

**VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

ORDINANCE NO. 23-15

**AN ORDINANCE AMENDING PROVISIONS OF TITLE 10 OF THE VILLAGE CODE
(ZONING REGULATIONS) TO AMEND OFF-STREET PARKING**

**ADOPTED BY THE PRESIDENT AND
BOARD OF TRUSTEES OF THE
VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

THIS ____ DAY OF OCTOBER, 2023

**PUBLISHED by authority of the
President and Board of Trustees
of the Village of Wayne, DuPage
and Kane Counties, Illinois
this ____ day of October, 2023**

**VILLAGE OF WAYNE
DUPAGE AND KANE COUNTIES, ILLINOIS**

**ORDINANCE NO. 23-15
AN ORDINANCE AMENDING PROVISIONS OF TITLE 10 OF THE VILLAGE CODE
(ZONING REGULATIONS) TO AMEND OFF-STREET PARKING**

WHEREAS, the Village of Wayne is a non-home rule municipal corporation duly organized and existing under the laws of the State of Illinois; and

WHEREAS, the Village of Wayne Code of Ordinances currently includes Title 10 (Zoning Regulations); and

WHEREAS, it is necessary and appropriate to amend said Title 10 of the Zoning Regulations from time to time; and

WHEREAS, the Village Board of Trustees has determined that it is necessary to amend the Village Code as expressly described herein to serve the wishes of residents and to protect and preserve the public health, safety, welfare, morals and property values of and in the Village, all in the best interests of it and its residents;

WHEREAS, on December 5, 2022, a public hearing was held before the Village’s Planning Commission (“PC”) involving §10-7-4 of the Village Code; and,

WHEREAS, following said public hearings, the PC reviewed certain of the proposed amendments, including at its meeting on October 2, 2023, and recommends their adoption by the Village Board.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Wayne, DuPage and Kane Counties, Illinois, as follows:

SECTION ONE: AMENDMENTS

That the following section and sub-sections of Title 10 of the Village Code of Ordinances are hereby amended as follows (additions being underlined and deleted text ~~strikethrough~~), with all other portions of the text not expressly enumerated herein remaining in full force and effect:

10-7-4: OFF-STREET PARKING:

Purpose:

To protect and preserve the appearance and character of neighborhoods within ~~and adjacent~~ to the village through screening ~~and landscaping~~ of off-street parking and limiting the number and type of vehicles parked on a lot.

To require adequate protection for contiguous property against undesirable effects from the creation and operation of parking areas.

Parking and storage of motor vehicles on any lot zoned in a Single-Family Residence District shall be in accordance with the following requirements:

A. Definitions: For purposes of this section, the following words shall have the meanings ascribed to them below:

COMMERCIAL VEHICLE: Any motor vehicle or trailer operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for hire or not for hire. Any passenger vehicle, passenger van, SUV, pick-up truck, or sprinter style van, (but no box trucks nor trailers) which bears no indicia of commercial use, lettering or logos, even if used in furtherance of a commercial enterprise, shall not be deemed a commercial vehicle for purposes of this section. Provided, however, that no such vehicle shall exceed 10' tall nor exceed any Village road weight limits.

PROHIBITED VEHICLE: Any vehicle in excess of twenty-five feet (25') in length or ten feet (10') in height. Additional prohibited vehicles are: semi-trucks or tractors, tractor trailers, flat bed or stake bed trucks, step vans, ambulances, tow trucks, car carriers, tanker trucks, buses, construction vehicles, box trucks, food trucks, or trailers over 25' long as depicted below:

Examples of Prohibited Vehicles:



Semi-truck and trailer



Flat-bed truck



Stake bed truck



Step Van



Ambulance



Ambulance



Tow Truck



Car Carrier



Car Carrier



Tanker Truck



Bus



Construction Vehicles



Box Truck



Food Truck



Trailer (over 25')

PERMITTED COMMERCIAL VEHICLES: The following commercial vehicles are permitted: passenger vehicles, vans and pickup trucks, which may include racks for storing ladders and other equipment, utility cabinets, and apparatus used to cover pickup truck beds for purposes of conveying equipment or merchandise, as depicted below:

Examples of Permitted Commercial Vehicles:



Van



Pick-up Truck



Pick-up Truck with Storage



Van with Storage Rack

DRIVEWAY: An area or path consisting of a graded surface of gravel, concrete, bituminous asphalt or concrete or brick pavers upon which vehicles may be driven or parked, which leads from a street or road and which may provide access to a residential garage and/or parking area, installed in accordance with a permit issued by the Village Engineer.

ENCLOSED: Located within a permanent structure permitted under the applicable zoning district regulations.

HORSE TRAILER: A trailer used exclusively for the transport of horses.

INOPERABLE MOTOR VEHICLE: Any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.

OTHER VEHICLES AND TRAILERS: Motor vehicles (other than as hereinabove described) not exceeding ~~twelve~~ ten feet (10') in height such as, but not limited to, snowmobiles, personal watercraft, boats, motorcycles, all-terrain vehicles, trailers used for transporting any of the foregoing, car trailers, car haulers, and any enclosed or unenclosed trailer, but not including horse trailers.

RECREATIONAL VEHICLE: Any camping trailer, motor home, mini- motor home, travel trailer, truck camper, or van camper which is used primarily for recreational purposes and is not used commercially.

SETBACK LINE: That line established by the face of the principal structure which is nearest to the front yard of a lot.

~~SUBSTANTIALLY COMPLETELY SCREENED OR SCREENED~~: Screened on not less than three (3) sides from adjacent residential properties and public view, year-round, by landscaping consisting of a planted earth berm, densely planted evergreen shrubs or trees or a combination of both, ~~as follows~~:

- ~~1. In front yards, permanent screening at least four feet (4') in height shall be constructed and maintained in areas adjacent to permitted side yard parking.~~
- ~~2. In side and rear yards, permanent peripheral screening at least five feet (5') in height shall be constructed and maintained in areas adjacent to permitted parking areas, to be located between the parking area and the lot line~~

A single-family residence or permitted accessory structure may serve as part of the screen. Existing natural vegetation may also serve as all or part of the required screen provided such natural vegetation provides the same degree of screening year-round, as required herein. In the event such natural vegetation is used as a screen, the same shall be maintained in such a manner as to constitute a screen equivalent to that required by this definition. Tarps or similar items are not allowed to be used as screening

B. Minimum Spaces: Not less than one parking space shall be provided for each licensed passenger vehicle to be located on a single-family lot, subject to the provisions of subsection C of this section.

C. Single-Family Zoning District: Off-street parking of vehicles on property located in a Single-Family Zoning District is permitted as follows:

1. On Lots In The Wayne Village Historic District: No more than three (3) unenclosed and unscreened vehicles may be parked or located on a single-family lot ~~in front of the setback line, one of which may be a commercial vehicle (without an attached trailer). No commercial vehicle or recreational vehicle or other vehicle or trailer may be parked or located on any portion of a lot unless completely screened or enclosed. All vehicles must be operable and parked on a graded surface per 10-7-4-D. No vehicle defined as a commercial vehicle, or any other vehicle or trailer may be parked or located in front of the setback line on a single family lot, unless screened or enclosed. No recreational~~ Recreational vehicles may be parked or located on a driveway for a period not to exceed seventy- two (72) hours within any one calendar year for purposes of loading and unloading. any portion of a lot unless screened or enclosed Additional parking for a temporary event is allowed.

2. On Lots Of Record Of Two Acres or Less less Than Two Acres Not Located Within The Wayne Village Historic District: No more than ~~four (4)~~ five (5) unenclosed and unscreened vehicles may be parked or located on a single-family lot. ~~in front of the setback line, one of which may be a commercial vehicle. No commercial vehicle or recreational vehicle or other vehicle or trailer may be parked or located on any portion of a lot unless completely screened or enclosed. All vehicles must be operable and parked on a graded surface per 10-7-4-D.~~ Additional parking for a temporary event is allowed.

3. On Lots Of Record of More than Two Acres ~~Two Acres Or More~~: No more than six (6) ~~four (4)~~ unenclosed and unscreened vehicles ~~or trailers~~ may be parked or located on a single-family lot. ~~in front of the setback line, one of which may be a commercial vehicle. No commercial vehicle, recreational vehicle or other vehicle or trailer may be parked or located on any portion of a lot unless completely screened or enclosed. All vehicles must be operable and parked on a graded surface per 10-7-4-D.~~ Additional parking for a temporary event is allowed.

~~The unenclosed parking or location of motor vehicles on a single family lot shall be limited to vehicles classified in the first division or second division having a gross vehicle weight rating of eight twelve thousand (8,000) (12,000) pounds (Illinois "B" truck license plate) or less. The unenclosed or unscreened parking or location of a combination of a truck and trailer having a gross vehicle weight rating of eighteen thousand (18,000) pounds or less shall be permitted only on lots of record described in this subsection C3. On those lots where commercial trailers are permitted by this subsection, the same shall count as a vehicle for purposes of determining the maximum total number of vehicles which may be parked or located in unenclosed spaces; a combination truck and trailer having a gross vehicle weight rating of eighteen thousand (18,000) pounds or less shall be considered as one commercial vehicle but shall count as two (2) vehicles for purposes of determining the total maximum number of vehicles permitted on a lot.~~

D. Surface: All parking or location of any vehicle or trailer on a single-family lot shall be on a graded surface of gravel, concrete, bituminous asphalt or concrete or brick pavers, and all installation of such spaces shall be pursuant to a permit granted by the Village Engineer. Unless leading to a residential private garage or private stable, no additional vehicle or trailer parking surface shall be installed on a single-family lot.

E. License And Tags: All motor vehicles or trailers parked or located within any unenclosed parking area on a single-family lot shall display current license plates or tags. Any vehicle or trailer not having a license plate or tag shall be parked or located only within a completely enclosed structure.

F. Inoperable Vehicle Or Trailer: No inoperable motor vehicle or trailer shall be parked or located on a single-family lot except within a completely enclosed structure.

G. Sale Vehicles: Only vehicles or trailers which are owned by the resident, including, but not limited to, snowmobiles, personal watercraft or all-terrain vehicles, may be displayed for sale on the driveway of any single-family lot; provided that, such display of vehicles for sale shall be limited to no more than thirty (30) days per calendar year.

H. Parking In Vacant Lots: No vehicle or trailer shall be parked or located on any vacant single-family lot unless such lot is part of an occupied zoning lot and such vehicle or trailer is owned by the resident of such zoning lot.

I. Commercial Vehicles: Where permitted under subsection C of this section, ~~Except as provided in subsection C of this section, No~~ commercial vehicle shall be parked on any single-family lot unless completely screened from view or enclosed, unless such vehicle is providing a required service for the dwelling on such lot, and then only for the period of time which is required to provide such service.

~~J. Prohibited Vehicles: No vehicle or trailer (individually) in excess of twenty five feet (25') in length or twelve feet (12') in height, semi-truck or tractor, tractor-trailer, step van, ambulance, tow truck, car carrier, tanker truck, medivan, or vehicle bearing livery license plates shall be parked or located in any fully unenclosed permitted structure area on a single-family lot.~~

~~K. Recreational Vehicles: Where permitted under subsection C of this section not more than one recreational vehicle may be parked or located on a single-family lot; provided that, such vehicle shall be parked only behind the setback line on such lot. An additional recreational vehicle may be parked in front of the setback line for a period not to exceed seventy-two (72) hours within any one calendar year for purposes of loading and unloading. No recreational vehicle parked on a single-family lot shall be used for living, sleeping or housekeeping purposes within the Village.~~

~~L. Repair Or Service: No motor vehicle repair or service shall be permitted on any unenclosed parking space on a single-family lot for a cumulative period in excess of twenty-four (24) hours per calendar month. (Ord. 01-08, 6-19-2001)~~

—M L Other Regulations:

1. ~~Unenclosed~~ P Parking spaces used for the parking of commercial vehicles and "other vehicles and trailers", as defined in this section, ~~which are not located in front of a setback line, as permitted by subsection C of this section on a single-family lot,~~ shall be substantially completely screened or enclosed, and shall be located on a graded surface as required under subsection D of this section.

2. No boat or watercraft exceeding two hundred fifty (250) pounds in weight (unladen) or exceeding fourteen feet (14') in length, or any motorized boat or watercraft shall be parked, placed, stored or located in or on any pond, lake, retention pond or other body of water between dusk and dawn, irrespective of whether such boat is enclosed, unenclosed or substantially screened, provided however, that this prohibition shall not apply to the Fox River and boats parked, placed, stored or located thereon. (Ord. 03-15, 7-15-2003)

3. No watercraft shall be stored on a lot, for a period exceeding 72 hours, unless it is stored in a fully enclosed permitted structure.

NM. Horse Trailers: This section shall not be applied to the regulation of horse trailers (as defined in subsection A of this section), provided that, no horse trailer in excess of thirty feet (30') in length and no more than two (2) individual horse trailers may be parked or located on any lot of record or any zoning lot within any Single-Family Zoning District.

ON. Limit On Commercial Vehicles: Where permitted under subsection C of this section and ~~N~~otwithstanding anything contained herein to the contrary, no more than one commercial vehicle may be parked or located unscreened or unenclosed on any residential lot. (Ord. 01-08, 6-19-2001).

SECTION TWO: AMENDMENTS

REPEALER: All ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction; the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its approval, passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS _____ DAY OF OCTOBER, 2023.

AYES: _____

NAYS: _____

ABSENT: _____

Eileen Phipps, President

ATTEST:

Patricia Engstrom, Village Clerk