

ORDINANCE NO. 15-0201

ORDINANCE AMENDING ZONING CODE REGARDING SETBACK
VARIANCES IN RESIDENTIAL DISTRICTS

WHEREAS, the Village has presented a petition to the Zoning Board for the Village of Princeville to amend the Zoning Code for the Village of Princeville to revise the variance provisions of the Zoning Code in relation to the Zoning Board's ability to grant front-yard setback variances in Residential Districts for school buildings and related school uses; and

WHEREAS, the Zoning Board for the Village of Princeville properly held a meeting on February 17, 2015, after giving proper notice of the meeting to consider this proposed change to the Zoning Code for the Village of Princeville,

WHEREAS, at their meeting on February 17, 2015, the Zoning Board approved the Village's petition to change the variance provisions of the Zoning Code in order to allow the Zoning Board to grant front-yard setback variances in Residential Districts for school buildings and related school uses, and has recommended that this change be made to the Zoning Code for the Village of Princeville; and

WHEREAS, the Village Board hereby finds that it is in the best interests of the Village to follow the recommendation of the Zoning Board and to make this change to the Zoning Code for the Village of Princeville;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Princeville, Peoria County, Illinois, that:

SECTION 1. Section 050 of Title 17, Chapter 44 of the Code of the Village of Princeville Municipal Code ("Powers—Granting Variances") is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

17.44.050 Powers – Granting variances.

The Zoning Board shall have the power to grant a variance when it is determined in specific cases that there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the regulations and standards of this title relating to the construction or alteration of structures. A variance from the terms of this title shall not be granted by the Board unless and until:

A. *A written application for a variance is submitted demonstrating:*

1. *That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.*

2. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this title.

3. That the special conditions and circumstances do not result from the actions of the applicant.

4. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands or structures in the same district.

No nonconforming use of neighboring lands or structures in the same district, and no permitted use of lands or structures in other districts shall be considered grounds for the issuance of a variance.

5. Where the requested variance is for permission to move a structure or part thereof as defined in Section 17.04.040 of this title, that the granting of the variance will not adversely affect the value of the surrounding premises or otherwise adversely affect the neighborhood to which the structure or part thereof would be moved.

B. The application is in proper form and a fee as may be determined by the Village Board has been paid. The Zoning Board shall hold a public hearing on such matter in accordance with the provisions of Sections 17.48.040 through 17.48.060. Reasonable special conditions and safeguards for the protection of the public health, safety, and welfare may be imposed by the Zoning Board if it grants the application for variance.

C. The power to grant a variance, as granted to the Zoning Board in this Section 17.44.050, shall not include:

1. The power to grant a variance with regard to the front-yard setback requirements established in this Title 17 when the application for variance concerns a structure to be constructed, erected, or placed in a front yard in a residential district; provided that this prohibition to grant a variance for a front-yard setback shall not apply to a front-yard setback variance request being made by a school that has been granted a special use in an R-1 district under subsection 17.36.020(F); or

2. The power to grant a variance with regard to any setback requirements established in this Title 17 if the application for variance concerns an accessory storage structure as described in subsection 17.08.020(F) or this Title 17.

SECTION 2. This Ordinance is hereby ordered to be published in pamphlet form by the Village Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

SECTION 3. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith except as to that part in direct conflict with another ordinance, and in the event of such conflict, the provisions hereof shall govern.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED THIS 17 DAY OF February, 2015.

AYE: Suthaland, Troutman, Koller, Gidroy, Cartm & Haley

NAYES: none

ABSENT: None

APPROVED THIS 17 DAY OF February
2015.

Sidney R. Stahl
Sidney R. Stahl, President
Village of Princeville, Illinois

ATTEST:

Mary Ann Mercer
Mary Ann Mercer, Clerk
Village of Princeville, Illinois



CERTIFICATE OF PUBLICATION

I, MARY ANN MERCER and the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Princeville, a municipal corporation of and in the County of Peoria, Illinois, that the foregoing Ordinance No. 15-0201 is a true and accurate copy of the Ordinance passed by the Village Board and President of the Village of Princeville on the meeting date set forth therein, and that Ordinance No. 15-0201 was published by me in pamphlet form this 17 day of February, 2013, by making three (3) copies thereof available on that date at the Village Hall for the Village of Princeville for public inspection.



Village Clerk

