

MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David P. Gorman, PE, Development Engineer

SUBJECT: **Proposed Code Amendment for Administrative Storm Water Detention Variances**

DATE: May 12, 2004

Please add the attached ordinance to the Board of Trustees' May 20, 2004 meeting agenda. The ordinance would amend the Village Code to authorize the Director of Community Development to approve administrative storm water detention variances for areas less than 500 s.f.

BACKGROUND:

Village Code §151.55 requires storm water detention for all commercial business, office, industrial, and multi-family construction. Detention is also required for single-family residential subdivisions of more than one acre or at least 5 lots. Village Code §151.56 provides the process for variances to the detention requirements. This process requires the demonstration of hardship, remittance of a \$150 processing cost, demonstration that the detention storage will be provided off-site, a public notice, a public hearing and an ordinance. Furthermore, Village Code §151.57 allows a fee at rate of \$162,000/acre-ft in lieu of providing on- or off-site detention.

PERCEIVED PROBLEM:

The Village's detention requirements are among the most stringent in DuPage County. The Code has greatly benefited the Village by not only preventing additional flooding from new developments but also lessening flooding through the redevelopment of properties. However, the detention requirement and the cost and time required to process variances often dissuades property owners from undertaking minor building and parking lot additions. Such parking lot additions are often needed to bring existing multi-family properties more into compliance with current parking count standards. Furthermore, such small detention systems require restrictors that are less than ½ inch diameter so maintenance is always a problem.

RECOMMENDATION:

Staff recommends, and the Public Works Committee has voted to endorse, the attached Code amendment to allow the Director of Community Development to approve minor variances administratively. The requisite fees would be remitted to the detention fund for the appropriate watershed. Such variances would be limited to new areas less than 500 s.f. and would still require the demonstration of hardship and negligible impact on other properties. The variance fee (\$162,000/acre-ft) would still be required as well as a \$50 processing fee. The current \$150 processing fee as well as the public notice & hearing would not be required, thereby making such approvals quicker and less costly. The maximum variance fee for a 500 s.f. area would total \$1,022.73 (500sf x 0.55ac-ft/ac x \$162,000/ac-ft = 43,560sf/ac). Petitioners could appeal the Director's decision by petitioning to the Board of Trustees under the procedures already codified.

The Village Attorney reviewed the ordinance and his comments have been incorporated. One of the comments was to change the references from the Director of Public Works to the Director of Community Development.

Please call me at 620-5973 if you have any questions.

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attachments

cc: David A. Hulseberg, AICP, Director of Community Development