

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Zoning Board of Appeals **DATE:** August 12, 2003
(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 PROVISIONS FOR VARIATIONS", as presented.



SUMMARY OF ITEM:

Adoption of the attached ordinance shall amend provisions related to authorized variations.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

AN ORDINANCE AMENDING PROVISIONS FOR VARIATIONS

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 28-1802 of the Downers Grove Municipal Code is hereby amended as follows:

28-1802. Authorized variations.

Variations from the regulations of this Zoning Ordinance may be granted in the following instances only, and then only to the extent necessary:

(a) To permit the extension of a district to include an entire lot where the boundary line of the district divides a lot of record on. Provided, such extension shall not to exceed an additional one hundred (100) feet of street frontage nor increase the area of the district by twenty thousand (20,000) square feet.

(b) ~~In residence districts, to~~ permit any yard of less dimension than required by the applicable regulations not to exceed a fifty percent (50%) reduction.

(c) ~~In non-residence districts, to permit any yard of less dimension than required by the applicable regulations, provided that if any lot line of the subject lot coincides with any lot line of a lot in a residence district, the reduction of the yard may not exceed a fifty percent (50%) reduction.~~

(d) ~~In non-residence districts, to permit parking within any required yard.~~

(~~e~~) To permit any structure to exceed the height limitations imposed by the applicable regulations, not to exceed a ten percent (10%) increase.

(~~f~~) To permit the use of a lot less in width or area by not more than twenty percent (20%) of the lot width or area required by this Zoning Ordinance.

(~~g~~) To reduce the applicable off-street parking or loading facilities required by not more than two (2) parking spaces nor one (1) loading berth or twenty percent (20%) of the required number, whichever is greater.

(~~h~~) To reduce the minimum lot area required per dwelling unit not more than ten percent (10%).

(~~g~~) To increase by not more than twenty-five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served.

(~~h~~) To permit the same off-street parking facilities to qualify as a required facility for two or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.

(~~k~~) To permit temporary buildings and uses for periods greater than sixty (60) days but not more than two (2) years in undeveloped sections of the Village, and for periods greater than sixty (60) days but not more than six (6) months in developed sections.

(~~j~~) To permit a limited increase in the number of employees permitted in processing activities in the business districts, but only when such increase will not adversely affect the character of the establishment, will not be detrimental to or affect the character of surrounding residential development and will not increase traffic or parking congestion.

(~~l~~) Notwithstanding the standards of Section 28-1803, to allow the required screening for parking spaces to be discontinuous to the extent that no more than twenty-five percent (25%) of the perimeter is unscreened in instances where it is in the interest of public safety to permit observation of parking areas.

(m) Notwithstanding the standards of Section 28-1803, to permit variations of any provision of Section 28-1301, if, in the opinion of the Board, a literal enforcement thereof would do manifest injustice or would be contrary to the spirit and purpose of such provisions regulating fences, or to the public interest.

(n) Notwithstanding the standards of Section 28-1803, to permit the location of detached private garages in the portion of the front yard in excess of the required setback in any particular case in which the enforcement of the requirement that accessory buildings be located in side or rear yards would do manifest injustice or would be contrary to the spirit and purpose of this Zoning Ordinance or to the public interest, and in which case a site plan and architectural drawings show compatibility of the proposal with the surrounding area.

(o) To permit a fifty percent (50%) reduction in the yard dimensions required by this Zoning Ordinance in those cases when fifty percent (50%) of the building, based on a current appraisal of the market value, has been damaged by fire, explosion, act of God, or the public enemy; provided that, the amount of nonconformity existing prior to said calamity shall not increase.

(p) Notwithstanding the provisions of Section 28-1803, the Zoning Board of Appeals may vary any provision of Article XV, Signs, in any particular case in which the literal enforcement thereof would do manifest injustice or would be contrary to the spirit and purpose of Article XV or the public interest.

(q) Notwithstanding the standards of Section 28-1803, to permit variations of any provision of Section 28-1003 regarding Group Homes, if, in the opinion of the Board, a literal enforcement thereof would do manifest injustice or would be contrary to the spirit and purpose of such provisions regulating group homes or to the public interest.

(r) Notwithstanding the provisions of Section 28-1803, the Zoning Board of Appeals may vary the provisions of, Sections 28-1405 and 28-1406, size of parking spaces and design of off-street parking areas, in an amount not to exceed ten percent (10%) of any requirement established therein in any case in which the following conditions can be met:

(1) The required size of spaces is not necessary or appropriate due to the nature of the use which the parking serves, including such considerations as the degree to which there is turnover of parked vehicles as a result of the use, and the necessity to provide space for loading and unloading of goods, as in a retail use;

(2) The owner for the variation can provide for snow removal in such manner that plowed snow can be stored elsewhere on the property than within the parking spaces themselves.

(3) The reduction in the required size of spaces or aisles will not create a hazardous condition for the movement of vehicles within the parking area. A partial variation to allow for a certain percentage of space for compact vehicles may be, but is not necessarily, a part of the conditions of the variation.

(s) Notwithstanding the provisions of Section 28-1803, the Zoning Board of Appeals may authorize variations as provided in this section from the height, separation and setback requirements of Article IXa for an antenna or telecommunications tower where no reasonable alternative is available and strict enforcement of the provision would prevent, from a technical perspective, the reasonable and necessary use of the facility for telecommunications services; or where, because of unique circumstances, such as but not limited to the location of the property, the potential for collocation and the proximity and nature of surrounding uses, the proposed variation and telecommunications tower will promote the goals of collocation and minimal impact on residential areas. The variations which may be granted under this section are as follows:

(1) To modify by not more than 5% the maximum height, separation or setback for an antenna or telecommunications tower located within a residential district. (R-1, R-2, R-3, R-4, R-5, R-5A, R-6)

(2) To modify by not more than 10% the maximum height, separation or setback for an antenna or telecommunications tower located within a business district. (B-1, B-2 B-3)

(3) To modify by not more than 20% the maximum height, separation or setback for an antenna or telecommunications tower located within an office or manufacturing district. (O-R, O-R-M, M1, M2)

(su) To permit the waiver or reduction of any provision of Section 28-1106 regarding open space and landscaped greenspace requirements. Provided, any variation shall be conditioned upon the owner, to the extent practical, providing alternative landscaped greenspace on the property of a quality and quantity, as determined by the Board, necessary to reduce or eliminate the impact of the variance granted.

SECTION 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. 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

[variat]