

MEMORANDUM

TO: Mayor Martha Neitzel and Members of the City Council

FROM: John R. Lebegue, Building and Safety Official

DATE: September 6, 2016, 2016

RE: Draft ordinance for proposed amendments to City Code pertaining to the prohibition of the parking of certain vehicles on City property.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

This matter was recently discussed by the City Council at the July 26, 2016 Committee of the Whole meeting, where staff presented information as to all relevant City Code sections that pertained to the matter of trailer parking so that all language could be discussed and evaluated. Staff further presented alternatives for those properties that do not have rear yard access to a public alley or are able to gain access to the rear yard of the property from the front of the property.

ANALYSIS AND DISCUSSION

Following are all the City Code sections that will be amended by the proposed ordinance, with the new language underlined and bolded. :

Section 9-5-10: Parking to Obstruct Prohibited:

(B) Further, the following are declared obstructions to traffic:

1. The parking of a motor vehicle, ~~camper, trailer, boat or other personal property~~ (hereinafter called "vehicle") upon any of the streets of the city for longer than seventy two (72) hours consecutively without moving the vehicle, shall constitute an obstruction of the street. **The parking of a trailer, camper, recreational vehicle, boat or other personal property upon any of the streets, alleys and rights-of-ways of the city for a longer period than is necessary for the reasonably expeditious loading or unloading of such vehicles is prohibited and shall constitute an obstruction of the street.**

Section 11-2-1, Definitions

YARD, FRONT: An open, unoccupied space on the same lot with the main building situated between the front lot line and the required building setback line, extending the full width of the lot. In residence districts, the required front yard and the space situated between the minimum front setback line and the front line of the building extended the full width of the lot shall not be used for the parking or storage of trailers, boats or other personal property, **except for those residential properties that do not have the ability to access the rear yard from a public alley or from the front of the property, the parking of trailers, boats, personal water craft and recreational vehicles would be allowed to be parked and stored in the required front yard in front of the front line of the home and** excluding therefrom vehicles used to transport persons for their day to day activities which must be parked on an all weather surfaced driveway-accessway to the required parking space(s). Required parking space(s) shall be located behind the minimum front setback line and the front line of the building. If the requirement for an all weather surfaced driveway-accessway leading to the required parking space(s) has been met, an additional width of driveway-accessway up to twelve feet (12') may be constructed. However, the total driveway width shall not exceed twenty four feet (24') at the property or right of way line. A semicircular driveway shall be permitted in the front yard of a lot, provided that the minimum width of the lot shall be seventy feet (70') and the minimum setback from the front lot line to the inside of the driveway curb line at its farthest point from the front lot line is a minimum of twenty five feet (25').

11-4-2, Uses Permitted, All Residence Districts

Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Accessory buildings shall not be constructed before the principal building. Accessory buildings may be located on the same lot with the principal building; provided, not nearer than three feet (3') to any wall thereof; and provided, not violating the location limitations of Chapter 7 of this title. No part of any accessory building may be used for residence purposes, except that domestic employees of the owner, lessee or occupants of the principal building, and the family of the employee may have quarters in such accessory building. No accessory building shall exceed eighteen feet (18') in height. No required front yard shall be used for the open air parking or storage of motor vehicles, trailers, boats or other personal property, **except for those residential properties that do not have the ability to access the rear yard from a public alley or from the front of the property, the parking of trailers, boats, personal water craft and recreational vehicles would be allowed to be parked and stored in the required front yard in front of the front line of the home. On those residential properties where the parking and storage of trailers is permitted in the required front yard area, open trailers shall not be loaded with vehicles, trash and debris or other materials, so as to not be a visual nuisance for neighboring property owners. Given the seasonal nature of the use of boats and recreational vehicles, the parking and storage of those items in the required front yard of a residential property shall only be permitted from April 1st to October 31st and thereafter must be stored within a structure or**

removed from the property from November 1st to March 31st. This time limit would only apply to those properties that cannot access the rear yard from a public alley or from the front of the property.

FISCAL IMPACT

None

COW RECOMMENDATION

Given that the proposed ordinance pertains to amendments of the Zoning Code, the City Council must conduct a Public Hearing on the proposed amendments. If the ordinance is deemed satisfactory, this ordinance can be placed on the City Council's October 3, 2016 agenda and a Public Hearing can be held at that time.

COUNCIL RECOMMENDATION

If the City Council agrees with the amendments detailed in the ordinance, approve the ordinance as presented after the conduction of the Public Hearing.

ORDINANCE NO. _____

ORDINANCE AMENDING THE PARKING REGULATIONS FOR
MOTOR VEHICLES, TRAILERS, CAMPERS, RECREATIONAL
VEHICLES, BOATS, AND OTHER PERSONAL PROPERTY WITHIN
THE CITY LIMITS OF THE CITY OF LINCOLN

WHEREAS, the City of Lincoln is a municipal corporation situated in Logan County, Illinois; and,

WHEREAS, the City of Lincoln has certain Ordinances pertaining to the regulation of motor vehicles, trailers, campers, recreational vehicles, and boats found in Title 9 and Title 11 of the City Code of the City of Lincoln; and,

WHEREAS, the City Council believes it is in the best interest of the citizens of Lincoln, Logan County, Illinois, that Title 9 and Title 11 of the City Code of the City of Lincoln pertaining to the provisions for parking motor vehicles, trailers, campers, recreational vehicles, and boats within the City Limits of the City of Lincoln be amended.

NOW, THEREFORE, the City Council of the City of Lincoln, Logan County, Illinois, does hereby amend the City Code in the following regards:

1. That Title 9, Chapter 5, Section 10 (B) is hereby deleted and the following is inserted in place thereof:

"Section 9-5-10: Parking to Obstruct Prohibited:

(B) Further, the following are declared obstructions to traffic:

1. The parking of a motor vehicle upon any of the streets of the city for longer than seventy-two (72) hours consecutively without moving the vehicle, shall constitute an obstruction of the street. The parking of a trailer, camper, recreational vehicle, boat or other personal property upon any of the streets, alleys and rights-of-ways of the city for a longer period than is necessary for the reasonably expeditious loading or unloading of such vehicles is prohibited and shall constitute an obstruction of the street."

2. That the definition of "YARD, FRONT" contained in Title 11, Chapter 2, Section 1, entitled "Definitions" is hereby deleted and the following is inserted in place thereof:

"Section 11-2-1, Definitions:

YARD, FRONT: An open, unoccupied space on the same lot with the main building situated between the front lot line and the required building setback line, extending the full width of the lot. In residence districts, the required front yard and the space situated between the minimum front setback line and the front line of the building extended the full width of the lot shall not be used for the parking or storage of trailers, boats or other personal property, except for those residential properties that do not have the ability to access the rear yard from a public alley or from the front of the property, the parking of trailers, boats, personal water craft and recreational vehicles would be allowed to be parked and stored in the required front yard in front of the front line of the home and excluding therefrom vehicles used to transport persons for their day to day activities which must be parked on an all-weather surfaced driveway-accessway to the required parking space(s). Required parking space(s) shall be located behind the minimum front setback line and the front line of the building. If the requirement for an all-weather surfaced driveway-accessway leading to the required parking space(s) has been met, an additional width of driveway-accessway up to twelve feet (12') may be constructed. However, the total

driveway width shall not exceed twenty-four feet (24') at the property or right of way line. A semicircular driveway shall be permitted in the front yard of a lot, provided that the minimum width of the lot shall be seventy feet (70') and the minimum setback from the front lot line to the inside of the driveway curb line at its farthest point from the front lot line is a minimum of twenty-five feet (25')."

3. That the second to last paragraph of Title 11, Chapter 4, Section 2, entitled "Uses Permitted, All Residence Districts" and beginning with "Other customary accessory uses and buildings..." is hereby deleted and the following is inserted in place thereof:

"Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Accessory buildings shall not be constructed before the principal building. Accessory buildings may be located on the same lot with the principal building; provided, not nearer than three feet (3') to any wall thereof; and provided, not violating the location limitations of Chapter 7 of this title. No part of any accessory building may be used for residence purposes, except that domestic employees of the owner, lessee or occupants of the principal building, and the family of the employee may have quarters in such accessory building. No accessory building shall exceed eighteen feet (18') in height. No required front yard shall be used for the open air parking or storage of motor vehicles, trailers, boats or other personal property, except for those residential properties that do not have the ability to access the rear yard from a public alley or from the front of the property, the parking of trailers, boats, personal water craft and recreational vehicles would be allowed to be parked and stored in the required front yard in front of the front line of the home. On those residential properties where the parking and storage of trailers is permitted in the required front yard area, open

trailers shall not be loaded with vehicles, trash and debris or other materials, so as to not be a visual nuisance for neighboring property owners. Given the seasonal nature of the use of boats and recreational vehicles, the parking and storage of those items in the required front yard of a residential property shall only be permitted from April 1st to October 31st and thereafter must be stored within a structure or removed from the property from November 1st to March 31st. This time limit would only apply to those properties that cannot access the rear yard from a public alley or from the front of the property."

4. That should any clause, sentence, or paragraph of the above-noted Ordinance be declared invalid by any Court of competent jurisdiction, such invalidity shall not affect any other portion of said Ordinance.

5. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law for the period of one year.

The vote on the adoption of this Ordinance was as follows:

Alderman Parrott	_____	Alderman Hoefle	_____
Aldерwoman Tibbs	_____	Aldерwoman Bauer	_____
Alderman Hoinacki	_____	Alderman Mourning	_____
Aldерwoman Horn	_____	Alderman Welch	_____

Ayes: _____

Nays: _____

Absent: _____

Abstentions: _____

Passed and approved this _____ day of _____, 2016.

CITY OF LINCOLN

BY: _____
Martha A. Neitzel, Mayor
City of Lincoln, Logan
County, Illinois

ATTEST: _____ (SEAL)
City Clerk, City of Lincoln,
Logan County, Illinois