

VILLAGE OF LILY LAKE

ORDINANCE NO. 2018-13

**AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE
ACCEPTANCE AND PROCESSING OF APPLICATIONS AND THE
ISSUANCE OF ZONING APPROVALS FOR ALTERNATIVE ENERGY
DEVELOPMENTS IN THE ZONING DISTRICTS OF THE
VILLAGE OF LILY LAKE, KANE COUNTY, ILLINOIS**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF LILY LAKE**

December 17, 2018

Published in pamphlet form by authority of the President and Board of Trustees of
the Village of Lily Lake, Kane County, Illinois

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WHEREAS, the corporate authorities of the Village of Lily Lake (the "Village") have the authority to legislate to further promote the public health, safety and welfare of the citizens of the Village; and

WHEREAS, units of local government have the authority to enact reasonable zoning regulations that govern the uses and development of the land within their corporate boundaries; and

WHEREAS, alternative energy projects are relatively new and are expected to proliferate due to the incentives established by the Illinois legislature; and

WHEREAS, the Village desires to preserve the character of the zoning districts within the Village by establishing proper and compatible zoning districts for the location and operation of alternative energy developments; and

WHEREAS, the Village has just recently processed and approved an application for a special use for the construction and development of a solar garden for the production of solar power; and

WHEREAS, the look, size, and duration of alternative energy developments have substantial impacts on neighboring properties and can direct in a substantial degree the future progress and development of the Village as a whole; and

WHEREAS, the acceptance and processing of applications for zoning approval of or zoning relief in connection with such uses may frustrate the sound consideration and

implementation of potential amendments to the Comprehensive Plan of the Village and the Village Code if done prior to the full understanding and examination of their potential effects; and

WHEREAS, the purpose of this Ordinance is to provide, during the moratorium period, adequate time for the Village staff to study the effects of such developments and consider appropriate regulations, and then to implement those regulations through such public hearings or meetings of the Plan Commission and corporate authorities of the Village as may be necessary to amend the Comprehensive Plan of the Village and the Village Code, including the Village Zoning Ordinance; and

WHEREAS, the status quo must be maintained so that the Plan Commission and the corporate authorities of the Village are afforded the opportunity to consider potential amendments to the Comprehensive Plan of the Village and Village Code in order to promote, preserve and facilitate compatible uses in the various zoning districts and to further promote the public health, safety and welfare of the citizens of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of LILY LAKE, Kane County, Illinois, as follows:

§ 1. Incorporation of Recitals

The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby incorporated as if fully set forth herein.

§ 2. Moratorium imposed

There is hereby imposed a temporary moratorium on the acceptance and processing of applications for zoning approval or zoning relief for uses related to the construction of alternative energy developments, including without limitation, solar and wind farms.

§ 3. Exception

This temporary moratorium does not apply to any matters currently pending before the Village as a result of a completed application filed with the Village prior to the date of adoption of this Ordinance.

§ 4. Duration

This temporary moratorium will remain in effect until the earlier of June 30, 2019 or the adoption by the corporate authorities of the Village of the 2020 Comprehensive Plan and any amendments to the Village Code and Zoning Ordinance that are necessary or desirable in connection with the adoption of the 2020 Comprehensive Plan.

§ 5. Judicial review

For purposes of judicial review, any application for zoning approval or zoning relief in connection with a new alternative energy development submitted to the Village but not accepted for filing during the period of this temporary moratorium and not voluntarily withdrawn by the applicant, will be deemed to have been denied. The denial may be immediately appealed to the corporate authorities of the Village at their next regularly scheduled meeting by delivering a written notice of appeal to the Village Clerk not later than 72 hours prior to the meeting. A decision by the corporate authorities to deny the acceptance of any application is a final administrative decision, subject to review under the provisions of the Illinois Administrative Review Law (735 ILCS 5/3-101 *et seq.*).

§ 6. Repealer

Any ordinance or any provision of any ordinance in conflict with the provisions of this ordinance is, to the extent of such conflict, repealed.

§ 7. Effective Date

This ordinance is fully effective after its passage, approval and publication as provided by law.

Adopted on December 17, 2018 pursuant to a roll call vote as follows:

[Signature page follows.]

Trustee	Yes	No	Absent	Abstain
Conn	X			
Dell	X			
Damisch			X	
Marlovits			X	
Vaughn	X			
Walsh			X	
Overstreet	X			
Totals	4	0	3	0

Approved December 17, 2018.

Robert W. Overstreet

President

Attested, Filed in my office, and published in pamphlet form on December 17, 2018.

Michael J. Heffernan

Clerk of the Village of Lily Lake, Kane County, Illinois