Item #4:

Ordinance Approving 120 Days Moratorium On Wind & Solar Devices

VILLAGE OF LONG GROVE

ORDINANCE NO. 2010-O-___

AN ORDINANCE ESTABLISHING AN ADDITIONAL TEMPORARY 120-DAY MORATORIUM APPLYING TO BUILDING PERMITS RELATING TO ALTERNATIVE ENERGY GENERATING DEVICES IN THE VILLAGE OF LONG GROVE

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this 9th day of March, 2010

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this 9th day of March, 2010

VILLAGE OF LONG GROVE
ORDINANCE NO. 2010-O-__

AN ORDINANCE ESTABLISHING A TEMPORARY 120-DAY MORATORIUM APPLYING TO BUILDING PERMITS RELATING TO ALTERNATIVE ENERGY GENERATING DEVICES IN THE VILLAGE OF LONG GROVE

WHEREAS, the Village of Long Grove finds that growing interest in wind and solar energy may encourage residents and property owners to explore ways to utilize and/or consume such energy sources on their own property by erecting devices which capture and convert wind and solar energies into electrical energy; and

WHEREAS, Title 4 of the Long Grove Village Code ("***Village Code***") sets forth certain regulations and restrictions known as the "Long Grove Building Regulations" ("***Building Code***") to ensure the public health, safety, and welfare as affected by building construction and to secure safety to life and property from all hazards incident to the occupancy of buildings, structures, or premises; and

WHEREAS, the Village of Long Grove Zoning Code (***"Zoning Code"***) comprehensively organizes the Village into districts and classifies, regulates, and restricts the location of land uses by reference to such districts; and

WHEREAS, the Village desires to carefully review emerging wind and solar energy technologies and consider the impacts those alternative energy generating devices may have on public health, safety, comfort, and welfare; and

WHEREAS, the Village is concerned that alternative energy generating devices have the potential to create issues for residents regarding their appropriateness, and if appropriate, the location, height, and performance standards that should regulate said devices; and

WHEREAS, the aforementioned growing interest may necessitate the reassessment by the Village of such uses and the development of appropriate regulations and/or amendment of the Building Code and/or amendment of the text of the Zoning Code to provide greater clarity

and certainty with regard to the regulations governing the location, operation, and erection of alternative energy generation devices; and

WHEREAS, the Village of Long Grove President and Board of Trustees desire that Village Staff undertake a review of appropriate Building Code regulations and emerging wind and solar energy technologies in a thoughtful and thorough manner, in order to ensure that the Building Code contains appropriate regulations to protect the public health, safety, and welfare; and

WHEREAS, the Village of Long Grove President and Board of Trustees also desire that the Long Grove Plan Commission/Zoning Board of Appeals (***"PCZBA"***) undertake a review of appropriate Zoning Code regulations and emerging wind and solar energy technologies in a thoughtful and thorough manner; and

WHEREAS, in order to ensure that such review of possible building and zoning regulations regarding emerging wind and solar energy technologies is undertaken objectively and dispassionately, it is desirable to have such review occur independent of any particular application of such technologies; and

WHEREAS, the President and Board of Trustees have found and determined that the imposition of a temporary 120-day moratorium with regards to the issuance of building permits involving the erection of any wind and solar alternative energy generation devices, 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 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 March 10, 2010, at 12:01 a.m., no application for a building permit or other required building approval relating to any wind and solar alternative energy generation device will be accepted or processed by the Village, and no permit or approval authorizing any the construction or installation of any such device will be issued by the Village ("***Temporary Moratorium***").

B. **Limited Time Period.** The Temporary Moratorium, unless sooner terminated by Ordinance duly adopted by the Board of Trustees without further notice or hearing, will remain in full force and effect for a limited period of 120 days and shall terminate at 12:01 a.m. on July 8, 2010. The Board of Trustees may, following a public hearing held by the Board of Trustees upon 15 days' notice published prior to such hearing in a newspaper of general circulation within the Village, extend the Temporary Moratorium for a period not to exceed 120 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 alternative energy generation devices that: (a) are incorporated in a building design (and not as an accessory structure or feature of a building); (b) meet all current regulations set forth in the Zoning Code; and (c) are specifically regulated in the Village's current building code provisions.

2. An applicant for a building permit relating to an alternative energy generation device 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 at a public hearing by the PCZBA 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. 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 construction of the proposed alternative energy generation device; (iii) the applicant has made substantial investment in the development of an alternative energy generation device 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 alternative energy generation device complies will all other Village ordinances, regulations, and rules.

D. **Pending Applications.** The Temporary Moratorium will not apply to any proposed alternative energy generation device 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. Review and Study Process. The Village of Long Grove Board of Trustees hereby requests and directs (a) that Village staff undertake a review of appropriate building regulations regarding emerging wind and solar energy technologies, and (b) that the PCZBA undertakes a review of appropriate zoning regulations regarding emerging wind and solar energy technologies and, if necessary, conducts an amendment process to consider amendments to the text of the Zoning Code.

SECTION FOUR. 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 9th day of March, 2010.

AYES: ( )

NAYS: ( )

ABSENT: ( )

APPROVED this 9th day of March, 2010.

_____
Village President, Maria Rodriguez

ATTEST:

_____
Village Clerk, Karen Schultheis

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PUBLIC NOTICE

VILLAGE OF LONG GROVE
LONG GROVE, ILLINOIS

NOTICE OF PUBLIC HEARING

Notice is hereby given of a public hearing to be held by the Village President and Board of Trustees of the Village of Long Grove, Lake County, Illinois at 7:00 p.m., on Tuesday, March 9, 2010, in the Village Hall, 3110 RFD, Long Grove, Illinois to consider the adoption of an ordinance extending the temporary moratorium on The Installation Of Wind & Solar Energy Devices An Additional 120 Days in the Village of Long Grove, unless sooner terminated. The extension of the temporary moratorium will permit the Village to continue its comprehensive evaluation and amendment to the use regulations Of Wind & Solar Energy Devices in the Village. All persons interested are urged to be present and will be given an opportunity to be heard.

Long Grove Village Board
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