

VILLAGE OF LONG GROVE

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

**AN ORDINANCE AMENDING ORDINANCE NO. 2005-O-18,  
BEING AN ORDINANCE APPROVING A FINAL PLANNED  
UNIT DEVELOPMENT FOR THE ORCHARDS OF LONG GROVE**

**WHEREAS**, pursuant to Ordinance No. 2004-O-8 ("*Preliminary PUD Ordinance*"), the Village of Long Grove granted preliminary development approvals for The Orchards of Long Grove subdivision and planned unit development (the "*Planned Unit Development*"); and

**WHEREAS**, pursuant to Ordinance No. 2005-O-18 ("*Final PUD Ordinance*"), the Village of Long Grove granted final development approvals for the Planned Unit Development; and

**WHEREAS**, the Planned Unit Development is a detached single-family residential subdivision containing seven buildable lots and two common outlots on property consisting of approximately 11.88 acres and located at the southeast corner of Illinois Route 22 and Old McHenry Road, Long Grove, Illinois, as legally described and depicted in Exhibit A to this Ordinance (the "*Property*"); and

**WHEREAS**, Joseph and Valerie Gallo (collectively, "*Owner*") are the owners and prospective developers of Lot 1 in the Planned Unit Development, which is commonly known as 3992 Orchard Lane ("*Lot 1*"); and

**WHEREAS**, Owner desires to construct a new detached single-family home on Lot 1 with an accessory front-loaded three car garage; and

**WHEREAS**, Section 4.J of the Preliminary PUD Ordinance requires each home in the Planned Unit Development to undergo review by the Architectural Board (a/k/a the Architectural Commission) and to comply with the Village's architectural control regulations; and

**WHEREAS**, the Final PUD Ordinance requires the Planned Unit Development to comply with the Preliminary PUD Ordinance, as well as all applicable Village ordinances and

regulations, including the Long Grove Zoning Code, except as otherwise expressly provided by the Final PUD Ordinance; and

**WHEREAS**, Section 5-3-11 of the Zoning Code sets forth antimonotony regulations governing residential construction within the Village, which regulations apply to the Planned Unit Development; and

**WHEREAS**, Section 5-3-11(B)(5) of the Zoning Code's antimonotony regulations provides that no more than 25% of the homes within a subdivision or planned unit development may have front-loaded garages located at the front of the home; and

**WHEREAS**, two other lots within the Planned Unit Development have previously been developed with homes having accessory front loaded garages; and

**WHEREAS**, Owner has requested approval of an amendment to the Final PUD Ordinance to grant an exception from Section 5-3-11(B)(5) of the Zoning Code authorizing up to 43% of the buildable lots within the Planned Unit Development have accessory front-loaded garages (the "**Proposed Amendment**"), which amendment would permit not more than three (3) lots in the Planned Unit Development to have accessory front loaded garages; and

**WHEREAS**, the Long Grove Plan Commission and Board of Zoning Appeals ("**PCZBA**") conducted a public hearing on February 15, 2022, pursuant to Sections 5-11-10 and 5-11-18(I) of the Long Grove Zoning Code, and thereafter the PCZBA voted 5-0 in favor of recommending approval of the Proposed Amendment and prepared findings of fact for the same; and

**WHEREAS**, prior to the PCZBA hearing, the Village's Architectural Commission did review Owner's proposed residence, the design of which was conditionally approved subject. *Inter alia*, to the approval of the Proposed Amendment by the Village President and Board of Trustees (the "**Village Board**"); and

**WHEREAS**, the Village Board, having considered the public hearing record and the findings and recommendation of the PCBZA, has determined that the Owner's application materials relating to the Proposed Amendment are sufficient for purposes of evaluating the

Proposed Amendment, and the Village Board waives any deficiency in the Owner's application materials and the consolidation of the review procedures required to address the Proposed Amendment; and

**WHEREAS**, based on the public hearing record and the findings and recommendation of the PCBZA, the Village Board has further determined that approval of the Proposed Amendment to the Planned Unit Development is in the best interests of the Village and its residents, 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: Amendment to the Final PUD Ordinance.** Pursuant to Section 5-11-18(l)(2) of the Long Grove Zoning Code, and subject to the conditions set forth in Section Three of this Ordinance, Section Two of the Final PUD Ordinance shall be, and is hereby, amended in part to add a new subsection (b) as follows:

**"SECTION TWO: Approval of the Final PUD Plans.**

**(a)** Pursuant to Chapter 9 of the Long Grove Zoning Code, and subject to the limitations therein and the conditions set forth in Section Four of this Ordinance, the Final PUD Plans shall be, and are hereby, approved to permit the Proposed Development on the Property. Upon satisfaction of conditions precedent set forth in Section Three of this Ordinance, the appropriate Village officials shall be deemed authorized and directed to execute the Final PUD Plans for recording.

**(b) The Property is additionally granted an exception from Section 5-3-11(B)(5) of the Antimonotony Regulations of the Long Grove Zoning Code to permit not more than 43% of the buildable lots within the Proposed Development to be developed with front load garages that are located at the front of a detached single-family dwelling upon the same lot.**

**SECTION THREE: Conditions on Approval.** The amendment to the Final PUD Ordinance approved 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 reasonable discretion of the President and Board of Trustees, be grounds for the repeal and revocation of the approvals granted herein:

- 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 unless and until all conditions of this Ordinance precedent to such work have been fulfilled and all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law. No work on Lot 1 of the Property may be re-initiated or otherwise undertaken until this Ordinance is fully effective as provided in Section 4 hereof.
- B. Compliance with Laws. 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 except as expressly modified by this Ordinance, 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. 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 and Zoning 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 preparation, 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 Lot 1, 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.
- D. Transferees. The rights and obligations set forth in this Ordinance shall be binding upon the Owner, any and all legal or beneficial owners of all or any portion of the Property, and their heirs, successors, and assigns.
- E. Continued Effect of Final PUD Ordinance. Except as expressly modified by this Ordinance, the Final PUD Ordinance shall remain in full force and effect, and the Owner, the Property, and the Proposed Development shall comply with all requirements, conditions, and restrictions thereof.

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 its 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 Final PUD Ordinance amendment granted by 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

### Legal Description and Depiction of the Property

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EASTERLY OF THE CENTERLINE OF OLD MCHENRY ROAD (EXCEPT THE SOUTH 786.0 FEET THEREOF) AND (EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF FEDERAL AND ROUTE 23 (STATE BOND ISSUE 22-ILLINOIS 22) WITH THE CENTERLINE OF OLD MCHENRY ROAD; THENCE EASTERLY ALONG THE CENTERLINE OF SAID FEDERAL AID ROUTE 23 BEING A CURVE TO THE LEFT HAVING A RADIUS OF 34,377.5 FEET FOR A DISTANCE OF 136.50 FEET TO A POINT; THENCE SOUTHERLY ALONG A LINE WHICH IS A PROLONGATION OF A RADIAL LINE TO THE CENTERLINE OF SAID FEDERAL AID ROUTE 23 FOR A DISTANCE OF 30.40 FEET TO A POINT ON THE EXISTING SOUTHERLY RIGHT OF WAY OF SAID FEDERAL AID ROUTE 28; THENCE SOUTHWESTERLY ALONG A LINE THAT FORMS AN ANGLE OF 28 DEGREES 46 MINUTES 24 SECONDS TO THE RIGHT OF PROLONGATION OF THE LAST DESCRIBED POINT FOR A DISTANCE OF 68.01 FEET TO A POINT LYING ON THE EXISTING NORTHEASTERLY RIGHT OF WAY LINE OF SAID OLD MCHENRY ROAD, THENCE SOUTHWESTERLY ALONG A LINE NORMAL TO THE CENTERLINE OF SAID OLD MCHENRY ROAD FOR A DISTANCE OF 40.0 FEET TO A POINT LYING ON THE CENTERLINE OF OLD MCHENRY ROAD; THENCE NORTHWESTERLY ALONG THE CENTERLINE OF OLD MCHENRY ROAD FOR A DISTANCE OF 132.27 FEET TO THE POINT OF BEGINNING) IN LAKE COUNTY, ILLINOIS.

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Commonly known as: The Orchards of Long Grove Planned Unit Development - 3992, 3993, 3994, 3995, 3996, 3997 and 3998 Orchard Lane, Long Grove, Illinois, 60047.

PINs: 14-24-102-008; 14-24-102-009; 14-24-102-010; 14-24-102-011; 14-24-102-012; 14-24-102-014; 14-24-102-016; 14-24-102-018; and 14-24-102-020



**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 Lot 1 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 and Ordinance No. 2005-O-18, 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 Lot 1, 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, have 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 Owner of Lot 1.

**OWNERS:**

JOSEPH GALLO

\_\_\_\_\_

VALERIE GALLO

\_\_\_\_\_

ATTEST:

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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