

Item #2:
Ordinance Amending Zoning Code Re: Accessory Structures

VILLAGE OF LONG GROVE

ORDINANCE NO. 2011-O-__

**AN ORDINANCE AMENDING THE LONG GROVE ZONING CODE REGARDING
ACCESSORY STRUCTURES AND USES AND RELATED RELIEF**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this 25th day of October, 2011

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this 26th day of October, 2011

VILLAGE OF LONG GROVE
ORDINANCE NO. 2011-O-__

**AN ORDINANCE AMENDING THE LONG GROVE ZONING CODE REGARDING
ACCESSORY STRUCTURES AND USES AND RELATED RELIEF**

WHEREAS, in April 2007 the Board of Trustees (the "***Village Board***") of Village of Long Grove (the "***Village***") approved a comprehensive amendment to its zoning regulations (the "***2007 Zoning Code***"); and

WHEREAS, the 2007 Zoning Code established a definition of, and modified the regulations for, accessory uses and structures in the Village; and

WHEREAS, under the 2007 Zoning Code, accessory structures must be subordinate in floor area to the principal structure and under the use and control of the same person that occupies and controls the principal structure; and

WHEREAS, due to confusion over the applicable of the accessory use and structure provisions in the 2007 Zoning Code, a building permit was erroneously issued for the construction of an accessory structure having a floor area that exceeds the floor area of the principal structure on the property in question; and

WHEREAS, the Village Board desires to clarify the applicability of the accessory use and structure regulations in the 2007 Zoning Code and make relief available for persons and structures affected by the aforementioned confusion; and

WHEREAS, following a public hearing held by the Long Grove Plan Commission pursuant to due notice, the Plan Commission has recommended, and the Long Grove Board of Trustees has determined, that it would be in the best interests of the Village and its residents to amend the 2007 Zoning Code to clarify the applicability of the accessory use and structure regulations and to authorize limited variations for certain accessory structures that have heretofore received permits in error;

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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 of Section 5-9-1 of the Zoning Code. Subsection B, entitled, "Definition," of Section 5-9-1, entitled "Accessory Structures and Uses," of Chapter 9, entitled "District Regulations of General Applicability," of Title 5, entitled "Zoning Regulations," is hereby amended to hereafter be and read as follows:

(B) Definition: An "accessory structure or use" is a structure or use that:

1. Is subordinate in purpose, use, and floor area to, and serves, a principal structure or use; and
2. Is customarily incident to such principal structure or use; and
3. Contributes to the comfort, convenience, or necessity of those occupying, working at, or being served by such principal structure or use; and
4. Except as otherwise expressly authorized by the provisions of this title, is located on the same zoning lot as such principal structure or use; and
5. Is **used and controlled by the same person who, at the time of such use, is legally occupying and has legal** ~~under the same ownership and control as over~~ such principal structure or use.

SECTION THREE. Amendment of Section 5-11-15 of the Zoning Code. Subsection E, entitled, "Authorized Variations," of Section 5-11-15, entitled "Variations," of Chapter 11, entitled "Zoning Administration and Enforcement," of Title 5, entitled "Zoning Regulations," is hereby amended to hereafter be and read as follows:

(E) Authorized Variations:

1. Permitted Variations: The board of trustees may vary the provisions of this title only as provided in this subsection (E)1. The authority of the board of trustees to vary the provisions of this title is subject to the prohibitions set forth in subsection (E)2 of this

section and proof by the owner of each of the standards set forth in subsection (F) of this section.

Under no circumstances shall the list of permitted variations in this subsection (E)1 be construed as an entitlement, right, or claim for any owner.

The board of trustees may vary the provisions of this title in the following cases and in no others:

(a) To permit a yard less than the yard required by the applicable regulations.

(b) To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of the lot be less than ninety percent (90%) of the required lot area.

(c) To permit variations from the sign regulations contained in section 5-9-5 of this title for businesses in the B1 and B2 districts. (Ord. 2007-O-04, 4-24-2007)

(d) To permit the exclusion of up to fifty percent (50%) of the exposed basement area from the calculation of maximum floor area of a dwelling unit that has become legally nonconforming as a result of an amendment to the definition of "gross floor area" requiring the inclusion of fifty percent (50%) of the area of an exposed basement in the calculation of maximum floor area. (Ord. 2009-O-07, 3-10-2009)

(e) To provide relief related to the both floor area and use restrictions of an accessory structure, for which a building permit was erroneously issued between April 24, 2007 and August 3, 2010.

2. Prohibited Variations: Notwithstanding any other provision of this section, no variation shall be granted that:

(a) Is intended as a temporary measure only; or

(b) Is greater than the minimum variation necessary to relieve the particular hardship or practical difficulty demonstrated by the owner.

SECTION FOUR. Effective Date. This Ordinance shall be in full force and effect only upon the occurrence of all of the following events its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this 25th day of October, 2011.

AYES: ()

NAYS: ()

ABSENT: ()

APPROVED this 25th day of October, 2011.

Village President

ATTEST:

Village Clerk

LEGAL NOTICE

NOTICE OF PUBLIC HEARING FOR CONSIDERATION OF ZONING CODE TEXT AMENDMENTS RELATED TO ACCESSORY STRUCTURES AND USES AND ZONING VARIATIONS RELATED TO 4255 HIGHWAY 83, LONG GROVE, ILLINOIS

PUBLIC NOTICE IS HEREBY GIVEN that on October 18, 2011, at 7:00 P.M., a public hearing will be held by the Plan Commission / Zoning Board of Appeals (PCZBA) of the Village of Long Grove, Lake County, Illinois, at the Long Grove Village Hall at 3110 Old McHenry Road, Long Grove, Illinois 60047 for the purpose of hearing and considering testimony with respect to:

(i) text amendments regarding the use of accessory structures and uses;

(ii) text amendments regarding available opportunities for zoning relief regarding the relative size and use of certain accessory structures; and

(iii) requests for variations and / or any other zoning relief necessary relating to the relative size and use of certain accessory structures at the property commonly known as 4255 Highway 83, Long Grove, IL 60047, and legally described as follows:

THE NORTH 1/2 OF LOT 14 IN SKYCREST ESTATES, A SUBDIVISION OF PART OF SECTION 19, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 13, 1949 AS DOCUMENT 687847, IN BOOK 32 OF PLATS, PAGES 10 AND 11, IN LAKE COUNTY, ILLINOIS. PIN:15-19-401-015

(collectively, the "**Proposed Actions**")

Persons attending the hearing shall have the opportunity to provide written and oral comments and ask questions regarding the Proposed Actions. The above information, together with the plans for the property, will be available for inspection at the Long Grove Village Hall at 3110 Old McHenry Road, Long Grove, Illinois 60047 during regular business hours.

The public hearing may be adjourned to another date by the PCZBA of the Village of Long Grove without further notice other than a notice entered upon the minutes of said meeting fixing the time and place of its adjournment and reconvening.

/s/ Karen Schultheis
Village Clerk

Village of Long Grove
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