

# Committee of the Whole Agenda Cover Memorandum

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Meeting Date: December 13, 2010

Item Title: Truck Parking

Action Requested:

- Approval
- For discussion
- Feedback requested
- For your information

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Background:

At the last Committee of the Whole meeting, the issue of truck parking was brought up, and the committee asked that this item be placed on tonight's agenda. There seems to be two groups of thought – one believes the restrictions on truck parking should be stronger and the other group believes they aren't strong enough. I have attached some information for your review on this issue.

Recommendation:

Budget Implications:

Does Action Require an Expenditure of Funds:  Yes  No

If Yes, Total Cost:

If Yes, is this a Budgeted Item:  Yes  No

Attachments:

- A. At any place not to exceed seventy-five feet (75') along the curbs before the entrance to any hospital or hotel at any time.
- B. At any place not to exceed seventy-five feet (75') along the curb before the entrance to a public building between eight o'clock (8:00) AM and six o'clock (6:00) PM except on Sunday.
- C. Directly in front of the entrance to any theater at any time that the theater is open.

#### **13-10-8 PARKING IN ALLEYS**

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

#### **13-10-9 CAB AND BUS STANDS**

No vehicle other than a licensed taxicab or a Municipal emergency vehicle shall be parked in any area designated by ordinance as a cabstand; and no vehicle other than a bus shall be parked in a place so designated as a bus-loading zone.

#### **13-10-10 UNAUTHORIZED PARKING**

It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

#### **13-10-11 PARKING VEHICLES IN RESIDENTIAL AREAS**

It shall be unlawful for any person to park on any street in any residential zoning district any vehicle of the Second Division as defined by 625 ILCS 5/1-146, as amended, or any "commercial vehicle" as defined in chapter 625 ILCS 5/1-114, as amended, except not more than one properly licensed recreational vehicle under eight thousand (8,000) pounds gross vehicle weight and not exceeding eight (8) feet six (6) inches in height, twenty (20) feet in length, or seven (7) feet six (6) inches in width; provided that such Second Division and commercial vehicles may be parked on the street in residential districts when being loaded or unloaded or while being used by persons hired to render, and actually rendering, services to residents of immediately adjacent residences. Recreational vehicles may be parked on the street for up to twenty-four (24) hours for loading or unloading purposes.

**B. Required Spaces**

Every drive-through facility shall provide a minimum of three (3) stacking spaces per facility, unless otherwise required by Table 9: Required Off-Street Parking or this Ordinance.

**C. Reduction of Required Spaces**

The number of required stacking spaces may be reduced by the Planning and Zoning Commission during the site plan review process if the petitioner presents a study done by a traffic engineer with quantifiable evidence (e.g., comparable information) which demonstrates that a different requirement should be imposed. The approval of a reduced number of stacking spaces shall apply only to the specific business for which the study was conducted.

**12.11 COMMERCIAL VEHICLES**

Off-street parking facilities serving residential uses in any residential district shall be used solely for the parking of passenger automobiles. One (1) truck of eight-thousand (8,000) pounds gross vehicle weight (GVW) or less (i.e., Class B license) shall be permitted to park in the interior side or rear yard, except as provided below.

**A.** No truck of eight-thousand (8,000) pounds GVW or less (i.e., Class B license) shall be permitted to park in the front or corner side yard of any residential lot, if the truck:

1. Has any tools, equipment, material, machines, debris or any other matter in the open bed.
2. Has attached any snowplow, towing winch, or rack or mounting for construction tools or materials.
3. Exceeds twenty (20) feet in length, eight (8) feet in height or seven (7) feet in width, or has more than four (4) wheels.

**B.** A permit may be issued by the Zoning Administrator authorizing one (1) truck of not more than eight-thousand (8,000) pounds GVW or less (i.e., Class B license), except for those trucks described in Paragraph A above, to be parked in the front or corner side yard of any residential lot, where physical access to an interior side yard or rear yard is unavailable due to one (1) or more of the following factors, to be determined by administrative site plan review:

1. There is no rear or side yard access to a public or private alley.
2. An existing garage on the premises cannot physically accommodate the truck in question.
3. Front, side or rear yards are inadequate due to the placement or configuration of the dwelling on the lot.
4. There is no accessible interior side or rear yard of sufficient size and area to accommodate the truck in question.

In issuing a permit, the Zoning Administrator may attach reasonable conditions, in view of the particular circumstances, and in keeping with the intent of this Section. It remains the intent of this Paragraph to prohibit all truck parking within the front or corner side yard of a residential dwelling except where it is a physical impossibility, as distinguished from a mere inconvenience or financial hardship.

- C. No stored or parked commercial vehicle shall be occupied or used for human habitation.
- D. All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, buses, limousines, tow trucks, construction vehicles or other large commercial or livery vehicles are not permitted to be stored or parked outside overnight on residentially-zoned property.

## 12.12 RECREATIONAL VEHICLES

For the purposes of this Section, recreational vehicles shall include all trailers, campers, motor homes, boats, pop-up campers, and trailers that transport snowmobiles, wave-runners, ATVs, etc.

- A. Recreational vehicles exceeding thirty-two (32) feet in length or eight (8) feet in width may not be stored in any residential district.
- B. No recreational vehicle licensed to transport recreational vehicles or equipment shall be parked in the public right-of-way or within the front or corner side yard. However, such recreational vehicle may be temporarily parked in such yards for a maximum of seventy-two (72) hours for trip preparation and unloading purposes.
- C. Recreational vehicles may be stored within an interior side or rear yard, but must be located at least three (3) feet from any side lot line, provided that adequate screening at least five (5) feet in height is installed and properly maintained.
- D. No more than one (1) recreational vehicle may be stored in the open on a zoning lot, except that one (1) boat stored on top of a camper trailer, pick-up coach or motorized home, shall be permitted in addition to the recreational vehicle on which it is stored.
- E. No recreational vehicle shall be used for living, sleeping, or housekeeping purposes in any zoning district.
- F. This section does not apply to recreational vehicles offered for-sale in an approved outdoor sales and display area of a motor vehicle dealership.

## 12.13 REQUIRED OFF-STREET PARKING SPACES

- A. The minimum number of off-street parking spaces to be provided for the designated uses shall be as follows in Table 9: Off-Street Parking Requirements. Table 9 lists parking requirements for the generic uses listed within the districts. In some cases, uses which are considered part of a generic use category are listed with specified parking requirements. These specific uses are listed only for the purposes of this Section and do not indicate whether such uses are permitted or special uses within any district. Certain generic uses listed within the districts do not have parking requirements. These types of uses are not listed within Table 9. (Ordinance 2009-50, 7/6/2009)
- B. Cultural, recreational and entertainment uses; service and office uses; and retail uses, as listed in Table 9, that are under one-thousand (1,000) square feet in gross floor area and located in the B-4 District, are exempt from the parking requirements of Table 9. Those businesses one-thousand (1,000) square feet or less in gross floor area located within a shopping center configuration (i.e., a "strip mall") shall not be eligible for this exemption and must provide the required parking. For those businesses of 1,000 square feet or more, only the area above the first 1,000 square feet shall be used to calculate the required off-street parking spaces. (Ordinance 2008-65, 9/2/2008) (Ordinance 2009-50, 7/6/2009)

displacement including motorized pedalcycles.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/1-145.01) (from Ch. 95 1/2, par. 1-145.01)

Sec. 1-145.01. Motor home, mini motor home or van camper. A self-contained motor vehicle, not used commercially, designed or permanently converted to provide living quarters for recreational, camping or travel use, with direct walk through access to the living quarters from the driver's seat. Such vehicles must include at least four of the following:

- a) A cooking facility with an on-board fuel source;
- b) A gas or electric refrigerator;
- c) A toilet with exterior evacuation;
- d) A heating or air conditioning system with an on-board power or fuel source separate from the vehicle engine;
- e) A potable water supply system that includes at least a sink, a faucet, and a water tank with an exterior service supply connection;
- f) A 110-125 volt electric power supply.

(Source: P.A. 86-971.)

(625 ILCS 5/1-146) (from Ch. 95 1/2, par. 1-146)

Sec. 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 operated upon rails, except for vehicles moved solely by human power, motorized wheelchairs, low-speed electric bicycles, and low-speed gas bicycles. For this Act, motor vehicles are divided into two divisions:

First Division: Those motor vehicles which are designed for the carrying of not more than 10 persons.

Second Division: Those motor vehicles which are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles which are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodelled for use and used as motor vehicles of the Second Division.

(Source: P.A. 96-125, eff. 1-1-10.)

(625 ILCS 5/1-147) (from Ch. 95 1/2, par. 1-147)

Sec. 1-147. Motorcycle.

Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a tractor.

(Source: P.A. 80-262.)

(625 ILCS 5/1-148) (from Ch. 95 1/2, par. 1-148)

Sec. 1-148. (Blank).

(Source: Renumbered as 625 ILCS 5/1-145.001 by P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/1-148.1) (from Ch. 95 1/2, par. 1-148.1)

Sec. 1-148.1. (Blank).

(Source: Renumbered as 625 ILCS 5/1-148.3b by P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/1-148.2) (from Ch. 95 1/2, par. 1-148.2)

Sec. 1-148.2. Moped. A moped is a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 mph but not greater than 30 mph, and is equipped with a motor that

produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears.

(Source: P.A. 96-554, eff. 1-1-10.)

(625 ILCS 5/1-148.3) (from Ch. 95 1/2, par. 1-148.3)

Sec. 1-148.3. Motorized wheelchair. Any self-propelled vehicle, including a three-wheeled vehicle, designed for and used by a person with disabilities, that is incapable of a speed in excess of 8 miles per hour on level ground.

(Source: P.A. 88-685, eff. 1-24-95.)

(625 ILCS 5/1-148.3a)

Sec. 1-148.3a. Muffler. A device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine or turbine wheels for the purpose of receiving exhaust gas from a diesel engine, all of which are effective in reducing noise.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/1-148.3a-5)

Sec. 1-148.3a-5. Multifunction school activity bus. A multifunction school-activity bus (MFSAB) means a school bus manufactured for the purpose of transporting 11 to 15 persons, including the driver, whose purposes do not include transporting students to and from home or school bus stops. A MFSAB is prohibited from meeting the special requirements for school buses in Sections 12-801, 12-803, and 12-805 and subsection (a) of Section 12-802 of this Code.

(Source: P.A. 96-410, eff. 7-1-10.)

(625 ILCS 5/1-148.3b) (from Ch. 95 1/2, par. 1-148.1)

Sec. 1-148.3b. Multipurpose passenger vehicle. A motor vehicle with motive power, except a trailer, designed to carry 10 persons or less that is constructed either on a truck chassis or with special features for occasional off-road operation.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/1-148.3m)

Sec. 1-148.3m. Neighborhood vehicle. A self-propelled, electric-powered, four-wheeled motor vehicle (or a self-propelled, gasoline-powered, four-wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) that is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which does not conform to federal regulations under Title 49 C.F.R. Part 571.500.

(Source: P.A. 96-279, eff. 1-1-10; 96-1434, eff. 8-11-10.)

(625 ILCS 5/1-148.4) (from Ch. 95 1/2, par. 1-148.4)

Sec. 1-148.4. New Vehicle. A new vehicle which has not been previously sold to any person except a franchised distributor or franchised new vehicle dealer.

(Source: P.A. 86-444.)

(625 ILCS 5/1-148.5)

Sec. 1-148.5. News media. A newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a

(625 ILCS 5/1-111.4)

Sec. 1-111.4. Commerce. Trade, commerce, or transportation.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/1-111.5)

Sec. 1-111.5. Commercial driver instruction permit. A permit issued pursuant to Section 6-508 of this Code.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/1-111.6)

Sec. 1-111.6. Commercial driver's license (CDL). A license issued by a state or other jurisdiction, in accordance with the standards contained in 49 C.F.R. Part 383, to an individual which authorizes the individual to operate a class of a commercial motor vehicle.

(Source: P.A. 95-382, eff. 8-23-07.)

(625 ILCS 5/1-111.7)

Sec. 1-111.7. Commercial driver license information system (CDLIS). The information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 U.S.C. 2701 et seq.), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/1-111.8) (from Ch. 95 1/2, par. 1-114)

Sec. 1-111.8. 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.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/1-111.9) (from Ch. 95 1/2, par. 1-114.1)

Sec. 1-111.9. Commuter van. A motor vehicle designed for the transportation of not less than 7 nor more than 16 passengers, which is: (1) used in a ridesharing arrangement; or (2) owned or leased by or on behalf of a company or an employee organization and operated on a non-profit basis with the primary purpose of transporting employees of the company between the employees' homes and the company's place of business or a public transportation station and in which the operating, administrative, maintenance and reasonable depreciation costs are paid principally by the persons utilizing the commuter van.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/1-112) (from Ch. 95 1/2, par. 1-112)

Sec. 1-112. Controlled Access Highway.

Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

(Source: P.A. 76-1586.)

(625 ILCS 5/1-112.1) (from Ch. 95 1/2, par. 1-112.1)

Sec. 1-112.1. Conversion. A motor vehicle, other than a motor home, which has been modified by a person other than the

manufacturer of the chassis of the motor vehicle and which has not been the subject of a retail sale.

(Source: P.A. 86-971.)

(625 ILCS 5/1-112.2) (from Ch. 95 1/2, par. 1-112.2)

Sec. 1-112.2. Converter or second stage manufacturer. A person who prior to the retail sale of a motor vehicle, assembles, installs or affixes a body, cab, or special equipment to a chassis, or who adds, subtracts from, or modifies a previously assembled or manufactured motor vehicle.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/1-112.3) (from Ch. 95 1/2, par. 1-112.3)

Sec. 1-112.3. Converter Dolly. A vehicle consisting of a chassis equipped with one or more axles, a fifth wheel or an equivalent mechanism, and draw bar, the attachment of which converts a semitrailer to a full trailer.

(Source: P.A. 87-1203.)

(625 ILCS 5/1-112.5) (from Ch. 95 1/2, par. 1-114.2)

Sec. 1-112.5. Counterfeit. To copy or imitate, without legal authority, with the intent of deceiving or defrauding.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/1-112.7)

Sec. 1-112.7. Court. A court of law, traffic tribunal, or circuit court of Illinois, including a judge of a court of law, traffic tribunal, or circuit court of Illinois.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/1-113) (from Ch. 95 1/2, par. 1-113)

Sec. 1-113. Crosswalk. (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the highway, that part of the highway included within the extension of the lateral line of the existing sidewalk to the side of the highway without the sidewalk, with such extension forming a right angle to the centerline of the highway;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface placed in accordance with the provisions in the Manual adopted by the Department of Transportation as authorized in Section 11-301.

(Source: P.A. 83-831.)

(625 ILCS 5/1-113.1)

Sec. 1-113.1. Custom vehicle. A motor vehicle that is at least 25 years of age and of a model year after 1948 or a custom vehicle manufactured to resemble a vehicle at least 25 years of age and of a model year after 1948 and has been altered from the manufacturer's original design or has a body constructed from non-original materials and which is maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses and which is not used for general daily transportation.

(Source: P.A. 96-487, eff. 1-1-10.)

(625 ILCS 5/1-114) (from Ch. 95 1/2, par. 1-114)

Sec. 1-114. (Blank).