

VILLAGE OF LONG GROVE

ORDINANCE NO. 2019-O-5

**AN ORDINANCE ESTABLISHING A 90-DAY MORATORIUM
RELATING TO DEVELOPMENT OF ALTERNATIVE ENERGY SYSTEMS
AND REFERRING TO THE VILLAGE'S PLAN COMMISSION/
ZONING BOARD OF APPEALS CONSIDERATION OF
PROPOSED AMENDMENTS TO THE LONG GROVE
ZONING CODE RELATING TO ALTERNATIVE ENERGY SYSTEMS**

Adopted by the President and Board of
Trustees of the Village of Long Grove on
this 26th day of March, 2019

Published in pamphlet form by direction and
authority of the Village of Long Grove,
County of Lake, State of Illinois, on this
27th day of March, 2019

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WHEREAS, the Village of Long Grove (the "***Village***") previously adopted Ordinance No. 2013-O-09 on May 28, 2013, as has been amended from time to time and codified in the Long Grove Zoning Code, (the "***AES Regulations***") to govern development and use of alternative energy systems (including wind, solar, and geothermal energy systems) ("***AES***") within the Village; and

WHEREAS, the AES Regulations were originally adopted based on the Village's participation in a County-wide study group regarding land-use and zoning regulations for AES; and

WHEREAS, based on the Village's experience with implementation of the AES Regulations since 2013 and emerging developments in AES technologies, the Village desires to review various aspects of the AES Regulations and consider whether they should be amended to more appropriately address the potential impacts of AES on public health, safety, and welfare concerns of the Village; mitigate the risks associated with potentially-conflicting land uses; and better reflect the Village's land use policies and long-range planning goals; and

WHEREAS, in order to ensure that the Village's review of the AES Regulations is undertaken objectively and dispassionately, it is desirable to have such review occur independent of any particular application for AES development; and

WHEREAS, the Village President and Board of Trustees have determined that the interests of the Village and its residents will be best served by referring this matter to the Long Grove Plan Commission/ Zoning Board of Appeals ("***PCZBA***") to undertake a review of the

AES Regulations in a thoughtful and thorough manner and thereafter make recommendations to the Village Board; and

WHEREAS, to further ensure that short-term development activities neither disrupt the Village's review process nor proceed in a manner adverse to the policy directions and Zoning Code amendments that may emerge from such review, the President and Board of Trustees desire to establish a temporary moratorium on building and zoning activities for AES facilities; and

WHEREAS, the President and Board of Trustees finds and determines that the imposition of a temporary 90-day moratorium on the consideration of zoning applications or issuance of building permits for AES facilities, subject to the exceptions and limitations 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: Referral. The President and Board of Trustees hereby refer review of the AES Regulations to the PCZBA, which review may include without limitation consideration of possible Zoning Code text amendments relating to:

- a) The size, scale, and capacity of AES devices and developments;
- b) The type and amount of screening and buffering required in connection with AES developments;
- c) The zoning districts in which AES developments should be allowed as permitted or special uses;
- d) The use of AES for non-residential purposes, including whether special conditions, limitations, or performance standards should apply to non-residential AES developments;

- e) Assessment of alternative technologies and of contextual locations; and
- f) Potential incentives for future development options.

The PCZBA is hereby authorized and directed to cause all required notices to be provided, to conduct appropriate and required public hearings, and to present a recommendation on this referral to the Village Board for consideration.

SECTION THREE: Temporary Moratorium.

A. Establishment. Subject to the exceptions and limitations set forth in this Section Three of this Ordinance, beginning on March 27, 2019 at 12:00 a.m., no application for a building permit, special use permit, Zoning Code amendment, or other required building or zoning approval relating to any AES device, facility, or development will be accepted or processed by the Village, and no permit or approval authorizing the construction or installation of any such facility or 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 Village Board, will remain in full force and effect for a limited period of 90 days and shall terminate at 11:59 p.m. on June 25, 2019; provided, however, that the Village Board may extend the Temporary Moratorium for a period not to exceed 60 additional days by adopting a further ordinance to effect such extension.

C. Exceptions. Notwithstanding the limitations set forth in Sections 3.A and 3.B of this Ordinance:

1. The Temporary Moratorium will not preclude consideration of any complete zoning application or building permit application for AES that was filed on or before the effective date of this Ordinance. To the extent that any such application (including applications for special use permits or other zoning relief) is approved, the Temporary Moratorium shall not preclude issuance of permits for, or development of, AES consistent with that approval.
2. The Temporary Moratorium will not preclude construction of any AES 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.
3. An applicant for a building permit relating to any construction or development of AES 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.

4. An applicant for any zoning approval relating to any construction or development of AES 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.
5. 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.

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.