

Item #2:

Ord. Establishing Temporary Development Moratorium

VILLAGE OF LONG GROVE

ORDINANCE NO. 2015-O-__

**AN ORDINANCE ESTABLISHING A 90-DAY MORATORIUM
APPLYING TO BUILDING PERMITS AND ALL ZONING APPLICATIONS
WITHIN SPECIFIED AREAS OF
THE VILLAGE OF LONG GROVE**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this ___th day of _____, 2015

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this ___th day of _____, 2015

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WHEREAS, the Village of Long Grove (the "***Village***") last undertook a thoroughgoing review of its Comprehensive Plan in 1999 (the "***Comprehensive Plan***"); and

WHEREAS, in order to ensure that the Comprehensive Plan fully reflects the current conditions and policy directions of the Village, the Village Board of Trustees (the "***Village Board***") has directed the Village Plan Commission/Zoning Board of Appeals ("***PCZBA***") to review and update the Comprehensive Plan (the "***Plan Review***"); and

WHEREAS, although the Village has successfully preserved its character in accordance with the Comprehensive Plan since 1999, changes in the national and global economy, as well as in the development patterns of the metropolitan area have emphasized the need for the Village to give detailed and careful attention to certain areas within the Village (the "***Critical Review Areas***") as part of the Plan Review in order to ensure that the Village is well-positioned in the local and regional markets to attract the type of development that is consistent with the character of the Village and supportive of the Village policies and economy; and

WHEREAS, in order to ensure that short-term development activities neither disrupt the Plan Review process nor proceed in a manner that may be adverse to the policy directions that emerge from the Plan Review, the Village Board has directed the PCZBA to consider the adoption of a temporary moratorium of building and zoning activities within the Critical Review Areas; and

WHEREAS, pursuant to notice duly published in the _____, the PCZBA conducted a public hearing on July 7, 2015, concerning the imposition of a temporary 90-day moratorium with regards to the consideration of zoning applications or the issuance of building permits for properties within the Critical Review Areas; and

WHEREAS, at the conclusion of the public hearing, the PCZBA made findings and recommendations concerning the imposition of the proposed moratorium by the Village Board; and

WHEREAS, having considered the findings and recommendations of the PCZBA, the President and Board of Trustees have found and determined that the imposition of a temporary 90-day moratorium with regards to the consideration of zoning applications or the issuance of building permits for properties located within the Critical Review Areas, as set forth in this Ordinance, is in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, LAKE COUNTY, ILLINOIS, as follows:

SECTION ONE: **Recitals.** The foregoing recitals are incorporated into and made part of this Ordinance by this reference.

SECTION TWO: **Temporary Moratorium.**

- A. **Establishment.** Beginning on _____, 2015, at 12:01 a.m., no application for a building permit, Zoning Code amendment, or other required building or zoning approval relating to any lot located within any of the Critical Review Areas as depicted on Exhibit A to this Ordinance will be accepted or processed by the Village, and no permit or approval authorizing any the construction or development upon any lot within a Critical Review Area will be issued by the Village ("***Temporary Moratorium***").

- B. **Limited Time Period.** The Temporary Moratorium, unless sooner terminated by Ordinance duly adopted by the Village Board without further notice or hearing, will remain in full force and effect for a limited period of 90 days and shall terminate at 12:01 a.m. on _____, 2015. The Village Board may, without further public notice or hearing, extend the Temporary Moratorium for a period not to exceed 90 additional days by adopting a further ordinance to effect such extension.

- C. **Exceptions.** Notwithstanding the limitations set forth in Section 2.A of this Ordinance:

1. The Temporary Moratorium will not apply to building permits related exclusively to interior changes upon a zoning lot, so long as such permit otherwise satisfies all code requirements.
2. An applicant for a building permit relating to any construction or development on a lot within a Critical Review Area may seek an exception from the provisions of the Temporary Moratorium by filing a request for relief with the Village Clerk. Such request for relief will be considered by the Village Board without any published notice or hearing. The Village Board may grant relief from the Temporary Moratorium by an ordinance or resolution duly adopted by the Village Board.
3. An applicant for any zoning approval relating to any construction or development on a lot within a Critical Review Area may seek an exception from the provisions of the Temporary Moratorium by filing a request for relief with the Village Clerk. Such request for relief will be initially considered by the Village Board without any published notice or hearing. The Village Board, in its discretion, may refer the applicant's request for relief to the PCZBA for a public hearing following notice similar to that required for a special use permit. Based on the evidence presented at such hearing, the PCZBA will make a recommendation to the Board of Trustees. Following receipt of the PCZBA's recommendation, the Board of Trustees may, by ordinance, grant such applicant an exception to the provisions of the Temporary Moratorium, as well as any other zoning relief that may be included in the applicant's request.
4. In order to obtain an exception to the provisions of the Temporary Moratorium, an applicant must demonstrate by clear evidence, and the Board of Trustees must determine in its sole and absolute discretion, that: (i) the effect of the Temporary Moratorium has caused or will cause an economic hardship on the applicant; (ii) the applicant has no other reasonable use of the property in question other than the proposed construction or development; (iii) the applicant has made substantial investment in the development affected by the Temporary Moratorium, which investment was made in reasonable reliance on the regulations in effect prior to the Temporary Moratorium and without knowledge of pending changes in such regulations (including this Temporary Moratorium); and (iv) the construction of the proposed development complies with all other Village ordinances, regulations, and rules. In addition, the Village Board may grant an exception to the Temporary Moratorium if the Village Board determines in its legislative discretion that the relief from the Temporary Moratorium is in the best interests of the Village and its residents.

- D. **Pending Applications.** The Temporary Moratorium will not apply to any construction or development on a lot within a Critical Review Area for which final approval has been granted and for which all required building permits have been issued prior to the effective date of this Ordinance.

SECTION THREE: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this ____ day of _____, 2015.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2015

Village President

ATTEST:

Village Clerk

EXHIBIT A

Map of Critical Review Areas

2015 Zoning & Street Atlas

