

VILLAGE OF LONG GROVE

ORDINANCE NO. 2022-O-\_\_\_

AN ORDINANCE APPROVING A MINOR AMENDMENT  
TO THE LONG GROVE COMMONS FINAL PLANNED UNIT  
DEVELOPMENT REGARDING SELF ILLUMINATED ~~AND INTERNALLY~~  
~~ILLUMINATED SIGNS~~  
AND INTERNALLY ILLUMINATED SIGNS

Formatted: No underline

Formatted: No underline

**WHEREAS**, pursuant to Ordinance No. 2004-O-17 and 2005-O-14 ~~(“~~ as amended  
from time-to-time (collectively, the “Original PUD Approvals”), the Village of Long Grove  
(the “Village”) granted a final planned unit development approval for the Long Grove  
Commons Planned Unit Development (**“Planned Unit Development”**); and

**WHEREAS**, the Planned Unit Development granted approval for a mixed-use  
development on certain real property generally located at the northwest corner of Illinois  
Route 22 and Old McHenry Road in the Village of Long Grove, legally described in Exhibit  
A to this Ordinance (**“Property”**); and

**WHEREAS**, Section 5-9-5(D)(1)(a) of the Long Grove Zoning Code prohibits self-  
illuminated or internally illuminated signs within the ~~village~~ Village; and

**WHEREAS**, Section 5-11-18(I)(2) of the Long Grove Municipal Code authorizes  
the Village planner to approve minor changes to a Planned Unit Development which do  
not change the concept or intent of the development without going through the “preliminary  
approval” steps; and

**WHEREAS**, on February 21, 2022, the Long Grove Architectural Commission held  
a public meeting to consider a request for an internally illuminated sign ~~for~~ by the owner of  
The Soft Wave Fish Co. (the “Owner”) to be located at 3976 IL Route 22 ~~and, which is~~  
within the Planned Unit Development; and

**WHEREAS**, the Long Grove Architectural Commission voted 5 to 0 in favor of the  
requested, internally illuminated signage ~~for The Soft Wave Fish Co.;~~ proposed by Owner;  
and

**WHEREAS**, the Village planner has submitted a request for the Village Board to formally consider this Ordinance approving ~~an~~ further amendment to the Original PUD Approvals to allow ~~for~~ internally illuminated signage for Owner and other users on the Property within the Planned Unit Development; (the “Proposed Amendment”); and

**WHEREAS**, the President and Board of Trustees find that authorization of the Proposed Amendment is a minor change to the Planned Unit Development, not requiring an adjustment to the Final Plat, and have determined that it is in the best interests of the Village and its residents to amend the Original PUD Approvals governing the Planned Unit Development to permit self and internally illuminated signage, 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 herein.

**SECTION TWO:**     **Minor Amendment to the Planned Unit Development.**  
Pursuant to 5-11-18(l)(2) of the Long Grove Zoning Code, and subject to the conditions set forth in Section Three of this Ordinance, the ~~Long Grove Commons Final Planned Unit Development~~Original PUD Approvals shall be amended to insert a new Section with the following text:

“Internally Illuminated Signs. The Development shall be permitted an exception to Section 5-9-5 (D)(1)(a) Sign Regulations of the Long Grove Zoning Code to permit self and internally illuminated signs; ~~notwithstanding;~~ all signs within the Development shall require the approval of the Architectural Commission as required by Section 5-11-20(D)(3) of the Long Grove Municipal Code.”

Formatted: Right: 0.5", Line spacing: single

**SECTION THREE: Conditions on Approval.** The amendment of the Original PUD Approvals for the Planned Unit Development granted pursuant to Section Two of this Ordinance, ~~permitting the Applicant to undertake the Proposed Amendment~~ shall be, and it is hereby, conditioned upon and limited by the following conditions, the violation of any of which shall, in the reasonable discretion of the President and Board of Trustees, be grounds for the repeal and revocation of the approvals granted herein:

- a. Continued Effect of the Planned Unit Development. Except as expressly modified by this Ordinance, the ~~Planned Unit Development~~Original PUD Approvals shall remain in full force and effect, and the Owner shall comply with all requirements, conditions, and restrictions therein. To the extent any terms of this Ordinance conflict with the terms of the Original PUD Approvals, the terms of this Ordinance shall control.
  
- b. Compliance with Laws. Except as otherwise provided in this Ordinance and the Original PUD Approvals, the Zoning Code, the Subdivision Code, the Building Code, and all other applicable ordinances and regulations of the Village shall continue to apply to the Property. In addition, 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. 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 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.

In addition, any violation of this Ordinance shall be deemed a violation of the Long Grove Zoning Code and shall subject the Owner to enforcement proceedings accordingly.

**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 be of no force or effect unless and until the Owner has (i) caused duly authorized persons to execute and (ii) thereafter file with the Village their unconditional agreement and consent, in the form attached hereto as Exhibit B, and by this reference incorporated herein and made a part hereof; provided further that, if the Owner does not so file their unconditional agreement and consent within 30 days following the passage of this Ordinance, the Village Board may, in its discretion and without public notice or hearing, repeal this Ordinance and thereby revoke the minor amendment and special use permit granted in this Ordinance.

Upon this Ordinance having full force and effect, the Village Clerk shall cause it to be recorded in the Office of the Lake County, Illinois Recorder of Deeds.

PASSED this \_\_\_ day of March, 2022.

AYES: ( )

NAYS: ( )

ABSENT: ( )

APPROVED this \_\_\_ day of March, 2022.

\_\_\_\_\_  
Village President, Bill Jacob

ATTEST:

\_\_\_\_\_  
Village Clerk, Michele Schmitke

**EXHIBIT A**

**Depiction of Subject Property**



Commonly known as: Long Grove Commons Planned Unit Development – 3970 IL Route 22, 3974 IL Route 22, 3976 IL Route 22, 3980 IL Route 22, 3981 N Old McHenry Road, and 3985 N Old McHenry Road, Long Grove, IL 60047.

PINs: 14-13-304-009, 14-13-304-010, 14-13-304-011, 14-13-304-012, 14-13-304-014, and 14-13-304-013

**EXHIBIT B**

**Unconditional Agreement and Consent**

Pursuant to Section Four of Long Grove Ordinance No. 2022-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 Subject Property that they

1. have read and understand all of the terms and provisions of said Ordinance No. 2022-O-\_\_\_\_\_;
2. hereby unconditionally agree to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance, Ordinance No. 2004-O-17, and Ordinance No. 2005-O-14, and any amendments thereto, the Long Grove Zoning Code, 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, has considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any revocation on the grounds of any procedural infirmity or any denial of any procedural right;
5. agree to and do hereby hold harmless 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 in connection with the Village's adoption of the Ordinance 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 Applicant and the Owner of the Subject Property.

**OWNER:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Its:** \_\_\_\_\_

**VILLAGE OF LONG GROVE**

**ORDINANCE NO. 2022-O-\_\_\_**

**AN ORDINANCE APPROVING A MINOR AMENDMENT  
TO THE LONG GROVE COMMONS FINAL PLANNED UNIT  
DEVELOPMENT REGARDING SELF AND INTERNALLY ILLUMINATED SIGNS**

Adopted by the  
President and Board of Trustees  
of  
the Village of Long Grove  
this \_\_\_ day of March, 2022

Published in pamphlet form by direction  
and authority of the Village of Long Grove,  
Lake County, Illinois  
this \_\_\_ day of March, 2022