

Item #2:
Ord. Approving Variations For Chickens, 4979 Wild Rose Lane

VILLAGE OF LONG GROVE

ORDINANCE NO. 2012-O-__

**AN ORDINANCE GRANTING A VARIATION OF
THE ANIMAL CARE REGULATIONS FOR 4979 WILD ROSE LANE**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this 26th Day of June, 2012

Published in pamphlet form by direction
and authority of the Village of Long Grove
Lake County, Illinois
this 26th day of June, 2012

VILLAGE OF LONG GROVE

ORDINANCE NO. 2012-O-__

**AN ORDINANCE GRANTING A VARIATION OF
THE ANIMAL CARE REGULATIONS FOR 4979 WILD ROSE LANE**

WHEREAS, John Emrich (the "**Owner**") is the owner of that certain real property commonly known as 4979 Wild Rose Lane, Long Grove, Illinois and legally described in Exhibit A attached hereto (the "**Property**"); and

WHEREAS, the Property is located in the R-2 PUD Single Family Residence District and is currently improved with a single family residence (the "**Residence**"); and

WHEREAS, the total net area of the Property is approximately .87 acres; and

WHEREAS, Paragraph 10-4-17(B) of the Village Code allows residents to keep, as an accessory use, zero chickens on lots with areas less than one net acre and a maximum of four chickens on lots with areas of one through three net acres; and

WHEREAS, the Owner submitted an application requesting a variation from Paragraph 10-4-17(B) of the Village Code to permit the Owner to keep five chickens (the "**Chickens**") and a chicken enclosure (the "**Enclosure**") as depicted on Exhibit B (the "**Site Plan**") as an accessory use on the Property; and

WHEREAS, the Owner submitted an affidavit stating that notice of a hearing before the Plan Commission/Zoning Board of Appeals of the Village of Long Grove (the "**PCZBA**") was properly delivered to the owners of properties within 250 feet of the Property; and

WHEREAS, based on such affidavit, the PCZBA did conduct a public hearing on June 5, 2012, regarding Owner's requests for variations; and

WHEREAS, the PCZBA, having fully heard and considered the testimony by all those attending the public hearing who wished to testify, made the following findings:

1. the Property is located within the R-2 PUD Single Family Residence District under the Long Grove Zoning Code;
2. the Property's net area is less than one acre;

3. the Owner proposes to keep the Chickens and the Enclosure as an accessory use on the Property;
4. the Property's unique location, wherein more than 40% of its boundaries are adjacent to conservancy areas, provides significant buffering from other residential properties;
5. the evidence presented demonstrates that: (i) the relief requested is the minimum necessary for the Owner, (ii) the keeping of Chickens and location of the Enclosure will be no threat to public health or safety or the creation of a nuisance, (iii) the keeping of five Chickens in the Enclosure will not result in the diminution of the quality of life for the Chickens, (iv) the Enclosure provides the Chickens adequate shelter and protection from weather, and (v) the variation will not prevent or impede human care and treatment of the Chickens;

and recommended that the Village Board of Trustees grant the requested variation, subject to certain conditions and limitations; and

WHEREAS, the President and Board of Trustees, having considered Owner's request for a variation to permit the keeping of the Chickens and location of the Enclosure on the Property, and the findings and recommendations of the PCZBA, have determined that it is in the best interests of the Village and its residents to grant Owner the requested relief from the Animal Welfare Regulations, subject to the terms and conditions of this Ordinance as hereinafter set forth;

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 hereby incorporated into and made a part of this Ordinance as if fully set forth.

SECTION TWO: Approval of Variation. Pursuant to Section 10-4-8 of the Village Code, and subject to the limitations therein and the conditions set forth in Section Three of this Ordinance, the Board of Trustees does hereby grant variations from the regulations contained in

Paragraph 10-4-17(B) of the Village Code to permit the keeping of five Chickens and the existence of the Enclosure on the Property, as more fully depicted on the Site Plan.

SECTION THREE: Conditions on Approval. The relief granted pursuant to Section Two of this Ordinance shall be, and is hereby, conditioned upon and limited by the following conditions, the violation of any of which shall, in the discretion of the President and Board of Trustees, render void the approvals granted by this Ordinance:

- A. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Property pursuant to the approvals granted in this Ordinance except only after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.
- B. Compliance with Laws. The Zoning Code, the Subdivision Code, the Building Code, the Animal Care Regulations, all terms and conditions of the Village Code regarding the keeping of chickens, and all other applicable ordinances and regulations of the Village shall continue to apply to the Property, and the development and use of the Property shall be in compliance with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.
- C. Site Plan Compliance. The Enclosure must be located on the Property in substantial compliance with the Site Plan.
- D. Chicken Run. The Owner shall be permitted to maintain temporary fencing to establish a portable chicken run on the Property, provided that: (i) at no time may any such fencing be located within 15 feet of any boundary of the Property; (ii) the portable chicken run shall not be used or occupied by the Chickens between 8:00 p.m. and 7:00 a.m.; and (iii) at no time shall the Chickens be allowed to run at-large on or off the Property.
- E. Fees and Costs. The Owner shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with the Long Grove Village Code. In addition, the Owner shall reimburse the Village for all of its costs (including without limitation engineering, planning, and legal expenses) incurred in connection with the review, consideration, approval, implementation, or successful enforcement of this Ordinance. Any amount not paid within 30 days after delivery of a demand in writing for such payment shall, along with interest and the costs of collection, become a lien upon the Property, and the Village shall have the right to foreclose such lien in the name of the Village as in the case of foreclosure of liens against real estate.

SECTION FOUR: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law; provided, however, that this Ordinance shall, in the discretion of the Village Board of Trustees, be of no force or effect if Owner has not (i) executed and (ii) thereafter filed with the Village Clerk, within 30 days following the passage of this Ordinance, the unconditional agreement and consent, in the form attached hereto as Exhibit C and by this reference made a part hereof, to accept and abide by each and all of the terms, conditions, and limitations set forth herein. The Village Clerk is hereby directed to record this Ordinance and such agreement and consent with the Recorder of Deeds of Lake County.

PASSED THIS 26th DAY OF JUNE, 2012.

AYES: ()

NAYS: ()

ABSENT: ()

ABSTAIN: ()

APPROVED THIS 26th DAY OF JUNE, 2012.

ATTEST:

Village Clerk, Karen Schultheis

Village President, Maria Rodriguez

EXHIBIT A

Legal Description of Property

P.I.N. No. 14-13-202-034

Commonly known as: 4979 Wild Rose Lane, Long Grove, Illinois

EXHIBIT B

Site Plan

EXHIBIT C

Unconditional Agreement and Consent

Pursuant to Section Four of Long Grove Ordinance No. 2012-O-____, and to induce the Village of Long Grove to grant the approvals provided for in such Ordinance, the undersigneds acknowledge for themselves and their successors and assigns in title to the Property that they:

1. have read and understand all of the terms and provisions of Ordinance No. 2012-O-____;
2. hereby unconditionally agree to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance, the Long Grove Zoning Code, Building Code, Animal Care Regulations, and all other applicable codes, ordinances, rules, and regulations;
3. acknowledge and agree that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's issuance of any permits for the use of the Property, and that the Village's issuance of any permit does not, and shall not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time;
4. acknowledge that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance;
5. agree to and do hereby hold harmless, defend, and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of these parties with respect to the Property and the Village's adoption of the Ordinance or granting the approvals to the Owner pursuant to the Ordinance; and
6. represent and acknowledge that the persons signing this Unconditional Agreement and Consent are duly authorized to do so on behalf of the Owner of the Property.

John Emrich

ATTEST:
