') in length, eight feet (8') in width, or eleven feet (11') in height.
- (4) **Loading Or Unloading:** Any trailer or boat may be parked anywhere on the premises for a forty eight (48) hour period for loading or unloading purposes. Any temporary storage container may be placed on a driveway for no more than seven (7) days in any consecutive thirty (30) day period for loading and unloading purposes.
- (5) **Licenses:** State license plates and village vehicle licenses shall be current and properly displayed.
- (6) **Use:** A recreational vehicle, boat, or commercial trailer shall not be used as a dwelling, or as a storage or accessory building, or as part of any business enterprise.
- (7) **Flammable Liquids:** The owner of a boat, boat trailer, commercial trailer, or recreational vehicle shall not park, let stand or store such boat, boat trailer, commercial trailer, or recreational vehicle; and shall not leave flammable liquids aboard other than in Illinois department of transportation or United States department of transportation approved containers.
- (8) **Parked In Unsafe Or Dangerous Manner:** The owner of a boat, boat trailer, commercial trailer, or recreational vehicle shall not park, store, or permit to stand such boat, boat trailer, commercial trailer, or recreational vehicle in such a manner as to create a dangerous or unsafe condition on the property where parked, stored, or permitted to stand. Parking, storing, or standing in such a fashion that the boat, boat trailer, commercial trailer, or recreational vehicle may tip or roll shall be considered a dangerous and unsafe condition.
- (9) **Maintained In Mobile Condition:** A stored, parked, or standing recreational vehicle or boat trailer shall be maintained in mobile condition.

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- (10) Major Construction Or Repair: No major construction or major repair of a recreational vehicle, boat, or boat trailer shall be permitted in a residential district.

- (11) Temporary Parking And Use: Temporary parking and use of recreational vehicles shall be permitted when a permit has been issued by the building commissioner when a recreational vehicle is used for lodging purposes on a lot containing a dwelling, provided it is not parked or used thereon more than seven (7) days in any consecutive thirty (30) day period.

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EXHIBIT B
February 18, 2021 meeting minutes and staff report

ZONING BOARD OF APPEALS/PLAN COMMISSION

MEETING MINUTES

Thursday, February 18, 2021, at 7:30 pm
(Virtual Meeting via MS Teams)
Village Hall, 1 N. Prospect Avenue, Clarendon Hills, Illinois

I. CALL TO ORDER.

Chairman Kuhn called the Zoning Board of Appeals/Plan Commission meeting to order at 7:35 pm.

II. ROLL CALL.

Present: Chairman Greg Kuhn, Peter Jablonski, Karin Hanke, Tom Szurgot, Krista Casper, Jeff Keiner
Absent: Andriy Striltschuk
Others Present: Trustee Matt DeDobbelaere
Trustee Greg Jordan
Community Development Director Dan Ungerleider
Mark Slaby, 355 Ruby

Chairman Kuhn introduced the newest member of the ZBA/PC, Peter Jablonski. Mr. Jablonski explained that he has been a resident for 26+ years, has three kids. Trustee DeDobbelaere recommended he volunteer for the ZBA/PC. Each of the other members introduced themselves.

III. APPROVAL OF MINUTES.

December 17, 2020 – Mr. Szurgot made a motion, seconded by Mrs. Hanke, to approve the minutes from the ZBA/PC meeting held on December 17, 2020. The motion passed by a unanimous voice vote.

IV. NEW BUSINESS.

- a. **Case No 500 / Village-initiated text amendment to Article 10 providing regulations regarding the storage of commercial and recreational vehicles (RV) on private property.** Mr. Ungerleider summarized Staff's report. In October 2020, the Village adopted a comprehensive amendment to the Village's zoning regulations. This amendment reorganized and modernized the entire Zoning Ordinance, resulting in a legally sound, user-friendly development tool that will serve the community well for many years. It was brought to Staff's attention that the regulations regarding the storage of recreational and commercial vehicles had inadvertently not been transferred from the old to the new Zoning Ordinance. These regulations were initially contained in each of the Articles regulating the use of properties zoning R-1 Single-Family, R-1A Single-Family Dwelling Residential and Limited Office District, R-3 Medium Density Multiple-Family Residence District, and R-4 High-Density Multiple-Dwelling Residential District. Consistent with the format used in the new Zoning Regulations, these regulations were supposed to have been relocated and consolidated into Article 10 Off-Street Parking and Loading of the new Zoning Regulations. These regulations were unintentionally omitted.

Currently, there are between 10 and 20 RVs stored on properties throughout the Village. A question has been raised about whether the Village wishes to continue regulating or prohibiting the storage of recreational and

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commercial vehicles on residential property. Last February, the Village Board directed Staff to work with the ZBA/PC to restore these regulations in the Zoning Ordinance.

Mr. Ungerleider noted that three exhibits were included with his report: Exhibit A – Language from ordinance before the comprehensive zoning ordinance amendment, Exhibit B – Language contained in the current for of the ordinance, and Exhibit C – Proposed language regulating the storage of both commercial and RV storage on private property. The proposed language, when applied with the regulations of the Village's Property Maintenance Code, provides similar standards as its predecessor prior to the comprehensive zoning ordinance amendment. Mr. Ungerleider acknowledged that it would be the ZBA/PC prerogative to move forward with the existing policy or make recommendations to change that policy.

Chairman Kuhn entertained questions of clarification from the members of the Board. Mrs. Hankey asked for the definition of a livery vehicle. Mr. Ungerleider explained that according to the dictionary, a livery vehicle, such as a taxi or limousine, is used for-hire used by business to generate revenue by transporting people. Mr. Keiner asked if the Staff intended to restore the ordinance before the comprehensive zoning ordinance amendment. Mr. Ungerleider explained that the Village Board had not provided direction to change policy, however in keeping with the energy put forth by the ZBA/PC during the comprehensive amendment exercise, he thought review and possible modification of the current policy were warranted.

Mr. Szurgot asked about the differences between commercial vehicles and trucks having a commercial license plate. Chairman Kuhn asked about different classes and types of plates. Mr. Ungerleider took note of the research after the meeting. He asked for the definition of a logo of a specific size, vehicle wrap. He also asked about box vans. Mr. Ungerleider directed the Board to refer to the commercial vehicle definition provided in Exhibit B of his report.

Mr. Jablonski asked how the proposed text would regulate or affect the use of short-term rental trucks in residential neighborhoods. Examples would include a U-Haul truck rented to transport a child's belongings to school.

Mr. Ungerleider summarized the proposed text regulating the storage of commercial vehicles on commercial property.

Mr. Ungerleider summarized the text regulating the storage of RVs on residential properties. He noted that there are quite a few existing RVs being stored behind homes throughout the community. He acknowledged that as the community is changing, storing large RVs gives the limited spaces between newer homes being built throughout the Village. The proposed text is consistent with current and past code enforcement practices.

Mr. Keiner limits the size/length of an RV and is restrictive of the time needed to load and unload the RV before and after a family trip. Mr. Ungerleider took note, noted that similar language could be considered as was proposed for temporary use of a commercial vehicle. He added that the code would limit the storage of an RV on a home's driveway, extending the public sidewalk and displacing a car into the street. Chairman Kuhn noted that the proposed text includes a time limit as discussed.

Mrs. Hanke expressed that 48 hours is reasonable. She questioned the use and storage of a box truck or van on residential property. She noted that these vehicles had been used for recreational use. Mr. Ungerleider explained that the definition of an RV is based on the use of the vehicle, not necessarily its appearance.

Mr. Jablonski noted that a standard box van is 20 feet in length. Many RVs are much larger than a standard vehicle. Chairman Kuhn noted that the size of the vehicle has an impact on the owner and the neighbor's use

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of the property. The purpose of the ordinance is to maintain the neighborhood's character, balanced with the rights of an individual's use of their property.

Mr. Ungerleider noted that dimension for discussion later.

Chairman Kuhn asked for the definition of a structure vs. a temporary storage tent. Mr. Ungerleider explained that the proposed text requires the use of a permitted, permanent primary or accessory structure, thus preventing someone from covering the vehicle with a tent or tarp.

Mr. Szurgot noted that storage of a large RV in the rear yard would require a large hard, approved surface. An approved surface would be required to comply with lot coverage, permeable surface, and stormwater management regulations.

Chairman Kuhn swore in members of the audience interested in providing comment. Chairman Kuhn recognized Mark Slaby of 355 Ruby. Mr. Slaby thanks the ZBA/PC members for the opportunity to speak. He appreciated the discussion and comments made by the Board. He agreed that the community is changing. Current or previously established policies may be outdated. The storage of large RV's in the back yard impact the use and values of neighboring homes. He asked the ZBA/PC if the Village should continue to encourage this property to give the ongoing investment of new homes throughout the community. He questioned why RV's need to be continuously connected to utilities. Storage of these vehicles have impacted his home and others.

Chairman Kuhn asked Mr. Slaby for more details of his circumstance. Mr. Slaby reported that his neighbor has a large RV in their backyard that, by appearance, has not been moved in the last 18 months. Staff acknowledged the circumstances described by Mr. Slaby. Mr. Ungerleider noted that this had been the subject of property maintenance inspections.

Mr. Slaby expressed that neighbors should have a voice in whether a vehicle could be stored in the back yard of a property. He asked that the Village require a public process for approval, assuring the appropriate use of the property and minimizing the impact on neighboring properties. Mr. Slaby asked what the next steps in the process.

Chairman Kuhn will consider the text, make a recommendation to the Village Board of consideration and action. Mr. Ungerleider noted that any amendment to the zoning ordinance wouldn't necessarily change the use of properties according to current regulations before the amendment. These uses are considered legal-nonconforming. Mr. Ungerleider asked the ZBA/PC to consider what conditions could be put in place to mitigate the impact of having an RV on the neighbor's property. Mr. Slaby asked the owner of the RV to provide 100% screening. The Board continued discussion about managing "grandfathered" conditions.

Chairman Kuhn closed the public hearing portion of the meeting. He reminded the Board that a decision is not required this evening. The case can be continued for further research and consideration by the Board at a later meeting.

Mr. Ungerleider summarized the discussion so far. He noted that the current code restricts the type and duration of storage permitted in the yard facing the street. The Board is interested in establishing, altering, or adding restrictions of vehicle storage in yards facing adjacent properties. Additional standards may include limiting the size of vehicle stored, increasing the minimum setback of stored vehicles, requiring screening between vehicles, and neighboring properties, limiting the duration of vehicle storage over a given period, and establishing a standard and condition of the vehicle. He also noted that the Board would like to have a better understanding of how other communities regulate the storage of commercial and recreational vehicles.

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Mrs. Hanke asked for clarification about grandfathering and legal non-conforming regulations. Mr. Ungerleider explained that the legal non-conforming uses and structures portion of the zoning code allows legal use and conditions of properties to remain as is until significant changes are made to the property. The provision prevents the homeowner from upgrading their homes each time the Village chooses to change its regulations. The Village does have the ability to establish a "sunset clause," which establishes a reasonable time frame that would allow and require a property to comply with specific standards approved by ordinance. The Village Attorney would need to provide counsel before establishing a "sunset clause" provision. The Board asked Staff to include this provision for further discussion.

Mrs. Kasper asked if the Village has been received many or constant complaints about commercial and recreation vehicle storage. Mr. Ungerleider responded that there have been very few issues or complaints raised over his 8-year tenure with the Village. When there is a complaint, the code enforcement process has successfully obtained compliance with the code.

Mr. Slaby explained that this issue impacts properties on the community's edges, limiting the number of overall complaints.

Chairman Kuhn noted that the ordinance has evolved over the years to address current issues. There is a balance. He asked Staff to consider conducted research on commercial vehicles, including type of license plate, definition of vehicle types (ie, box van), and vehicle signs/logo. The Board continued discussing related issues they would like researched and brought back to them later.

The Board directed Staff to research the issues razed and to seek counsel from the Village Attorney. Mr. Szurgot made a motion, seconded by Mrs. Casper, to continue the case to the March 18, 2021 ZBA/PC meeting. The motion was unanimously approved by a vote of 6-0. Chairman Kuhn announced that the motion passes.

V. OLD BUSINESS

- a. **Case No Z497 / Appeal to the Zoning Administrator's interpretation regarding 10 S Prospect.** At the petitioner's request, this continued public hearing has been postponed until the state emergency order regarding the covid-19 pandemic has been lifted. The public hearing notice will be republished at that time per village ordinance. The applicant has yet to withdraw their application.

VI. COMMENTS FROM THE AUDIENCE. None

VII. DISCUSSION ITEMS.

Mr. Ungerleider reported that the train station is partially open. Heating under the shelters is provided by push-button. The inbound station should be completed by summer. The outbound station project will begin in March and be completed by July 2021. The replacement of the existing gates system has been completed. Addition fencing and exist gates will be installed within the next 12 to 24 months, dependent upon State approval. The Village Board has directed Staff to begin working with the Downtown Design Review Board to design improvements for Burlington Plaza and the public alley at the southwest corner of Burlington and Prospect Avenues.

He reported that there are several new businesses joining the community: Terra Distillery and Coffee Shop (211 Burlington), Il Mio Italian Eatery (30 S Prospect), and The Open Door Tap House (20 S Prospect). Talley's has closed and available for a new restaurant. Walkers at 4 Walker is opened for business. Renovation and additions are in the works for the former Ebenezers Gift Shop building on Prospect Avenue.

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Chairman Kuhn asked if there has been any interest in the former Quinn's Coffee Shop space. Mr. Ungerleider reported that there had been interest. However, a fire suppression system and other building code-related improvements are required before that space can be used. The Village recently created TIF District for the downtown. The TIF could be used to provide financial assistance to the property owner supporting these improvements.

Mr. Ungerleider reported that the Chamber is planning to relocate an expanded Farmers Market to the improved area in front of Village Hall.

VIII. **ADJOURNMENT.** A motion was made by Ms. Kasper and seconded by Mrs. Hanke to adjourn the meeting at 9:35 pm. The motion passed unanimously by a voice vote.

Respectfully Submitted,



Dan- Ungerleider, Community Development Director

MEMORANDUM

TO: Chair and Members of the Zoning Board of Appeals and Plan Commission

FROM: Dan Ungerleider, Community Development Director

DATE: February 18, 2021

RE: Case No 500 / Village-initiated text amendment to Article 10 – 10.9 Commercial and Recreational Vehicle Storage. The proposed text amendment provides regulations regarding the storage of commercial and recreational vehicles on private property. [PUBLIC HEARING]

Last October, the Village adopted a comprehensive amendment to the Village's zoning regulations. This amendment reorganized and modernized the entire Zoning Ordinance, resulting in a legally-sound user-friendly development tool that will serve the community well for many years. It was brought to my attention that the regulations regarding the storage of recreation and commercial vehicles had inadvertently not been transferred from the old to the new Zoning Ordinance. These regulations were originally contained in each of the Articles regulating the use of properties zoning R-1 Single-Family, R-1A Single-Family Dwelling Residential and Limited Office District, R-3 Medium Density Multiple-Family Residence District, and R-4 High-Density Multiple-Dwelling Residential District. Consistent with the format used in the new Zoning Regulations, these regulations were supposed to have been relocated and consolidated into Article 10 Off-Street Parking and Loading of the new Zoning Regulations. These regulations were unintentionally omitted.

Currently, there are between 10 and 20 recreational vehicles stored on properties throughout the Village. A question has been raised about whether the Village wishes to continue regulating or prohibiting the storage of recreation and commercial vehicles on residential property. Last February, the Village Board directed Staff to work with the ZBA/PC to restore these regulations in the Zoning Ordinance.

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Three exhibits are attached with this memorandum.

- Exhibit A provides the typical regulatory text previously found in each residential section in the former zoning code. Much of this language is now addressed in the Village Property Maintenance Code, and therefore, no longer needed.
- Exhibit B provides the recently adopted language regulating commercial vehicles, contained in 20.10 Off-Street Parking and Loading. The approved language provided for a modern and legally-sound approach for regulating commercial vehicle storage. This new section was to have contained a section addressing both the storage of Commercial Vehicles and Recreational Vehicles as defined.
- Exhibit C provides the language proposed to replace the text contained in Section 20.10.9 in its entirety. The new language now regulates the storage of commercial and recreational storage as originally intended and already defined. No contextual changes are proposed for the commercial vehicle language, with the exception of adding organizational titles: Residential and Non-Residential.

The proposed language sets limits for the bulk, location, parking surface, number, screening, use, and condition of the recreation vehicles. When applied with regulations in the Village's Property Maintenance Code, this language provides similar standards as its predecessor.

Requested Action: Approval of a motion recommending the text contained in Exhibit C of this report be adopted by ordinance to replace Section 20.10.9 in its entirety.

- att. Exhibit A – Regulations Prior to Comprehensive Amendment to The Zoning Code
 Exhibit B - Current Definitions & Regulations
 Exhibit C - Proposed Text Amendment to Section.10.9

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EXHIBIT A
REGULATIONS PRIOR TO COMPREHENSIVE AMENDMENT TO THE ZONING CODE

20.5.7: TRAILERS, BOATS, AND RECREATIONAL VEHICLES: Except when located in a garage or fully enclosed structure, trailers, boats, and recreational vehicles may be parked or stored only in the rear yard of any zoning lot provided the following conditions also are met:

- A.** Temporary Office: A trailer may be used as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located during the time when construction or development is actively under way.
- B.** Yard Requirements: Trailers, boats, and RVs may be parked or stored on a zoning lot provided they are parked or stored so as to meet all yard requirements for accessory structures on the premises where parked or stored, and provided they are not used or occupied for living, sleeping, housekeeping, or business purposes.
- C.** Bulk Regulations:
 - (1) Permitted travel trailers, pickup coaches, motorized homes and camping trailers constructed as temporary shelter for travel purposes shall not exceed eight feet (8') in width, eleven feet (11 ') in height, and thirty feet (30') in length including bumpers and hitches; and
 - (2) Permitted boats shall not exceed twenty feet (20') in length, eight feet (8') in width, or eleven feet (11 ') in height. (Ord. 93-04-04)
- D.** Loading Or Unloading: Any trailer or boat may be parked anywhere on the premises for a forty eight (48) hour period for loading or unloading purposes. Any temporary storage container may be placed on a driveway for no more than seven (7) days in any consecutive thirty (30) day period for loading and unloading purposes. (Ord. 93-04-04; amd. Ord. 10-09-27)
- E.** Licenses: State license plates and village vehicle licenses shall be current and properly displayed.
- F.** Use: A recreational vehicle, boat, or commercial trailer shall not be used as a dwelling, or as a storage or accessory building, or as part of any business enterprise.
- G.** Flammable Liquids: The owner of a boat, boat trailer, commercial trailer, or recreational vehicle shall not park, let stand or store such boat, boat trailer, commercial trailer, or recreational vehicle; and shall not leave flammable liquids aboard other than in Illinois department of transportation or United States department of transportation approved containers.
- H.** Parked In Unsafe Or Dangerous Manner: The owner of a boat, boat trailer, commercial trailer, or recreational vehicle shall not park, store, or permit to stand such boat, boat trailer, commercial trailer, or recreational vehicle in such a manner as to create a dangerous or unsafe condition on the property where parked, stored, or permitted to stand. Parking, storing, or standing in such a fashion that the boat, boat trailer, commercial trailer, or recreational vehicle may tip or roll shall be considered a dangerous and unsafe condition.
- I.** Maintained In Mobile Condition: A stored, parked, or standing recreational vehicle or boat trailer shall be maintained in mobile condition.

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- J. Major Construction Or Repair: No major construction or major repair of a recreational vehicle, boat, or boat trailer shall be permitted in a residential district.
- K. Temporary Parking And Use: Temporary parking and use of recreational vehicles shall be permitted when a permit has been issued by the building commissioner when a recreational vehicle is used for lodging purposes on a lot containing a dwelling, provided it is not parked or used thereon more than seven (7) days in any consecutive thirty (30) day period. (Ord. 93-04-04)

Items added to Exhibit as of 2/15/2021 (du)

- **CLARENDON HILLS (prior to comprehensive amendment)**

20.5.8: TRUCKS: Trucks and other commercial vehicular equipment shall not be parked or stored on a zoning lot in an R-1 district, except when located in a garage or a fully enclosed structure or in such a manner as not to be visible from adjacent zoning lots. Vehicles to be so parked or stored must be owned or legally controlled by the residents or occupants of the principal use/structure. Pickup trucks with B license classifications as defined in 625 Illinois Compiled Statutes, act 5, and vans used principally as passenger cars are excluded from this requirement. (Ord. 93-04-04)

- **WESTMONT**

78-1 DEFINITIONS: Commercial Vehicle. A "commercial vehicle" shall be defined as a vehicle having license plates greater than "D" plates or a vehicle with apportioned plates or a vehicle designed to transport 16 or more persons, excluding school buses. However, if a vehicle does not exceed nine and one-half feet in height (including attachments such as roof racking systems) and is not a semi-tractor, semi-tractor trailer, dump truck, front loader, crane, tow truck, flatbed tow truck, non-recreational trailer or similar vehicle, it is not subject to the residential parking restrictions contained in chapter 38 and appendix A of this Code, unless it has any type of exposed (i.e., exterior to the vehicle) equipment which is used for commercial or industrial purposes. In such a case, only one such vehicle may be parked unenclosed on a residential lot and on an approved surface or any number of such vehicles may be parked on a residential lot within an enclosed garage.

601(E) RESIDENTIAL DISTRICT PROVISIONS: Parking limitations. Parking of trucks and all commercial vehicles is prohibited in all residence districts except within an enclosed garage.

- **WESTERN SPRINGS**

7-7-1: DEFINIITIONS: Commercial Vehicle: Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for hire or not for hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.

7-3-5: DEAD STORAGE OF PASSENGER AND COMMERCIAL VEHICLES: The outside dead storage of any inoperable, wrecked or abandoned motor vehicle, or any motor vehicle not currently licensed by the state or other state or country, and not either enclosed in a building or structure, or located on the sales lot of a licensed automobile dealer,

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is prohibited in the village. This section shall not apply to motor vehicles located on the premises of a licensed garage or service station for repairs, and in the process of being repaired. (Ord. 88-1762, 11-28-1988)

EXHIBIT B

CURRENT DEFINITIONS & REGULATIONS

20.2.3: DEFINITION OF GENERAL TERMS:

COMMERCIAL VEHICLE: Commercial vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle meets one or more of the following:

- 1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater.
- 2) Is designed or used to transport more than eight (8) passengers (including the driver) for compensation.
- 3) Is designed or used to transport more than fifteen (15) passengers, including the driver, and is not used to transport passengers for compensation.
- 4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

RECREATIONAL VEHICLE: Any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial vehicle including, but not limited to, the following: boat/watercraft, camper trailer, motorized trailer, off-road vehicle, racing car or cycle, travel trailer, and truck camper.

20.10.9: STORAGE OF COMMERCIAL VEHICLES:

- A. No commercial vehicle may be parked outdoors on a lot in a residential district, with the exception of vehicles engaged in loading or unloading or current work being done to the adjacent premises. This does not include standard size passenger motor vehicles (including, but not limited to vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks), which are permitted to be stored or parked outdoors overnight on lots in residential districts. This includes vehicles owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area. **Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.**
- B. All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be stored or parked outside overnight on a lot in a residential district.
- C. For non-residential uses in the non-residential districts, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be in operable condition. Signs placed or painted on parked

vehicles where the only purpose is to advertise a product or service, or to direct the public to a business or activity located on or off the premises, are prohibited. (Ord. 19-10-26)

EXHIBIT B (continued)

CURRENT DEFINITIONS & REGULATIONS

Examples added to Exhibit as of 2/15/2021 (du)

- **WESTMONT**

78-1 DEFINITIONS: Commercial Vehicle. A "commercial vehicle" shall be defined as a vehicle having license plates greater than "D" plates or a vehicle with apportioned plates or a vehicle designed to transport 16 or more persons, excluding school buses. However, if a vehicle does not exceed nine and one-half feet in height (including attachments such as roof racking systems) and is not a semi-tractor, semi-tractor trailer, dump truck, front loader, crane, tow truck, flatbed tow truck, non-recreational trailer or similar vehicle, it is not subject to the residential parking restrictions contained in chapter 38 and appendix A of this Code, unless it has any type of exposed (i.e., exterior to the vehicle) equipment which is used for commercial or industrial purposes. In such a case, only one such vehicle may be parked unenclosed on a residential lot and on an approved surface or any number of such vehicles may be parked on a residential lot within an enclosed garage.

601(E) RESIDENTIAL DISTRICT PROVISIONS: Parking limitations. Parking of trucks and all commercial vehicles is prohibited in all residence districts except within an enclosed garage.

- **WESTERN SPRINGS**

7-7-1: DEFINITIONS: Commercial Vehicle: Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for hire or not for hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.

7-3-5: DEAD STORAGE OF PASSENGER AND COMMERCIAL VEHICLES: The outside dead storage of any inoperable, wrecked or abandoned motor vehicle, or any motor vehicle not currently licensed by the state or other state or country, and not either enclosed in a building or structure, or located on the sales lot of a licensed automobile dealer, is prohibited in the village. This section shall not apply to motor vehicles located on the premises of a licensed garage or service station for repairs, and in the process of being repaired. (Ord. 88-1762, 11-28-1988)

EXHIBIT C
PROPOSED TEXT AMENDMENT

20.10.9: COMMERCIAL AND RECREATIONAL VEHICLE STORAGE**A. Commercial Vehicles****1. Residential Lots**

- a. No commercial vehicle may be parked outdoors on a residential lot, with the exception of vehicles engaged in loading or unloading or current work being done to the adjacent premises. This does not include standard size passenger motor vehicles (including, but not limited to, vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks), which may be stored or parked outdoors overnight on lots in residential districts. Permitted vehicles also include those owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area. **Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.**
- b. All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, flatbed trucks, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be stored or parked outdoors overnight on a residential lot.

2. Non-residential Lots

On non-residential lots, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be in operable condition.

B. Recreational Vehicles

1. Recreational vehicle or trailer licensed to transport recreational vehicles or equipment may be stored outdoors within the front or corner side yard if it is eight feet or less in height and 20 feet or less in length. Recreational vehicles or trailers that exceed these dimensions cannot be stored in the front or corner side yard.
2. Recreational vehicles must be stored within the interior side yard behind the front building line or in the rear yard. If a recreational vehicle and any trailer that is more than six feet in height as measured to the highest point of the vehicle, it must be located at least ten feet from any lot line.
3. The area devoted to recreational vehicle storage must be on a hard, improved surface as required for vehicle parking areas.
4. There is no limit on the storage of recreational vehicles within fully enclosed structures. Temporary storage tents do not meet the requirement of a fully enclosed structure.

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5. No recreational vehicle may be used for living, sleeping, housekeeping, or home occupation purposes in any district and may not be hooked up to any public utilities.
6. All recreational vehicles must be maintained in mobile condition. No recreational vehicle may be parked or stored in such manner as to create a dangerous or unsafe condition on the lot where it is parked or stored. If the recreational vehicle is parked or stored, whether loaded or not, so that it may tip or roll, it is considered to be a dangerous and unsafe condition.