

# Request For Board Action

**REFERRED TO BOARD:** August 24, 2022

**AGENDA ITEM NO:** 12

**ORIGINATING DEPARTMENT:** Community Development

**SUBJECT:** Consideration of an Ordinance amending Section 10-12-2 (E) of the Zoning Ordinance related to the regulation of recreational vehicles and equipment.

## **SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

### **Background**

Staff is proposing an amendment to Section 10-12-2 (E), which regulated recreational vehicles and equipment within the Village. The new amendment mirrors the language which was previously incorporated in the old “zoning ordinance”, which provides greater clarity on regulation of recreational vehicles. The origin of this amendment was based on complaints that Staff received from neighbors related to a resident parking an RV on a public right of way and allowing out-state-guest to reside in the RV for approximately a month.

The above referenced amendment was considered by the Planning and Zoning Commission at a public hearing held on July 13, 2022, and recommended for approval by a vote of 6-0

### **Financial Impact**

None

### **Documents Attached**

- 1) Ordinance
- 2) Village Board Staff Report

In accordance with the above analysis, Staff would make the following recommendations:

### **Recommendations**

*We move that the Village Board the herewith attached ordinance amending Section 10-12-2 (E) regulating recreational vehicles.*

VILLAGE OF ANTIOCH

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*AN ORDINANCE FOR A TEXT AMENDMENT TO SECTION 10-12-2 (E) OF  
THE ANTIOCH VILLAGE CODE, TITLED ZONING.*

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ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

August 24, 2022

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Published in pamphlet form by authority of the Village Board  
of the Village of Antioch, Lake County, Illinois,  
this 24th day of August 2022

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SCOTT J. GARTNER	President	ED MACEK	Trustee
		MARY C. DOMINIAK	Trustee
LORI K. ROMINE	Clerk	BRENT BLUTHARDT	Trustee
		SCOTT A. PIERCE	Trustee
JAMES VASSELLI	Attorney	MARY PEDERSEN	Trustee
		PETRINA BURMAN	Trustee

**ORDINANCE NO. \_\_\_\_**

***AN ORDINANCE FOR A TEXT AMENDMENT TO SECTION 10-12-2 (E) OF THE ANTIOCH VILLAGE CODE, TITLED ZONING ORDINANCE***

**WHEREAS**, the Village of Antioch, Illinois (the “Village”) is a non-home rule municipality organized and operating under the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*); and

**WHEREAS**, the Mayor, who is also the President of the Village (the “President”), and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to protecting and promoting the health, safety and welfare of the general public; and

**WHEREAS**, driving and/or parking large vehicles on residential streets and in residential areas may decrease available parking and may cause safety hazards by obscuring visibility, interfering with normal traffic patterns and creating passing risks; and

**WHEREAS**, Subsection 11-208(a) of the Illinois Vehicle Code (625 ILCS 5/11-208(a)) provides that the Illinois Vehicle Code shall not be deemed to prevent local authorities from exercising their police power to reasonably regulate the standing or parking of vehicles, except in limited circumstances; and

**WHEREAS**, pursuant to Section 11-5-5 of the Illinois Municipal Code (65 ILCS 5/11-5-5), the Corporate Authorities may prohibit the parking of motor vehicles on private property without the consent of the owner of the private property; and

**WHEREAS**, Title 10 of the Antioch Village Code (the “Village Code”), which is titled Zoning, is referred to as the “Zoning Ordinance”; and

**WHEREAS**, a public hearing was held by the Combined Planning and Zoning Board on July 13<sup>th</sup>, 2022, following notification as required by State Law and Village ordinances to consider a text amendment to Title 10, Section 10-12-2 (E) of the Zoning Ordinance, by modifying the Village’s regulations pertaining to recreational vehicles; and

**WHEREAS**, the Corporate Authorities have determined that there is a need to update the current regulations pertaining to recreational vehicles to continue to allow residents to store recreational vehicles and equipment on their property, while also establishing minimum standards to maintain the character of residential neighborhoods and mitigate public welfare and safety concerns associated with recreational vehicles; and

**WHEREAS**, the Corporate Authorities have determined that the modification of 10-12- 2 (E) of the Zoning Ordinance is necessary to maintain the health, safety, and general welfare of the community; and

**WHEREAS**, the Combined Planning and Zoning Board recommended approval to the Village Board to adopt the proposed text amendment that modifies Section 10-12-2 (E) of the Zoning Ordinance; and

**WHEREAS**, a copy of the text amendment, as incorporated in the Village Board Staff Report considered by the Combined Planning and Zoning Board, is attached as Exhibit A hereto and incorporated herein:

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Antioch, Lake County, Illinois, as follows:

**Section 1. Incorporation Clause.**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings. This Ordinance shall be liberally construed so that the purpose and intent represented by the recitals shall be accomplished to the greatest extent permitted by law.

**Section 2. Amendment.**

Subsection 10-12-2 (E) is modified to incorporate additional regulations and clarify how recreational vehicles and equipment should be stored on residential lots and to establish a prohibition of parking recreational vehicles and equipment on the public rights-of-way. That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by deleting Subsection 10-12-2(E) of the Zoning Ordinance and replacing it as follows:

E. Prohibited Parking: Parking or storage of any vehicles or part thereof including, but not limited to, trailers, campers, boats, and recreation vehicles, on lawn areas, in front or side yards, on areas set aside for landscaping, or on any other area not surfaced for off street parking as provided in this section is prohibited.

1. Recreational vehicles and equipment may be parked on private property in a garage, in rear yards and side yards, provided the recreational vehicle shall be placed on a permitted driveway surface (concrete, asphalt or approved brick pavers) and located in compliance with the regulations of this chapter.

2. Overnight parking of a recreational vehicle or equipment on a public street or within a right of way is prohibited.

3. No recreational vehicle shall be parked within ten (10) feet of any adjacent dwelling on an adjoining lot, nor shall it be parked within one (1) foot of a lot line and drainage of the lot must be maintained at all times.

4. No recreational vehicle or equipment shall be parked in front yards or within ten (10) feet of a side yards that is adjacent to a street.

5. Recreational vehicles or equipment parked in a side yard must be located farther back than the front building line of the adjacent property.

6. Vehicles used for other purposes: The following shall not be used for a dwelling unit: travel trailer, tent trailer, camper or coach, or van.

### **Section 3. Staff Reports.**

The Staff Reports, attached hereto as Exhibit A, shall be kept on file in the Planning Department and shall be used as guidance for the proper interpretation of this text amendment pertaining to Section 10-12-2 ( E).

### **Section 4. Headings.**

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for convenience of reference and form no substantive part of this Ordinance; nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

### **Section 5. Severability.**

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, subparagraph, section or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, subparagraph, section or part shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the intent of the Corporate Authorities that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, subparagraph, section or part thereof been included.

### **Section 6. Superseder.**

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

### **Section 7. Publication.**

A full, true and complete copy of this Ordinance shall be published in book or pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

**Section 8. Effective Date.**

This Ordinance shall be effective and in full force ten (10) days after passage and approval as provided by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS, ON THIS \_\_\_\_\_ day of August 2022.

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
SCOTT J. GARTNER, MAYOR

ATTEST:

\_\_\_\_\_  
LORI K. ROMINE, VILLAGE CLERK

**EXHIBIT A**  
**(Village Board Staff Report)**

STATE OF ILLINOIS     )  
                                  )  
COUNTY OF LAKE     )     SS

**CLERK'S CERTIFICATE**

I, Lori K. Romine, certify that I am the duly appointed and acting Municipal Clerk of the Village of Antioch, Lake County, Illinois, and I do hereby certify that I am currently the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance titled:

***AN ORDINANCE FOR A TEXT AMENDMENT TO SECTION 10-12-2 (E) OF THE ANTIOCH VILLAGE CODE, TITLED ZONING ORDINANCE***

I certify that on \_\_\_\_\_, 2022, the Board of Trustees of Antioch (or the Corporate Authorities, if required by law) of Antioch passed and approved Ordinance No. 22-\_\_\_\_\_.

I do further certify, in my official capacity, that a quorum of said Board of Trustees was present at the meeting and that the meeting was held in compliance with all requirements of the Open Meetings Act (5 ILCS 120/1, *et seq.*).

The pamphlet form of Ordinance No. 22-\_\_\_\_\_, including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on \_\_\_\_\_, 2022 and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk and online.

DATED at Antioch, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Lori K. Romine, Village Clerk  
Village of Antioch

(Seal)



Mayor  
Scott J. Gartner

Clerk  
Lori K. Romine



Trustees  
Brent C. Bluthardt  
Petrina Burman  
Mary C. Dominiak  
Ed Macek  
Mary J. Pedersen  
Scott A. Pierce

**REPORT TO:** VILLAGE PRESIDENT and BOARD OF TRUSTEES  
**FROM:** Michael S. Garrigan, AICP, CNU-A, Community Development Director  
**DATE:** August 18, 2022  
**SUBJECT:** REPORT TO VILLAGE BOARD

**Case:** Zoning Text Amendment  
22-05

## Background

### Recreational Vehicle Amendment

Staff is proposing to amend Section 10-12-2 (E), which regulates “Recreational Vehicles” in the Village. Currently, the code regulates recreational vehicles as follows:

*Parking in a front yard: The parking of vehicles, recreational vehicles, boats, or trailers on areas of the front yard other than the driveway is prohibited. All recreational vehicles, boats or trailers must be parked on a hard/improved surface.*

The reason and origin for this proposed change in recreational vehicle regulations pertained to a complaint from neighbors of a resident using a public right-of-way to park a recreational vehicle for out-of-town guest. The guest occupied the recreational vehicle for approximately a month.

*Staff is proposing to amend this section by adding the language in the Village’s old “Zoning Ordinance”.*

*Prohibited Parking: Parking or storage of any vehicles or part thereof, including, but not limited to trailers, campers, boats, and recreation vehicles, on lawn areas in front or side yards, on areas set aside for landscaping, or on any other area not surfaced for off street parking as provided in this section is prohibited.*

- a) *Recreational vehicles and equipment may be parked on private property in a garage, in rear yards and side yards, shall be placed on a permitted driveway surface (concrete,*

*asphalt or approved brick pavers) and located in compliance with the regulations of this chapter.*

- b) Overnight parking of a recreational vehicle or equipment on a public street or within a right of way is prohibited.*
- c) No recreational vehicle shall be parked within ten (10) feet of any adjacent dwelling on an adjoining lot, nor shall be parked within one foot of a lot line and in any event drainage of the lot must be maintained.*
- d) No recreational vehicle or equipment shall be parked in front yards or within 10 feet of a side yards adjacent to a street.*
- e) Recreational vehicles or equipment parked in a side yard must be located farther back than the front building line of adjacent property.*
- f) Vehicles used for other purposes; The following shall not be used for a dwelling unit; travel trailer, tent trailer, camper or coach, or van.*

## **Recommendations**

Based on the foregoing analysis, Staff would make the following motions:

***We move that the Village Board the herewith attached ordinance amending Section 10-12-2 (E) regulating recreational vehicles.***