



**RESOLUTION No. 2016-011**

**RESOLUTION AUTHORIZING A DEVIATION TO SECTION 12(A) OF THE VILLAGE'S ZONING ORDINANCE (LIGHT POLE DEVIATION FOR OLD DOMINION FREIGHT LINE – AUCUTT RD)**

**WHEREAS**, the Village of Montgomery (“Village”) is a non-home rule municipality, created in accordance with Section 7 the Constitution of the State of Illinois of 1970 and the laws of the State; and,

**WHEREAS**, the Illinois Municipal Code [65 ILCS 5/11 *et. seq.*] recognizes a municipality’s authority to establish certain zoning regulations; and,

**WHEREAS**, Section 12A.03(K)(2) of the Village of Montgomery’s Zoning Ordinance (“Zoning Ordinance”) explicitly recognizes that “because of the wide variety of the types of developments and the relationships between them, some flexibility in applying standards set forth in Sections 12A.02 and 12A.03 are appropriate as long as the intent of the specified requirements are met;” and,

**WHEREAS**, Old Dominion Freight Line [Aucutt Road] is seeking a deviation from Section 12A.03(J) with regard to the maximum height requirement for light fixtures, in that it would like to be allowed to install exterior light fixtures on poles in the parking lots and located on buildings at a maximum height of thirty (30) feet in front of the facility and forty (40) feet at the rear of the facility in the truck loading bay; and,

**WHEREAS**, the Planning Commission has reviewed this matter, found that the intent of the specified requirements as are set forth in the Village’s Zoning Ordinance are met, and recommended that such deviation be granted for said property; and,

WHEREAS, the Village Board has accepted the Planning Commission's recommendation and seeks to allow such deviation.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

**Section One:** Old Dominion Freight Line [Aucutt Road] shall be granted a deviation from Section 12A.03(J) of the Village's Zoning Ordinance in that it shall be allowed to install exterior light fixtures on poles in the parking lots and on buildings at a maximum height of thirty (30) feet in the front of the facility and forty (40) feet at the rear of the facility in the truck loading bay.

PASSED by the Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, this 8<sup>th</sup> day of August, 2016.



Matthew Brolley  
Matthew Brolley,  
President of the Board of Trustees of the  
Village of Montgomery

ATTEST:  
Tiffany Francis/ab  
Tiffany Francis,  
Clerk of the Village of Montgomery

	Aye	Nay	Absent	Abstain
Trustee Pete Heinz	✓	---	---	---
Trustee Denny Lee	✓	---	---	---
Trustee Stan Bond	✓	---	---	---
Trustee Theresa Sperling	✓	---	---	---
Trustee Steve Jungermann	✓	---	---	---
Trustee Doug Marecek	✓	---	---	---
Village President Matthew Brolley		No	Vote	cast