

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Asst. to the Village Manager **DATE:** July 2, 2002
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE AMENDING THE TEMPORARY USE PROVISIONS", as presented.



SUMMARY OF ITEM:

Adoption of the attached ordinance will amend certain Temporary Use Permit provisions.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

AN ORDINANCE AMENDING TEMPORARY USE PROVISIONS

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Section 8-76 of the Downers Grove Municipal Code is hereby amended as follows:

8-76. Same—License required; application; standards for issuance.

No person shall conduct any temporary use without first having obtained a license therefor from the Village Clerk. Application for such license shall be made as provided in Section 8-3. Except as otherwise set forth below, such license shall be issued in accordance with the standards established by Section 8-2 herein. A temporary use shall be subject to the following conditions and standards:

1) Vacant lots. Except for holiday tree sales, a temporary use shall not be permitted on any vacant or abandoned lots.

2) Holiday tree sales. Holiday tree sales shall be permitted as a temporary use during the months of November and December.

3) Relation to principal use. Except for holiday tree sales and as otherwise provided herein, a temporary use shall be an activity accessory to, and consistent with, the principal use of the property. However, a temporary use which is not accessory to, and consistent with, the principal use of the property may be conducted pursuant to this section provided the property shall not be used for such non-consistent temporary uses for more than seven (7) consecutive days in any calendar year.

4) Uses allowed. A temporary use shall be limited to those permitted uses, conditional uses, and accessory uses allowed in the zoning district in which the temporary use is to be located.

5) Temporary structures. A temporary use may be conducted in a temporary structure such as a tent, awning, spectator stand or seating, shed or other similar item, provided such temporary structure shall comply with all applicable building and health and safety ordinances of the Village. Such temporary structures shall be subject to inspection by Code Enforcement and fire department officials of the Village prior to commencing any activity or event for which the temporary use license was issued. A temporary structure shall not be maintained or used for more than ~~60~~¹⁸⁰ days in any calendar year.

6) Operation. No temporary use shall be operated in such a manner as to cause a public nuisance including, but not limited to stormwater runoff onto adjoining property; soil erosion; unsafe or inadequate vehicular access, egress, parking or on-site vehicular circulation; excessive noise; unruly crowds; or any other activity that jeopardizes the public peace, health, safety, or welfare.

7) Other codes and ordinances. Unless specifically otherwise authorized, a temporary use shall comply with all other codes and ordinances of the Village. Deviations from other codes and ordinances shall only be allowed if it is determined that such deviation will not endanger the public health, safety and welfare. (Ord. No. 2390, § 1; Ord. No. 3383, § 1.)

SECTION 2. That Section 8-77 of the Downers Grove Municipal Code is hereby amended as follows:

8-77. Same—Approval—Limitations—Revocation.

No temporary use license shall be issued unless the Village Manager has given written notice to the Village Council at least forty eight hours prior to a regularly scheduled council meeting. At such meeting the Village Council may, in its discretion, and based upon its determination of the public health, welfare, and safety, direct the Village Manager to approve or deny a temporary use license to the applicant therefor. The Council may also impose or ratify restriction on any license including, but not limited to, requiring facilities, insurance, and prohibiting certain types of activities determined to be inappropriate or against the public health, welfare or safety. A temporary license may be suspended or revoked as set forth in this Chapter for violation of any condition or restriction imposed. No temporary use license shall be issued unless written authorization has been obtained by all of the departmental designees assigned to review and evaluate the applications. This shall include, but not be limited to, members of the following departments: Code Services, Police, Fire Prevention and the Village Manager's Office. Any of the Village officials designated to review applications may impose or ratify restrictions on any license including, but not limited to, require facilities, insurance and prohibiting certain types of activities determined to be inappropriate or against the public health, welfare or safety. A temporary use license may be suspended or revoked as set forth in this Chapter for violation of any condition or restriction imposed. (Ord. No. 2390; § 1; Ord. No. 3383, § 1.)

SECTION 3. That Section 8-78 of the Downers Grove Municipal Code is hereby amended as follows:

8-78. Same—Fee; term.

The license fee for a temporary use license shall be twenty-five dollars for each license all applications submitted more than seven days prior to the commencement of the activity as set forth in the application. A license fee of fifty dollars shall be charged for those applications that are received by the Village within seven or fewer days of the commencement of the activity. No person, corporation, or other legal entity shall be granted temporary use licenses for a period or periods which in their aggregate, exceed 120180 days in any calendar year. No more than six temporary use licenses shall be issued to any person, corporation or other legal entity in any calendar year, which six, individually or in their aggregate, shall not exceed 120180 days in any calendar year. For purposes of this section, persons, corporations or other legal entities shall include any relatives, affiliates, agents, subsidiaries or other related applicant seeking to conduct the same or substantially the same use. No property shall be used for temporary use purposes more than 120180 days in any calendar year. (Ord. No. 2390, § 1; Ord. No. 2987, § 2; Ord. No. 3383, § 1.)

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:
Published:
Attest: _____
Village Clerk

[tem-use]