



MEMORANDUM

TO: Village of Long Grove Planning Commission & Zoning Board of Appeals
FROM: JAMES M. HOGUE, Village Planner
DATE: 11.18.20
RE: Berms

At the October 27th Village Board meeting the Board considered and approved an amendment to the **Building Regulations** (Ord. 2020-O-17; attached) regarding the construction of berms outside of Scenic Corridors. As this is an amendment to the Building Regulations and not the Zoning Ordinance no public hearing is required on this matter. The Board did, however, ask for PCZBA review and comment on this ordinance change.

Village Counsel prepared the ordinance amending the Title 4 (Building Regulations) of the Village Code regarding screening as alternatives to the existing regulations that only apply to scenic corridor easements. This amendment creates height limitations for berms throughout the Village (and outside of scenic corridor).

The existing Village Code §6-4-4.C (6) (a) (attached) establishes an 8' height restriction for berms in the scenic corridor. The aforementioned regulations only apply to berms in scenic corridors.

Ordinance 2020-O-17 (approved on 10.27.20) sets the maximum heights as 4' max without a Special Use Permit (SUP) and requires a SUP for berms exceeding 4' height with an 8' maximum height.

Other Regulations

A brief review of berms regulations for nearby communities indicates the following;

Kildeer; Berming is noted in the Landscaping Requirements in the "LC" Light Commercial District. No standards are identified (outside landscaping materials), however all LC applications require PCZBA/AC review.

Hawthorne Woods; 2.5 feet above existing grade, irregular shape and pattern (not to exceed 50') 3:1 maximum slope unless otherwise approved, 10' from ROW; no interference w/ water runoff.

Vernon Hills: Buffer Strips abutting residential districts – 4’ to 8’ in height, subject to approval of Board of Trustees.

Mundelein: For screening, combined with plant material, 4:1 slope.

Conclusions

In general berms should be designed with regard to their location, design, visual appearance and promote an attractive aesthetic appearance in areas where they are located. Berms of excessive height and length should be avoided. Ease of maintenance and proper stormwater drainage should also be considered. When located near roadways interference with safe sight distances for motorists must be avoided.

Presently in the village, berms located in Scenic Corridors have adopted standards and require review and approval by the CSCC, and typically the PCZBA when included in as a design feature of a new subdivision.

Berms outside the scenic corridors however, do not have any standards with regard to their construction. The approved ordinance (2020-O-17) applies to berms “undertaken or constructed on any property within the village”. This regulation limits the height of berms to 4’ unless otherwise approved. Berm height may be extended to 8’ via a special use permit or as approved by the Village Board.

This regulation appears generally consistent with regulations of other nearby communities with regard to berms.

The PCBBA should review the regulation as found in Ordinance 2020-O-17 and offer any comments or concerns with regard to this document.

Should you have any questions or concerns feel free to contact me; e-mail is best.

**VILLAGE OF LONG GROVE
ORDINANCE NO. 2020-O-17**

**AN ORDINANCE AMENDING THE LONG GROVE
VILLAGE CODE REGARDING STANDARDS FOR CERTAIN SCREENING**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this 27th day of October, 2020

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this 27th day of October, 2020

VILLAGE OF LONG GROVE

ORDINANCE NO. 2020-O-17

**AN ORDINANCE AMENDING THE LONG GROVE
VILLAGE CODE REGARDING STANDARDS FOR CERTAIN SCREENING**

WHEREAS, Title 4 of the Long Grove Village Code ("**Village Code**") sets forth certain regulations and restrictions known as the "Long Grove Building Regulations" ("**Building Regulations**") to ensure the public health, safety, and welfare as affected by building construction and to secure the safety of life and property from fire, explosions, and all other hazards incident to the occupancy of buildings, structures, or premises; and

WHEREAS, Chapter 1 of the Building Regulations adopts by reference the 2015 International Building Code with amendments and modifications (as modified, the "**Long Grove Building Code**"), including Appendix J of the 2015 International Building Code, which regulates grading, excavation, and earthwork construction, including fills and embankments; and

WHEREAS, the Subdivision Regulations of the Village of Long Grove (the "**Village**"), which are set forth in Title 6 of the Village Code, also include standards for the construction of berms within scenic corridor easements in the Village, including a requirement that berms not exceed 8 feet in height, subject to certain exceptions; and

WHEREAS, under the Village's Zoning Code, a "berm" is defined as "a hill or contour of land that acts as a visual barrier between a lot and adjacent properties, alleys, or streets"; and

WHEREAS, the President and Board of Trustees find and determine that berms exceeding eight feet in height are generally inconsistent with the character of development in the Village, and it has not been the practice of the Village Board to approve berms in excess of eight feet within scenic corridors or new developments except in exceptional circumstances; and

WHEREAS, the President and Board of Trustees have determined that outside scenic corridors additional review would be appropriate for berms in excess of four feet; and

WHEREAS, the President and Board of Trustees have also determined that additional standards should be established so that materials used for berms are appropriate for the public health, safety, and general welfare; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village and its residents to amend the Building Regulations of the Village Code, as set forth herein, to modify the regulations for berms constructed on all properties within the Village;

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 incorporated into this Ordinance as findings of the President and Board of Trustees.

SECTION TWO. **Amendment to Section 4-1-2 of the Village Code.** Section 4-1-2, titled "Amendments," of Chapter 1, titled "Building Code," of Title 4, titled "Building Regulations," of the Long Grove Village Code is hereby amended in part as follows:

4-1-2: AMENDMENTS:

The following sections of the 2015 international building code are hereby added, amended, revised, and changed as follows:

* * *

Chapter 35 Referenced Standards.

Delete ICC electric code.

Delete international plumbing code and insert the Illinois plumbing code - 2014. This change affects all references to the international plumbing code in the entire code.

Delete the international sewage disposal code.

NFPA See the changes indicated in the international fire code amendments.

Appendices: Adopt the following appendices: G, H105, H106, ~~J~~
Adopt Appendix J and insert the following new subsection:

J107.7 Additional Standards for Fills (Berm) Construction. For any fills undertaken or constructed on any property within the Village (a "Berm"):

- A. The Berm shall not exceed four (4) feet in height unless otherwise approved (i) in connection with a special use permit, (ii) by resolution of the Village Board of Trustees finding that such Berm will not have undue deleterious impacts on adjoining properties, streets, and areas, or (iii) as otherwise permitted within a scenic corridor. The maximum height authorized pursuant to subparts (i) or (ii) above shall not exceed eight (8) feet. For purposes of this subsection, Berm height shall be calculated as the difference between the original elevation level of the site and the finished elevation level of the Berm. The term "original elevation level" shall be the elevation of a site at the time prior to any permit issued by the Village that authorizes or authorized any modification to the site's grade.
- B. The Berm shall be subject to the review and approval of the Village Engineer for satisfaction of the requirements and standards of the Lake County watershed development.
- C. The Berm shall not be constructed with any landscape debris, construction debris and other environmentally hazardous material as reasonably determined by the Village Engineer.

* * *

SECTION THREE. Effective Date. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this 27th day of October, 2020.

AYES: (5) Trustees: Borawski, Kritzmire, Michaud, Nora and O'Reilly.

NAYS: (1) Trustee O'Connor.

ABSENT: (0) None.

APPROVED this 27th day of October, 2020.

Bill Jacob, Village President

ATTEST:

Amy Gayton, Village Clerk

(1) The property is located along Route 83 and south of Aptakistic Road;

(2) The property is the subject of an approved planned unit development for non-residential development;

(3) A pedestrian trail that is at least five feet (5') wide is constructed on the property;

(4) The maximum impervious surface for the property does not exceed seventy five percent (75%);

(5) The width and landscaping of the scenic corridor is comparable to other planned unit developments in the HR-1 District for non-residential development along Route 83. (Ord. 2010-O-04, 3-9-2010)

4. Plan Approval: As a condition of approval of a final plat, the developer shall submit a development plan of all scenic corridor easements, showing the dimensions thereof, the extent and nature of all significant natural vegetation, both forest and prairie, all berms sought to be constructed, the amount and size and type of all planting sought to be installed. The plan shall be reviewed and approved by the Plan Commission. (Ord. 2000-O-17, 8-8-2000)

5. Security Deposit And Guarantee: One hundred ten percent (110%) of the estimated cost as determined by the Plan Commission of the scenic corridor improvements shall be included in the amount required in the security deposit which is to be posted by the developer with the Village pursuant to section 6-5-6 of this title. The security deposit shall be governed by the provisions of section 12-1-3 of this Code. (Ord. 2004-O-11, 6-8-2004)

6. Berm And Buffer Standards: When berms are to be built within the scenic corridor, the berms and the scenic buffers shall meet the following standards:

(a) Berms shall not exceed eight feet (8') in height, except adjoining a railroad track, Route 83 or 22, Gilmer Road, or in planned unit development when a higher berm is essential to the best site plan for the property.

(b) The slope of the berms facing the road shall average no more than fifteen percent (15%), with the steepest slopes located furthest from the road. The maximum slope facing the road shall not

exceed twenty percent (20%); or the scenic corridor must be increased in width to one hundred fifty feet (150'), and the berm shall start at least eighty feet (80') back from the right-of-way. (Ord. 2000-O-17, 8-8-2000)

(c) Berms may have fifty percent (50%) slopes where they are located at least forty feet (40') back from the right-of-way and afforested. Afforestation shall require the following plants to be planted for every four thousand (4,000) square feet of scenic corridor:

- (1) Three (3) 3-inch native hardwood canopy trees.
- (2) Three (3) 2-inch native hardwood canopy trees.
- (3) Two (2) 1 $\frac{1}{2}$ -inch understory/ornamental trees.
- (4) Fifteen (15) 3-foot shrubs. (Ord. 2001-O-31, 10-9-2001)

7. Maintenance: Periodic maintenance of scenic corridors consistent with generally accepted botanical and conservation methods and procedures shall be permitted subject to the prior written approval of the CSC.

8. Boundaries: Geographical boundaries of scenic corridors once established shall not be altered. However, after the initial installation of the scenic corridor improvements as part of the subdivision or planned unit development, the scenic corridor may be periodically updated, renovated, or enhanced subject to the prior written approval of the CSC.

9. Governing Provisions: In those locations where a Conservancy District area overlaps with a scenic corridor area, to the extent there is any conflict among applicable Village Code provisions, the scenic corridor provisions shall govern. (Ord. 2000-O-17, 8-8-2000)

6-4-5: **RESUBDIVISION AND REPLATTING:** The reviewing authority shall, in the performance of its plat approving function, encourage and facilitate the replatting of prematurely and inexpertly subdivided areas which are now in sharp contrast to current standards of acceptability. Rehabilitation of these areas shall be implemented through proper design considerations when adjacent unsubdivided land is proposed for development. (Ord., amd. 1977)

KILDEER

5-10A-14: LANDSCAPING REQUIREMENTS:

A. Required One Hundred Foot Yards: Each required one hundred foot (100') wide yard shall include all of the following landscaping materials and berming for each one hundred feet (100') of length or increment thereof:

1. Eight (8) three inch (3") caliper canopy trees, and
2. Eight (8) two inch (2") caliper understory trees, and
3. Sixteen (16) six foot (6') tall evergreen trees, and
4. Fifty (50) three foot (3') tall deciduous or evergreen shrubs, and
5. Minimum five foot (5') berm varying in height from five feet (5') to ten feet (10').

B. Required Fifty Foot Yards: Each required fifty foot (50') wide yard shall include all of the following landscaping materials and berming for each fifty feet (50') of length or increment thereof:

1. Two (2) three inch (3") caliper canopy trees, and
2. Two (2) two inch (2") caliper understory trees, and
3. Two (2) six foot (6') tall evergreen trees, and
4. Twenty (20) three foot (3') tall deciduous or evergreen shrubs, and
5. Minimum one foot (1') to three foot (3') high undulating berm.

C. Foundation Plantings: Trees and shrubs shall be installed along the front and side elevations of commercial and office buildings to provide articulation, provide shade, and to enhance the pedestrian environment.

D. Definition Of "Caliper": For purposes of this chapter, the term "caliper" shall mean the diameter of a tree trunk measured six inches (6") above ground level for trees less than four inches (4") in diameter at ground level and measured twelve inches (12") above ground level for all other trees.

E. Maintenance Of Required Landscaping: All landscaping required by this section shall be maintained in good condition at all times. All dead, diseased, or damaged plant material shall be removed promptly and shall be replaced promptly with live plant material in good condition and in quantities and sizes so that the maximum quantities and sizes established in this section are maintained at all times. (Ord. 93-O-648, 9-7-1993)

BERM REQUIREMENTS

All contractors and subcontractors doing business in the Village of Hawthorn Woods must be registered with the Village. The term “contractor” and “subcontractor” shall include, but not be limited to: any homeowner or company who undertakes to construct, alter, improve, install, repair, remodel, rehabilitate, renovate or move any land, house, building or other structure (of any kind or nature, whether residential or not) or any fixture or any other item that is located on or in the ground and/or attached to something that is located on or in the ground. All registrations are \$150.00 per year.

The Village of Hawthorn Woods requires that a permit be obtained prior to the installation of any berm. Berms are subject to the following requirements:

REQUIREMENTS 9-3-2 E (22) c

- Only berms of irregular patterns and shapes
- 3:1 maximum slope, or as approved by engineer
- Not to exceed fifty (50) feet in length
- Not to exceed two and one-half (2.5) feet in height above existing grade
- Not to create a barrier or restriction
- Not to redirect the natural flow of surface water runoff
- Located not less than ten (10) feet from any street right-of-way
- Compliance with Title 8, Chapter 6, of the Village Code - grading and draining of lots
- Failure to obtain required permit shall result in penalties upon the property owner as per the requirements of the Village Code.
- May not be constructed in the easement
- Call J.U.L.I.E. at: 800-892-0123, 48 hours prior to digging (excluding weekends and holidays)

CHECKLIST FOR OBTAINING A BUILDING PERMIT

The following information is required to obtain a building permit. Incomplete or inaccurate information will delay the processing of your permit.

- Obtain contractor/subcontractor registration through Village
- Submit a plat of survey showing elevation views and any landscaping.
- Grading review fee of \$150.00.
- Completed building permit application.
- Copy of contractor’s estimate and/or scope of work
- Homeowners Association approval (if applicable)
- (2) sets of grading plans drawn by a licensed Illinois engineer, on sheets no less than 8-1/2” x 11” and no larger than 24” x 36” at a scale of 1”=20’ except where property exceeds 2 acres. Grading plan shall contain the following information:
 - Topographic features and contours for the property and areas abutting to the adjacent property.
 - Spot elevations of all critical locations.
 - Proposed contours and final grades.
 - Areas to be sodded, seeded, mulched or paved, including driveway locations and gradients.

Sec. 16A.6. - Yard regulations.

16A.6.1. Except as provided in Article Four, no building shall be erected or enlarged and no use shall be maintained unless the following yards are provided:

16A.6.2. For all uses:

16A.6.2.1. A front yard of not less than 60 feet;

16A.6.2.2. A side yard of not less than 25 feet on each side of the building; and

16A.6.2.3. A rear yard of not less than 40 feet.

16A.6.3. Where any building exceeds 35 feet in height, the yard requirements shall be increased one foot for each foot of building height over 35 feet.

16A.6.4. Where any yard abuts a public right-of-way, a landscaped buffer strip of not less than 50 feet in depth along the lot line abutting that public right-of-way shall be provided and maintained as part of the required yard, except that a 30-foot landscaped buffer strip shall be provided along a local street.

[16A.6.5. Berms.]

16A.6.5.1. Where any side or rear yard abuts a residential district, a 25-foot-wide buffer strip, improved with earth berms and full landscaping, shall be provided and maintained along the lot lines abutting such residential districts.

16A.6.5.2. The height of the berms shall be from four to eight feet in height depending on the finished grades of the abutting residential property in relationship to the proposed building height and finished grades of the new development. The berm height and the entire buffer strip landscaping plan is subject to approval by the president and board of trustees.

(Ord. No. 590, § 1, 7-28-87)

- L. Berming. Earthen berms and existing topographic features shall be incorporated into the landscape treatment of a site where there is sufficient space and, in particular, when berms and existing topographic features can be combined with plant material to facilitate effective screening. Minimum unretained berm side slopes shall be maintained at no less than a 4:1 slope ratio to prevent erosion and be properly and safely maintained. Retained slopes may be implemented with the appropriate terracing necessary to reduce the need for safety railing.

(Ord. No. 12-09-39, § 2(15.5), 8-24-12; Ord. No. 19-02-13, § 37, 2-11-19)

Editor's note— Formerly § 20.60.050.