Town of Cortland
59 S. Somonauk Rd.
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Cortland, IL 60112-0519

Town Hall:
Administration Office 815/756-9041
Town Clerk's Office 815/756-3030
Facsimile 815/756-4583

Operations & Maintenance:
Town Garage 815/756-6469

Police Department:
Non-Emergency 815/756-2558
Facsimile 815/787-2015

Water/Wastewater:
Office 815/756-9684
Emergencies 815/756-1910
Facsimile 815/756-1543

TO: Planning Commissioners May 29, 2020

FROM: Anna B. Kurtzman, Zoning Administrator ABK

SUBJECT: PC 20-02: Text Amendment – Truck Parking

STAFF ADVISORY REPORT

APPLICANT: Town of Cortland

PROPOSAL:
The applicant is requesting to modify Section 9-5-4A3 of the Zoning Code by redefining types of trucks, eliminating the requirement for truck parking permits and restructuring the parking and storage of trucks within residentially zoned districts (See Exhibit A).

HISTORY:
On October 28, 2019, the Town adopted Ordinance 2019-21, which revised provisions to Section 6-2-4 of the Municipal Code (Parking Restrictions in the Motor Vehicle and Traffic Title – See Exhibit B). These new provisions require all forms of vehicles to be on approved hard surfaces with a cross reference to the Zoning Code. Section 6-2-4 includes definitions for various types of vehicles, which differs from the definitions of trucks found in Section 9-5-4A3. For enforcement purposes staff determined that the definitions between Chapter 6 (Motor Vehicle and Traffic) and Chapter 9 (Zoning) should be consistent. To do this, staff is recommending that the entire 9-B-4A3 be deleted and replaced with new definitions that match those in Section 6-2-4, and also clarification that all non-First Division vehicles (ie, no "residential type" vehicles) be allowed to park on a residentially zoned lot (except for normal loading/unloading purposes).

COMPREHENSIVE PLAN:
The Town adopted a Comprehensive Plan on December 13, 2004, which guides development throughout the community. Page 7 of this document provides a vision for the future development of Cortland. The statements made on this page provide a glimpse of how the residents would like Cortland to look, including keeping the community visually appealing. One way to achieve this goal is to limit when and where trucks may park.

COMMENTS FROM THE PROFESSIONALS:
Section 9-1-2 of the Town's Zoning Code provides the purpose and the intent of the code. There is at least one statement within this section that addresses the issues associated with truck parking. Subsection E states: "To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading of commercial vehicles." The Zoning Code currently addresses congestion on public streets by requiring that each use provide a minimum amount parking per type of use. In residentially zoned areas

the predominate use is for residential purposes (although some home occupations are allowed) and thus the amount and size of parking spaces accommodates vehicles normally associated with a residential use. These standards do not address large commercial vehicles within a residentially zoned area. The proposed amendment would further the provision to limit congestion on public streets by simplifying and clarifying that Second Division vehicles cannot be parked on residentially zoned properties, except when used for normal loading, unloading or service calls. By default, any First Division vehicles (those we would typically associate with our everyday personal use) would continue to be allowed to park on private properties.

STANDARDS UPON WHICH REVIEW SHOULD BE TAKEN:
Section 9-9-2 of the Town's Zoning Code addresses the Planning Commission's role in reviewing amendments to the Code, including Text Amendments. Subsection B4 states that the Commission is to provide the Town Board with a written report that includes your recommendation and reasons therefore. Unlike a Map Amendment there is no specific findings of facts rubric for the Commission to follow. As such, a summary statement outlining your rationale is sufficient for the required report. A draft summary statement is attached as a starting point for discussion (Exhibit C). This draft is being presented with the information available at this time. Additional information may be presented during the hearing process which may impact the final summary statement.

PLANNING COMMISSION ACTIONS:
Open the Public Hearing and accept any and all testimony related to the proposal. Once all testimony has been presented the Commission may close the hearing. After closing the hearing the Commission may discuss the merits of the presented information, develop a summary statement outlining the context of the amendment and the rationale used to reach your conclusion, and render a recommendation to the Town Board.

As this is a request to amend the text of the Zoning Code the Planning Commission may recommend to approve, approve with modifications, or deny the request. It is important to note that any motion must be made as a positive statement. (I.E., "I make a motion to approve the request to amend Section 9-5-4A as presented in the application.")

/abk
Attachments
F:\My Documents\W-ZB\Planning Commission\2020\PC 20-02 Text Amendment - Truck Parking\Planning Commission\Advisory Report to PC.docx

PC Number:	PC 20-02
Date Filed:	3/9/2020

LAND DEVELOPMENT APPLICATION

THE UNDERSIGNED RESPECTFULLY PETITIONS THE TOWN OF CORTLAND TO REVIEW AND CONSIDER GRANTING THE FOLLOWING APPROVAL ON THE LAND HEREIN DESCRIBED.
(Check all that apply)

[ ] Annexation* [ ] Rezoning from _____ to _____

[X] Text Amendment (see attached language)

[ ] Special Use Permit for a
- [ ] Planned Residential Development
- [ ] Planned Commercial Development
- [ ] Planned Industrial Development
- [ ] Planned Office Development
- [ ] Planned Mixed-Use Development
- [ ] Other _____

[ ] Concept Plan

[ ] Preliminary Subdivision Plat [ ] Preliminary Development Plan *(for Planned Developments)*

[ ] Final Engineering Plan [ ] Preliminary Engineering

[ ] Final Subdivision Plat [ ] Final Development Plan *(for Planned Developments)*

Attach an original copy of the annexation petition to this application

PART I. APPLICANT INFORMATION

APPLICANT *(Please Print or Type)*

Name: Town of Cortland - Anna Kurtzman, Zoning Administrator

Address: P.O. Box 519

Cortland, IL 60112

E-mail: ICCI_Kurtzman@yahoo.com

Phone: (815) 981 - 8790

Fax: (_____) _____ - _____

Town of Cortland
Land Development Application

PC Number: PC 20-02

LAND OWNER *(If different than Applicant)*

Name: N/A

Address: _____

_____

E-mail: _____

Phone: (_____) _____ - _____

Fax: (_____) _____ - _____

CONTACT PERSON *(If different from Applicant)*

Name: Same

Address: _____

_____

E-mail: _____

Phone: (_____) _____ - _____

Fax: (_____) _____ - _____

IS THE APPLICANT THE OWNER OF THE SUBJECT PROPERTY? YES [ ] NO [ ]

*(If the Applicant is not the owner of the subject property, a letter from the Owner authorizing the Applicant to file the **Land Development Application** must be attached to this application.)*

IS THE APPLICANT AND/OR OWNER A TRUSTEE OR A BENEFICIARY OF A LAND TRUST? YES [ ] NO [ ]

(If the Applicant and/or Owner of the subject property is a Trustee of a land trust or beneficiary(ies) of a land trust, a disclosure statement identifying each beneficiary of such land trust by name and address and defining his/her interest therein shall be verified by the Trustee and shall be attached hereto.)

PART II. PROPERTY INFORMATION

ADDRESS OF PROPERTY: N/A

PARCEL INDEX NUMBER(S): N/A

LEGAL DESCRIPTION: *A LEGAL DESCRIPTION MUST BE ATTACHED TO THIS APPLICATION*

AREA OF PARCEL (*ACRES*): N/A

IF SUBDIVIDING, NUMBER OF LOTS BEING CREATED: NA

CURRENT ZONING: N/A **PROPOSED ZONING:** N/A

Town of Cortland
Land Development Application

PC Number: PC 20-02

RECOMMENDED LAND USE: N/A
(Based upon the recommendations of the Cortland Town Plan)

PROPOSED LAND USE: N/A

NAME OF PROPOSED DEVELOPMENT: N/A

The subject property is located in which FIRE PROTECTION DISTRICT? N/A

The subject property is located in which SCHOOL DISTRICT? N/A

I, *Anna B. Kurtzman*, hereby apply for review and approval of this application and represent that the application and requirements thereof and supporting information have been completed in accordance with the Zoning Ordinance and/or Subdivision Ordinance of the Town of Cortland.

Signature of Applicant

March 9, 2020
Date

State of Illinois
County of Dekalb.

Signed before me on March 9, 2020 by Rita Dixon-Nielsen

RITA DIXON NIELSEN
"OFFICIAL SEAL"
My Commission Expires
March 11, 2021

(seal)

signature of notary public

PROPOSED TEXT AMENDMENT

Amend Section 9-5-4 Location of Parking Spaces

A. Residential Districts ...

Delete:

3. Trucks:

   a. For the purpose of this title there are established three (3) categories of trucks in the town:

      (1) "Type I truck" shall mean truck tractors, trailers designed and intended to be moved about by truck tractors, and buses.

      (2) "Type II truck" shall mean trucks which exceed either nine feet (9') in height, twenty two feet (22') in length, or sixteen thousand (16,000) pounds in gross vehicle height, but excluding type I trucks.

      (3) "Type III truck" shall mean trucks which are not type I or type II trucks.

   b. Standards:

      (1) Type I trucks shall not be parked or stored on a lot in a residential district, except for normal loading, unloading or service calls.

      (2) Type II trucks shall not be parked or stored on a lot in a residential district, except for normal loading, unloading, and service calls unless such vehicle has been granted a truck parking permit in accordance with the procedures and requirements established by the town board.

      (3) Type III trucks are exempt from the regulations of this section.

Replace with:

3. Trucks:

   a. For the purpose of this title there are established two (2) categories of trucks in the town:

      (1) "First Division" shall mean those motor vehicles which are designed for the carrying of not more than 10 persons.

      (2) "Second Division" shall mean those vehicles which are designed for carrying more than 10 persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses.

   b. Second Division trucks shall not be parked or stored on a lot in a residential district, except for normal loading, unloading or service calls.

6-2-4: PARKING RESTRICTIONS:

A. Except for service vehicles of public utilities while engaged in their ordinary business, it is unlawful to park any motor home, trailer, boat trailer, boat or other water vessel, tractor, bus, or other vehicle exceeding seven and one half feet in height (7.5'), truck or other vehicles with a gross vehicle weight or registered weight of eight thousand (8,000) pounds or more, and any vehicle of the first or second division, as defined in 625 Illinois Compiled Statutes 5/1-217, on any street, alley, or any parkway between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.

B. Permission may be granted by the police department for a maximum of forty eight (48) hours for any unoccupied mobile home or motor home to park on a residential street. A no-fee permit shall be obtained from the police department in advance and the permit shall be displayed in the front windshield of the mobile home or motor home. No more than two (2) permits shall be granted in any twelve (12) month period.

C. No vehicle of any kind, including, but not limited to, any automobile, stock car, truck, van, trailer, recreational vehicle, motor home, aquatic vessel, or tractor shall be parked in the front, back or side yards of private property, except on an approved form of hard surface. All hard surfaces shall conform to section 9-5-3D. Unapproved surfaces include, but are not limited to, grass, dirt, gravel, and wood chips. (Ord. 2016-15, 12-19-2016; amd. Ord. 2019-11, 6-10-2019; Ord. 2019-21, 10-28-2019)

Planning Commission Text Amendment Summary Statement:

Per the requirements of Section 9-9-2 of the Town's Zoning Code the Planning Commission finds the following statements to be accurate as pertains to PC 20-02, a proposed text amendment addressing truck parking:

1. The Town's Comprehensive Plan provides a guide for the development of the Town, including keeping the Town visually appealing and attractive. Limiting where different types of vehicles may park furthers this goal.

2. Section 9-1-2 of the Town's Zoning Code provides the purpose and intent for the Code. Subsection E states that the Code will limit congestion in the public streets by providing for off-street parking of motor vehicles and the loading of commercial vehicles.

3. The Town recently adopted new parking regulations within the Motor Vehicle and Traffic Title. The definitions of vehicles within these new regulations differ from the current Zoning Code's definitions. Keeping definitions of different types of vehicles between the Motor Vehicle and Traffic Title and the Zoning Code will help Town staff to enforce the regulations.