

ORDINANCE NO. 21-1-2182

**AN ORDINANCE AMENDING THE LINDENHURST ZONING ORDINANCE
TO PROHIBIT INVASIVE SPECIES WITHIN LANDSCAPE REQUIREMENTS**

**VILLAGE OF LINDENHURST
LAKE COUNTY, ILLINOIS**

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President and Board of Trustees
of the
Village of Lindenhurst, Lake County, Illinois
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WHEREAS, the Village of Lindenhurst is a municipal corporation organized and existing under the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq.; and

WHEREAS, pursuant to its authority under the Zoning Enabling Act, the Village has established zoning regulations in the Lindenhurst Zoning Ordinance; and

WHEREAS, following publication of notice, the Plan Commission conducted a public hearing on December 16, 2020, to consider proposed amendments to the Lindenhurst Zoning Ordinance to prohibit invasive species as a standard within the general landscaping requirements of the Village; and

WHEREAS, following deliberation on the evidence and testimony elicited during the public hearing, the Plan Commission submitted its recommendation to the Village Board concerning the proposed amendments to the Lindenhurst Zoning Ordinance; and

WHEREAS, the Village Board has carefully reviewed the recommendation of the Plan Commission and wish to promote the health of our local environment by stopping the promulgation of species not native to our state and region; and

WHEREAS, the Village Board has determined that the text amendment at this time will not be a detriment to the public health, safety, comfort, morals and welfare of the community;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Lindenhurst, Lake County, Illinois, as follows:

SECTION 1. Recitals. The above recitals are incorporated into this Ordinance by reference.

SECTION 2. Amendment to Part 7 of Section 159. Part 6, entitled "Site Development Regulations," of Section 159, entitled "Zoning Regulations," of the Lindenhurst Village Code is

amended as follows (added language is shown in **bold, underlined text** and deleted language is shown in ~~strikethrough text~~):

§ 159-7.704 GENERAL LANDSCAPING REQUIREMENTS.

- (A) Physical Containment Of Landscaped Areas: All landscaped areas located within or adjacent to a parking area, or adjacent to a public street or sidewalk, must be designed to contain landscape materials and to prevent vehicular encroachment (i.e., through the use of continuous concrete curbing, railroad ties, header, or depressed construction).
- (B) Artificial Landscape Materials: Artificial trees, shrubs, turf, or plants are permitted as landscaping.
- (C) Ground Cover: The use of landscape fabrics under all areas landscaped with nonliving materials, except those areas set aside for stormwater retention/detention, is recommended to prevent weed growth. Mulch must be provided to all trees planted in parkways. Mulch must be to a depth of 3 inches to 4 inches.
- (D) Irrigation: A permanent, on site, outdoor water supply (underground or drip irrigation, hose bibs, etc.) that provides complete coverage to all new living landscaped areas may be required. Watering systems must be designed to water landscaped areas efficiently and avoid irrigation of adjacent parking areas and access drives, sidewalks, buildings, and public streets. If hose bibs are used, they must be located within 100 feet of any landscaped area.
- (E) Location: New vegetation must be selected, planted, and maintained so that at maturity it will not interfere with utility lines, snow storage areas, vehicular parking, pedestrian circulation, traffic sight visibility at driveways and street intersections, and will not cause damage or upheaval of sidewalks and pavement.
- (F) Type Of Landscape Plant Materials: The Village encourages the use of native plant materials, trees, shrubs, and ground cover, indigenous to northeastern Illinois. In shore buffer areas, these include native plants which are tolerant of both moisture and hydric soils. **Applicants should consult the list of non-native and invasive species that are prohibited from use as plant materials, which list is on file with the Village Administrator.**
- (G) Installation:
 - (1) Landscaping and watering devices may be required to be installed in accordance with the approved landscape plan prior to issuance of a certificate of occupancy or commencement of operations. The Village will have the right to refuse approval of any project not meeting the provisions of this section.
 - (2) If approved landscaping and watering devices cannot be installed prior to occupancy or commencement of operations, a certificate of occupancy may be issued by the Village if the applicant provides an acceptable form of surety. The application must be accompanied by a complete estimate of the total cost of the approved landscaping and watering system improvements prepared by a landscape architect. All landscape materials must be guaranteed for 2 years.

(3) When it is determined that the landscaping and watering system have been installed in accordance with the approved plans, the Village will return the surety to the applicant.

(G) Maintenance:

(1) *Responsibility For Maintenance.*

(a) Maintenance of all landscaping is the responsibility of the owner, lessee, heirs, assigns, agents, homeowners' association, or other liable entity of the property and must consist of regular watering, pruning, mowing, fertilizing, the replacement of irrigation systems, and architectural features.

(b) The owner or liable entity in control of any private premises must at all times maintain the premises free of litter and weeds.

(2) *Future Building Pads.* Future building pads within a phased development must be maintained in a dust free condition vegetated with ground cover.

(3) *Plant Replacement.* Any plant materials included in an approved landscaping plan that do not survive a plant establishment period of 2 years after installation must be replaced with plant materials of the same or like species of equal size within the next planting season, but in any event, within 6 months of the plant's demise. Replacement must be made by the property owner or, in the case of landscape plant materials located within a landscape easement under the control of a homeowners' association, the homeowners' association will be responsible for replacement. **Applicants should consult the list of non-native and invasive species that are prohibited from use as plant material replacement, which list is on file with the Village Administrator.**

SECTION 3. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

SECTION 4. Repeal and Saving Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village prior to the effective date of this ordinances.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect following its passage and approval as required by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Lindenhurst, Illinois, this 11th day of January, 2021.

DOMINIC MARTURANO, VILLAGE PRESIDENT

ATTEST:

Jody Stoughtenger, Village Clerk

TRUSTEES

AYE

NAY

Bill Anderson
Patty Chybowski
Dawn Czarny
Patrick Dunham
Heath Rosten
Dawn Suchy

