CITY OF ST. CHARLES ILLINOIS • 1834	**AGENDA ITEM EXECUTIVE SUMMARY**	**Agenda Item Number: *4e**
	Title:	Recommendation to approve amendments to the St. Charles Municipal Code pertaining to aircraft and rail rolling stock storage: 1) General Amendment to Title 17, Zoning Ordinance, as recommended by Plan Commission; and 2) Amendment to Title 8, Health and Safety.
	Presenter:	Ellen Johnson

Meeting: Planning & Development Committee **Date**: August 10, 2020

Proposed Cost: $	Budgeted Amount: $	Not Budgeted: ☐

Executive Summary (*if not budgeted please explain*)**:**

Staff has recently dealt with code enforcement issues regarding storage of airplanes, or parts of disassembled airplanes, on residential property. Existing City Code provisions do not address the storage of airplanes, or generally, aircraft.

<u>Title 17- Zoning Ordinance Amendment:</u>
Staff is proposing to add provisions regarding outdoor storage of aircraft as well as rail transport rolling stock, which is also not currently addressed in the Zoning Ordinance.

The following amendments are proposed:

- Define "Aircraft" and "Rail Transport Rolling Stock".
- Require aircraft and rail transport rolling stock, or parts thereof, to be stored inside a permanent structure within residential, commercial, and office districts.

Plan Commission Recommendation
Plan Commission held a public hearing on 7/21/2020 at voted 9-0 to recommend approval.

<u>Title 8- Health and Safety Amendment:</u>
Section 8.04.170-180 declares junk, trash and refuse on private property a nuisance, if the storage is not permitted under the Zoning Ordinance. "Junk, trash and refuse" includes abandoned automobiles, trucks, tractors, machinery and parts, and old appliances. Aircraft are not specifically included, so the outdoor storage of disassembled aircraft could not be declared a nuisance under this section.

Staff is proposing to add aircraft/parts thereof and rail transport rolling stock/parts thereof to the definition of "junk, trash and refuse". This will allow open storage of such items on private property to be declared a nuisance which would need to be abated.

Attachments (*please list*)**:**
Plan Commission Resolution, Staff Report, Application

Recommendation/Suggested Action (*briefly explain*)**:**
Recommendation to approve amendments to the St. Charles Municipal Code pertaining to aircraft and rail rolling stock storage: 1) General Amendment to Title 17, Zoning Ordinance, as recommended by Plan Commission; and 2) Amendment to Title 8, Health and Safety.

City of St. Charles, Illinois
Plan Commission Resolution No. 13-2020

A Resolution Recommending Approval of a General Amendment to Ch. 17.24 "Off-Street Parking, Loading and Access" and Ch. 17.30 "Definitions" regarding aircraft and rail transport rolling stock

Passed by Plan Commission on July 21, 2020

WHEREAS, it is the responsibility of the St. Charles Plan Commission to hold public hearings and review requests for amendments to Title 17, "Zoning"; and,

WHEREAS, the Plan Commission held a public hearing and has reviewed the petition for a General Amendment to Ch. 17.24 "Off-Street Parking, Loading and Access" and Ch. 17.30 "Definitions" regarding aircraft and rail transport rolling stock; and,

WHEREAS, in accordance with Section 17.04.320.C, the Plan Commission has considered the following criteria for General Amendment:

1. **The Consistency of the proposed amendment with the City's Comprehensive Plan.**

   Residential Areas Goal 1: "Maintain the City's image and desirability as a great place to live by preserving and enhancing the diversity, quality, character, safety, affordability, and appeal of residential neighborhoods." The proposed amendment is consistent with this goal by preventing open, outdoor storage of items (aircraft and rail transit rolling stock and parts thereof) which may otherwise impede on the character and appeal of residential neighborhoods.

2. **The Consistency of the proposed amendment with the intent and general regulations of this Title.**

   The proposed amendment promotes the following purpose statements listed in Ch. 17.02 of the Zoning Ordinance:
   - Promoting the public health, safety, comfort, convenience and general welfare.
   - Preserving and enhancing the quality of life for residents and visitors.
   - Maintaining business and industrial areas that are attractive and economically viable.

3. **Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.**

   The ordinance does not currently contain provisions specifically related to storage of aircraft or rail transit rolling stock or parts thereof.

4. **The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.**

   The proposed amendment would protect the public interest by preserving neighborhood aesthetics and providing clear guidelines for the storage of aircraft and rail transit rolling stock.

5. **The extent to which the proposed amendment creates nonconformities.**

   The proposed amendment does not create any nonconformities. Storage of aircraft and rail transport rolling stock shall be required to comply with the proposed regulations.

6. **The implications of the proposed amendment on all similarly zoned property in the City.**

   The proposed amendment applies to all zoning districts in the City.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a General Amendment to Ch. 17.24 "Off-Street Parking, Loading and Access" and Ch. 17.30 "Definitions" regarding aircraft and rail transport rolling stock.

Roll Call Vote:
Ayes: Pretz, Kessler, Funke, Holderfield, Melton, Vargulich, Macklin-Purdy, Becker, Wallace
Nays: None
Absent: None
Motion carried: 9-0

PASSED**,** this 21st day of July 2020.

_____
Chairman
St. Charles Plan Commission

Community & Economic Development
Community Development Division
Phone: (630) 377-4443
Fax: (630) 377-4062

ST. CHARLES
SINCE 1834

Staff Report

TO: Chairman Rita Payleitner
And the Members of the Planning & Development Committee

FROM: Ellen Johnson, Planner
Russell Colby, Asst. Dir. Of Community & Economic Development

RE: City Code Amendment – Aircraft & Rail Transport Rolling Stock (Title 17, Zoning Ordinance and Title 8, Health and Safety)

DATE: August 6, 2020

I. APPLICATION INFORMATION

Project Name: City Code Amendment – Aircraft & Rail Transport Rolling Stock

Applicant: City of St. Charles

Purpose: Establish zoning provisions regarding storage of aircraft & rail transport rolling stock; add abandoned or wrecked aircraft and rail transport rolling stock as "junk, trash or refuse" that can be declared a nuisance.

II. BACKGROUND

Staff has recently dealt with code enforcement issues regarding storage of airplanes, or parts of disassembled airplanes, on residential property. After an analysis of the City Code, Staff has concluded that existing provisions do not address the storage of airplanes, or generally, aircraft.

The Zoning Ordinance does contain provisions for parking other types of vehicles:

- Commercial vehicles (including semi-trailers, semi-tractors, farm machinery, tractors and intermodal containers) – Must be stored within enclosed structures in residential zoning districts. In commercial and manufacturing districts, commercial vehicles may be parked only in approved loading areas. (Sec. 17.24.120)
- Recreational vehicles (camping trailer, motor home, camper, boat trailers, etc.) – May be stored outdoors in residential districts, however between October 15 and April 15 RVs must be parked in the side or rear yards (enclosed or unenclosed). (Sec. 17.24.130)

Under the Property Maintenance Code (Ch. 15.04), motor vehicles that are unregistered or inoperable may not be parked or stored outside of an enclosed building. The definition of "motor vehicle" does not extend to aircraft, so these regulations do not apply.

City Code Title 8 "Health and Safety", Section 8.04.170-180 declares junk, trash and refuse on private property a nuisance, if the storage is not permitted under the Zoning Ordinance. "Junk, trash and refuse" includes abandoned automobiles, trucks, tractors, machinery and parts, and old appliances. Aircraft are not specifically included, so the outdoor storage of disassembled aircraft could not be declared a nuisance under this section.

III. ZONING ORDINANCE AMENDMENT

Staff is proposing to add provisions regarding the storage of aircraft as well as rail transport rolling stock, which is also not addressed in the City Code. Proposed is the following:

- Define "Aircraft" and "Rail Transport Rolling Stock".
- Restrict the parking/storage of aircraft and rail transport rolling stock in residential and commercial districts.

1. Ch. 17.30 "Definitions", Section 17.30.030 "General Definitions"

Define "Aircraft":

> ***Aircraft.*** *A structure or machine designed to travel through the air, including but not limited to airplanes, gliders, and helicopters.*

Define "Rail Transport Rolling Stock":

> ***Rail Transport Rolling Stock.*** *Wheeled vehicles used on a railroad, including but not limited to locomotives, freight cars, and passenger cars.*

2. Ch. 17.24 "Off-Street Parking, Loading & Access"

Add new section:

Aircraft & Rail Transport Rolling Stock

A. No aircraft or rail transport rolling stock, or any part thereof, whether operable or inoperable, shall be parked or stored outdoors or within a temporary structure on a lot in any residential, commercial, or office/research zoning district, including RE, RS, RT, RM, BL, BC, BR, CBD-1, CBD-2, and O-R districts.

B. Aircrafts and rail transport rolling stock may be stored in the M-1, M-2 and PL districts in accordance with Section 17.20.030 "Standards for Specific Uses" pertaining to Outdoor Storage and Section 17.26.130 "Outdoor Storage".

Explanation: Proposed is to require aircraft and rail transport rolling stock, or any disassembled parts, to be stored inside a permanent structure within residential, commercial and office districts. In manufacturing and public lands districts, aircraft and rail transport rolling stock may be stored outside as an accessory use to a permitted use, but shall be screened by fencing or landscaping, if visible from a public street or residential property. General outdoor storage is also allowed as an

accessory use in these zoning districts, but is not allowed in residential, commercial, or office districts.

IV. RELATED CODE AMENDMENT TO TITLE 8, "HEALTH & SAFETY"

In addition to the proposed amendment to the Zoning Ordinance, staff is bringing forward an related amendment to City Code Title 8 "Health and Safety", Section 17.04.170, to add aircraft/parts thereof and rail transport rolling stock/parts thereof to the definition of "junk, trash and refuse". This will allow open storage of such items on private property to be declared a nuisance which would need to be abated. The added text is shown in bold red italics below:

> **8.04.170 – Junk, trash and refuse defined**
> For the purposes of Sections 8.04.180 through 8.04.250, junk, trash and refuse are defined to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety or to the esthetics of the neighborhood, and are specifically intended to include, but not be limited to, worn out, wrecked and/or abandoned automobiles, trucks, tractors, ***aircraft and any parts thereof, railroad rolling stock and any parts thereof,*** machinery of any kind, any parts thereof, old iceboxes, refrigerators and stoves.
>
> **8.04.180 – Storage of junk or refuse on private property declared nuisance**
> The storage of junk, trash and refuse on private property within the city, where such storage is nor authorized under the terms of Title 17, and in any manner not permitted by said zoning title is declared a nuisance.

V. PLAN COMMISSION RECOMMENDATION

Plan Commission held a public hearing on the amendment to Title 17 on 7/21/2020 and voted 9-0 to recommend approval.

Amendments to code sections outside of the Zoning Ordinance (Title 17) do not require a public hearing or Plan Commission recommendation.

VI. ATTACHMENTS

- Application for General Amendment, filed by staff on 3/17/2020

CITY OF ST. CHARLES

TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984

COMMUNITY DEVELOPMENT DIVISION PHONE: (630) 377-4443 EMAIL: cd@stcharlesil.gov

GENERAL AMENDMENT APPLICATION

CITYVIEW	
Project Name:	GA - Aircraft + Rolling stock
Project Number:	2020 -PR- 003
Cityview Project Number:	PLGA202000017

Received Date
RECEIVED
St. Charles, IL
MAR 17 2020
CDD
Planning Division

Instructions:

To request an amendment to the text of the St. Charles Zoning Ordinance (City Code Title 17), complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a meeting or public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

Applicant:	Name City of St. Charles	Phone (630)377-4443
	Address 2 E. Main St. St. Charles, IL 60174	Fax
		Email ejohnson@stcharlesil.gov

Attachment Checklist

If multiple zoning or subdivision applications are being submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.

- ❑ **APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance ($500)
- ❑ **REIMBURSEMENT OF FEES AGREEMENT:**

  An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.
- ❑ **REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

  Deposit of funds in escrow with the City. (For a General Amendment application only: $1,000 deposit.)
- ❑ **FINDINGS:** Fill out the attached form or submit responses on a separate sheet.

❑ WORDING OF THE REQUESTED TEXT AMENDMENT

What is the amendment regarding?

Add provisions to address parking/storage of aircrafts and rail transport rolling stock.

What sections are proposed for amendment?

Chapters(s): Ch. 17.24, Ch. 17.30

Section(s): New section in Ch. 17.24; Section 17.30.030

The wording of the proposed amendment: Insert below or attached wording on a separate page.

See attached.

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

Ellen Johnson — 3/17/2020

Applicant — Date

Ch. 17.30 "Definitions", Section 17.30.030 "General Definitions"

Add definition of "Aircraft":

A structure or machine designed to travel through the air, including but not limited to airplanes, gliders, and helicopters.

Add definition of "Rail Transport Rolling Stock":

Wheeled vehicles used on a railroad, including but not limited to locomotives, freight cars, and passenger cars.

Ch. 17.24 "Off-Street Parking, Loading and Access"

Add new section: "Aircrafts & Rail Transport Rolling Stock"

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Findings of Fact

1. **The Consistency of the proposed amendment with the City's Comprehensive Plan.**

   Residential Areas Goal 1: "Maintain the City's image and desirability as a great place to live by preserving and enhancing the diversity, quality, character, safety, affordability, and appeal of residential neighborhoods." The proposed amendment is consistent with this goal by preventing open, outdoor storage of items (aircraft and rail transit rolling stock and parts thereof) which may otherwise impede on the character and appeal of residential neighborhoods.

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