Item #6:
Ord. Approving Text Amendment To Subdivision Regulations Re: Minimum Size Stormwater Culverts

01/07/16

VILLAGE OF LONG GROVE

ORDINANCE NO. 2016-O-__

AN ORDINANCE AMENDING SECTION 6-8-1 OF THE LONG GROVE VILLAGE CODE REGARDING MODIFICATIONS TO SUBDIVISION REGULATIONS

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this 12th day of January, 2016

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this 13th day of January, 2016

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VILLAGE OF LONG GROVE

ORDINANCE NO. 2016-O-__

AN ORDINANCE AMENDING SECTION 6-8-1 OF THE LONG GROVE VILLAGE CODE REGARDING MODIFICATIONS TO SUBDIVISION REGULATIONS

WHEREAS, Title 6, titled "Subdivision Regulations," of the Village Code of the Village of Long Grove ("***Village Code***") regulates subdivisions, planned developments, and other developments within the Village, including setting forth design standards, engineering guidelines, and other specifications for such developments (collectively "***Subdivision Regulations***"); and

WHEREAS, Chapter 8 of Tile 6 of the Village Code provides procedures and standards for the modification of the Subdivision Regulations in cases of hardship, injustice, and other appropriate instances; and

WHEREAS, the President and Board of Trustees have determined, under certain circumstances, administrative approval of minor modifications to the Subdivision Regulations is necessary and appropriate, while in other circumstances modifications should be subject to approval by the Village Board; and

WHEREAS, it to be in the best interests of the Village and its residents to amend Chapter 8 of Title 6 regarding the procedures for consideration and approval or denial of modifications to the Subdivision Regulations as set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Long Grove, County of Lake, State of Illinois, as follows:

SECTION ONE. **Recitals**. The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

SECTION TWO. **Amendment to Section 6-8-1 of the Village Code**. Section 6-8-1, entitled "Hardship," of Chapter 8, entitled "Modifications and Appeals," of Title 6, entitled

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"Subdivision Regulations," of the Long Grove Village Code is hereby amended so that said Section 6-8-1 shall hereafter be and read as follows:

6-8-1: HARDSHIP:

~~When the planning commission, in interpreting this title with section 6-4-1 of this title, finds that~~ **Where** extraordinary hardship or injustice will result from strict compliance with this title, ~~said commission may vary~~ the terms thereof **may be varied in accordance with the procedures and standards set forth in this Chapter** to the extent deemed necessary and proper to grant relief, provided that the modification:

(A) Is due to physical features of the site;

(B) Is the least deviation from this title which will mitigate the hardship; and

(C) Is not detrimental to the public interest, and is in keeping with the general spirit and intent of this title.

SECTION THREE. Amendment to Section 6-8-3 of the Village Code. Section 6-8-3, entitled "Application for Modification," of Chapter 8, entitled "Modifications and Appeals," of Title 6, entitled "Subdivision Regulations," of the Long Grove Village Code is hereby amended, so that said Section 6-8-3 shall hereafter be and read as follows:

6-8-3: APPLICATION FOR MODIFICATION:

Application for any modification shall be made in writing ~~by the subdivider~~ **in accordance with this Section 6-8-3. The application shall state fully and clearly all facts relied upon by the applicant and shall be supplemented with maps, plans or other additional data which may aid the village in the analysis of the application. The plans for any development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.**

(A) If an application for modification is made at the time ~~the~~ **a** preliminary **or final** plat **of subdivision** is filed for consideration, **then the plan commission shall review the modification request in connection with the proposed plat and shall make a recommendation to the village board that such modification be approved or denied. After receipt of the plan commission's recommendation, the board of trustees shall deny the modification request, refer the modification request back to the plan commission for further consideration, or approve the modification request with or without modifications or conditions to be accepted by the owner as a condition of such approval.** ~~stating fully and clearly all facts relied upon by the petitioner; and shall be supplemented with maps, plans or other additional data which may aid the plan commission in the analysis of~~

~~the proposed project. The plans for any development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.~~ Once the terms of any modification have been **approved**~~agreed upon~~, the review of the subdivision shall proceed as prescribed in chapter 2 of this title.

(B) If an application for modification is made separately from an application for approval of a preliminary or final plat of subdivision, then the village manager shall accept and review the modification request. If the village manager determines that the requested modification is a minor modification that does not change the concept or intent of an approved subdivision or development and will not significantly impact neighboring properties, owners, or occupants, then the village manager shall approve the request. If the village manager determines that the requested modification is not a minor modification as provided in this subsection, then he or she shall refer the request to the village board. The village board shall thereafter deny the modification request, refer the modification request to the plan commission for consideration and recommendation, or approve the modifications requested with or without modifications or conditions to be accepted by the owner as a condition of such approval.

SECTION FOUR. Amendment to Section 6-8-4 of the Village Code. Section 6-8-4, entitled "Hearings Before Village Board," of Chapter 8, entitled "Modifications and Appeals," of Title 6, entitled "Subdivision Regulations," of the Long Grove Village Code is hereby amended, so that said Section 6-8-4 shall hereafter be and read as follows:

6-8-4: HEARINGS BEFORE VILLAGE BOARD:

Any person aggrieved by a decision of the ~~plan commission~~ **village manager** in enforcing the terms of this title may request a hearing before the village board. Requests for such hearings shall be made in writing to the plat officer. Upon notification by the plat officer, the village president shall schedule an appointment for a hearing within thirty (30) days of the receipt of the request. The petitioner shall be notified of the date, time and location of the hearing at least three (3) days in advance.

If, upon hearing the evidence of both the ~~plan commission~~ **village manager** and the petitioner, the board finds that the decision of the ~~plan commission~~ **village manager** is in error, the village board shall instruct the ~~plan commission~~ **village manager** to modify its decision. Such modification shall not conflict with this title and shall in no case adversely affect the orderly development of the area. The decision of the village board shall be made known in writing to the petitioner within ten (10) days after the date of the hearing**, unless the village board establishes a longer period for rendering such decision**.

SECTION FIVE. Ratification of Prior Administrative Actions. All actions taken by village officials, staff, or agents prior to the adoption of this amendatory Ordinance that are consistent with the terms of this amendatory Ordinance are hereby ratified and approved.

SECTION SIX. 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 JANUARY, 2016.

AYES: ( )

NAYS: ( )

ABSENT: ( )

APPROVED this ___ day of JANUARY, 2016.

_____
Angela Underwood, Village President

ATTEST:

_____
Heidi Locker-Scheer, Village Clerk