

<b>Topic:</b>	Conservation Districts & Subdivisions
<b>Resource Type:</b>	Regulations
<b>State:</b>	Illinois
<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	Village of Long Grove
<b>Year (adopted, written, etc.):</b>	2000-2002
<b>Community Type – applicable to:</b>	Suburban; Rural
<b>Title:</b>	Village of Long Grove Conservancy Districts Ordinance
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### ***Abstract***

This ordinance is meant to act as a supplement to already existing zoning regulations to create conservation districts. Within these districts, additional protection will be afforded to protect against the degradation of the environment through such things as erosion, flooding, deforestation, and pollution.

### ***Resource***

#### **CHAPTER 10 CONSERVANCY DISTRICTS**

##### **5-10-1: GENERAL PURPOSE:**

Irrespective of other zoning classifications, certain soil types and configurations of terrain place definite and specific limitations on building construction, development and land utilization. This chapter does not alter the primary zoning classification. It is the intent of this chapter to further the appropriate use and conservation of land and water resources, to protect the health and welfare of all present and future residents, not only of the village, but also of the surrounding areas, from the problems of erosion, flooding, sedimentation, water pollution, exhaustion of aquifers, stripping of forest cover and to guide development so as to make maximum use of the capabilities of the land, including preservation of green areas, open space, wildlife cover of locally endangered species of flora and fauna, and to avoid all possible damage to the natural environment and the ecology of the village. The village notes that in the greater Chicago metropolitan area this type of ecological community is fast disappearing. (Ord. 2000-0-14, 8-8-2000)

##### **5-10-3: LOWLAND CONSERVANCY DISTRICT:**

(A) Specific Purpose: The primary purpose of the lowland conservancy district is to preserve prime wetlands, aquifer recharge, soils with poor bearing capacity, wildlife areas, shorelands, flood control areas, flood plains, aesthetic areas, recreation and existing

agricultural areas in flood plains. It shall be a primary objective that conservancy district areas remain in their natural undisturbed condition.

(B) Definition: The "Lowland Conservancy District" shall be defined as the greater of all land lying below the highest flood of record as set forth in the hydrologic investigations, atlas series HA 208 Q 71, published by the U.S. geological survey, Washington, D.C.; the flood plain topographic maps of Buffalo Creek, Indian Creek and Kildeer Creek, prepared by U.S. department of agriculture, soil conservation service; or soil types as identified in the soil survey of Lake County, Illinois, published by the U.S. department of agriculture, in cooperation with the Illinois agricultural experiment station, or as these sources may be revised from time to time.

(C) Soil Types; Soil Legend Symbols:

1. Soil Types: Soil types included in the lowland conservancy district have the following characteristics:

- (a) Seasonal water table at depth of less than two feet (2') from the surface of the ground for a period of more than two (2) months during the year.
- (b) Soils classified as poorly to very poorly drained according to the USDA soil conservation service.
- (c) Limitations severe enough to question the economic feasibility of these soils for urban development. Improper development of these soil areas will cause harmful effect to the public.

2. Soil Legend Symbols And Names: The lowland conservancy district is classified by the following soil legend symbols and names, including, but not necessarily limited to:

<u>Soil Legend Symbols</u>	<u>Soil Name</u>
67 103	Harpster silty clay loam Houghton muck
W103	Houghton muck, wet
107	Sawmill silty clay loam
153	Pella silty clay loam
232	Ashkum silty clay loam
330	Peotone silty clay loam
W330	Peotone silty clay loam, wet
465	Montgomery silty clay
513	Granby load fine sand

(D) Permitted Uses:

- 1. Agriculture as now practiced.
- 2. Flood overflow and movement of flood water.
- 3. Wildlife management.

4. Vegetation management for the perpetuation or restoration of native species.
5. Nature preserve.
6. Wilderness areas and wildlife refuges.
7. Passive recreation such as nature trails.

(E) Procedure For Permitted Uses: Permitted uses shall require a review and recommendation by the CSC and issuance of a permit by the village board. An application for a permitted use shall include sufficient detail to demonstrate that the permitted use will not:

1. Interfere with the flow or storage of flood water;
2. Increase the runoff of the area;
3. Interfere with the absorption of ground water;
4. Present a potential pollution hazard to ground or surface water;
5. Disturb the natural ecology of the area.

(F) Special Uses:

1. Excavation of ponds.
2. Installation of dams.
3. Any other uses which can be demonstrated to be of clearly overriding public benefit and would not frustrate the purposes of this chapter.

(G) Procedure For Special Use: Application for a special use shall be made to the plan commission. If the plan commission makes a recommendation for the issuance of a special use permit, the village board may, if it deems it necessary or advisable, also require the review and recommendation of the CSC. An application for a special use shall include sufficient detail to demonstrate that the special use will not:

1. Interfere with the flow or storage of flood water;
2. Increase the runoff of the area;
3. Interfere with the absorption of ground water;
4. Present a potential pollution hazard to ground or surface water;
5. Disturb the natural ecology of the area.

(H) Prohibited Uses And Modification:

1. Disturbing of native vegetation. No native vegetation shall be removed, treated with herbicides, destroyed or otherwise damaged except where otherwise provided in this code.
2. Floodway alteration.
3. No manmade structures of any kind shall be constructed in the lowland conservancy except for necessary public improvements which are part of the approved plans and specifications for a subdivision or planned unit development or except as permitted by an approved special use.
4. No materials shall be utilized or stored which shall have the potential for polluting either surface or ground water.

5. The flood plain shall not be filled nor shall its grade be altered in any respect except as permitted by storm water management commission. (Ord. 2000-0-14, 8-8-2000)

#### **5-10-4: UPLAND CONSERVANCY DISTRICT:**

(A) Specific Purpose: The primary intent of the Upland Conservancy District is to preserve woodlands, steep scenic lands, major recharge areas for existing aquifers, aesthetics of the area, recreation areas and areas of educational value, areas from potential ground water pollution; also to guide development away from soils having severe limitations. It shall be the objective that at all times the areas of significant forest cover and slopes in excess of twelve percent (12%) (7 degrees) remain as much as possible in their natural condition.

(B) Definition: "Upland conservancy areas" shall mean those areas having the following characteristics:

1. A forest area with canopy trees six inches (6") in diameter or greater measured at breast height (DBH) covering one-quarter (1/4) acre or more, or a stand of eight (8) or more trees with a cumulative DBH of eight inches (8") or more. Canopy trees shall consist of the following species and their cultivars: American basswood, ash, beech, birch (paper), box elder, buckeye, cherry, cottonwood, elm, locust, hackberry, hickory, linden, maple, northern catalpa, oak, pine, walnut, willow. Where the canopy trees consist of more than seventy percent (70%) of the following species: box elder, silver maple, and/or black locust, then only half such area shall be considered in calculating the upland conservancy; or
2. Areas with more than one-quarter (1/4) acre having a slope greater than twelve percent (12%) (7 degrees), based on a field survey; or
3. Areas of morley silt loam (194E) or morley silt loam eroded (194E2) greater than twelve percent (12%) (7 degrees), based on an on-site field determination.

(C) Permitted Uses:

1. Forestry and wildlife management.
2. Nature preserve.
3. Vegetation management for the perpetuation or restoration of native species.
4. Passive recreation such as nature trails.

(D) Prohibited Uses: Forest cover, contours of the terrain, and general ecology of the area shall not be disturbed except as specifically permitted under the terms of this chapter.

(E) Reasonable Use Limitation: In upland conservancy areas up to a maximum of forty percent (40%) of the protected area on a given lot or parcel may be disturbed or otherwise utilized for the use and enjoyment of the owner provided that no less than sixty percent (60%) of the protected area shall be left undisturbed.

(F) Procedure For Each Proposed Subdivision Or Planned Unit Development (PUD):

1. Plan Commission Determination: The plan commission shall examine the land and determine if any part of it falls within the classification of the Upland Conservancy District. The commission reasonably requires such topographic maps, aerial photographs, soil survey of Lake County, Illinois, as published by U.S. Department of Agriculture, or such other background material.

2. Plan Commission Examination Of Property: The plan commission, in conjunction with the developer, shall examine the property and determine the number and location of residential sites which the property can reasonably sustain without damage to its ecological integrity. The plan commission may, at its reasonable discretion, reduce the number of residential sites below that permitted by the basic underlying zoning classification if, in the opinion of the plan commission, such reduction is necessary to achieve the objectives of this classification.

3. Final Plat: The final plat shall indicate specific residence locations (building pads) and shall bear the notation that no construction activity shall take place outside the designated sites.

4. Construction Fences Required: Further, it shall be required during the period of construction that sufficient fences be erected and maintained to prevent all construction activity from infringing on the designated natural areas. It shall be the responsibility of the owner to see that such fences shall be maintained and such areas kept free of all construction activity for the entire duration of the construction period.

5. Minimum Lot Size: For developments which contain all three (3) upland conservancy characteristics (see subsection 5-10-4(B) of this section), each lot must be three (3) acres or greater. All such lots shall have a building pad for the building, driveway, patios and other uses. Such pads shall not exceed ten thousand (10,000) square feet on a three (3) acre lot. As to each lot, an extra five hundred (500) square feet shall be permitted for each acre the lot exceeds three (3) acres. The septic tank areas shall, where feasible, use widely spaced trenches to preserve the canopy trees, understory growth and ground cover. All on-site disposal systems shall be Type I aeration systems with a four (4) hour backup battery power source or the system most suitable for the specific site as determined by a licensed septic system designer and approved by the village building department or village engineer.

6. Afforestation: If an upland conservancy area is disturbed, afforestation shall be required. Afforestation shall require the following for each five thousand (5,000) square feet of disturbed area:

- (a) One 3-inch native hardwood tree;
- (b) Two (2) 2-inch native hardwood trees;
- (c) Ten (10) 5-foot canopy or ornamental whips (bare root or potted);
- (d) Ten (10) 3-foot shrubs (bare root or potted); and
- (e) Ground cover - prairie mix or woodland flower and ground cover mix.
- (f) If the trenching preserves large trees between the trenches, the amount of afforestation may be commensurately reduced.

(g) All afforestation plans shall be submitted to the CSC for review and recommendation and subsequent approval by the village board. (Ord. 2000-0-14, 8-8-2000)

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**5-10-12: EASEMENTS:**

Conservancy district areas as depicted in the recorded plats for subdivisions and planned unit developments shall be perpetual easements in favor of the village of Long Grove and the lot owners within the respective subdivision or planned unit development subject to the applicable provisions of this chapter. (Ord. 2000-0-14, 8-8-2000)

**5-10-13: CONSERVANCY DISTRICT BUFFER YARDS:**

To protect the integrity of conservancy district areas it is necessary to establish buffer yards immediately adjacent thereto to regulate improvements. For the following uses, no such use shall be located within the following buffer yard setback areas immediately adjacent to conservancy district areas:

<u>Use Or Activity</u>	<u>Buffer Setback Distance</u>	<u>Yard Distance</u>
Foundations, building walls, and inground pools	20 feet	
Septic tanks	10 feet	
Wells	12 feet	
Tile fields	6 feet	
Decks, aboveground pools, and all patios which cannot support a vehicle or which do not have at least 10 feet overhead clearance	10 feet	
Patios which can support a vehicle and which do have at least 10 feet overhead clearance	4 feet	

(Ord. 2001-0-12, 6-12-2001)