

**ORDINANCE 4372
PASSED: JUNE 2, 2008
EXHIBIT**

6-305.1 – Entire Section was Amended

SECTION 6-305.1 TREE PRESERVATION STANDARDS.

A. Purpose. The purpose of this section is to establish high preservation standards for all public and private properties within the Village, to protect the Village's natural qualities and heritage, continue its reputation as an extension of the Forest Preserves, benefit the public at large as an asset to the neighborhoods, and become a source of identity and pride to the community. In addition to these high standards, this preservation ordinance specifically strives to accomplish the following:

1. Prevent soil erosion and sedimentation;
2. Reduce storm water runoff, replenish aquifers, and eliminate the costs associated with correcting the above;
3. Assist in the absorption of excess carbon dioxide in the atmosphere;
4. Create a sound buffer to noise pollution;
5. Provide protection against natural elements such as the sun, wind and rain;
6. Provide habitat for birds, which in turn, assists in the control of insects;
7. Protect and increase property values;
8. Conserve and enhance the Village's environment, especially its natural setting, and to protect the habitat of its existing wildlife.

B. Responsibility for Compliance.

1. The following actions require tree removal permits. No Village official, unless the tree is a safety hazard, shall issue a permit provided herein in violation of the requirements of this Section.
 - a. The removal of any Heritage tree, defined as any healthy tree that is twenty-four inches (24") in diameter, or greater, measured 4' from the ground, from any lot, developed or undeveloped.
 - b. The removal of any tree from a parkway (the area between the Village right of way line and the curb).
 - c. The removal of any tree, in good or poor condition, from a conservation or tree preservation easement. Easements are legal recorded agreements tied to property most often shown on a plat of survey and/or plat of subdivision.
 - d. The removal of any tree from an existing non-residential utility easement.

- e. The removal of any tree from any property, commercial, institutional, office, industrial or multifamily residential, with a Board approved landscape plan on file.
 - 2. The following actions require a tree survey and Board approved tree mitigation plan.
 - a. The development or redevelopment of any property for any use other than a single family home.
3. Fines
- a. Failure to obtain a tree removal permit prior to removing trees will result in a fine of \$200.00 per inch of tree caliper, that shall be levied against that entity primarily responsible for said tree removal. Each subsequent act of unauthorized tree removal by the same entity shall result in a 50% increase over the previous fine levy. This is in addition to the required tree mitigation. Trees removed without a tree removal permit must also be replaced per the replacement standards set forth in 6-305.1 C(1).
 - b. Permits for the removal, relocation or replacement of trees covered herein shall be obtained by submitting an application, on a form prescribed by the Development Services Department, pursuant to the standards set forth in this section. (Ord. 3070 - 10/20/97)

4. Tree Pruning

- a. Tree pruning, done in order to remove dead branches or to 'limb up' the tree is permitted without a permit.
- b. Tree topping, or the removal of the tree central leader, is not permitted on any parkway tree, heritage tree, or conservation easement tree.

C. Replacement Standards.

1. All trees that are four (4") inches in diameter, measured four feet (4') from the ground shall be replaced as follows, pursuant to Village approval:

Canopy Trees

Diameter of Removed Trees	Number of Replacement Trees Required
4" to 12"	2 trees at 2.5" or 1 tree at 4"
13" to 23"	4 trees at 2.5" or 2 trees at 4"
24" or greater	6 trees at 2.5" or 3 trees at 4"

Evergreen Trees

Height of Removed Trees	Number of Replacement Trees Required
6'-10'	2 trees at 2.5" or 1 tree at 4"
10'-14'	4 trees at 2.5" Or 2 trees at 4"
14'+	6 trees at 2.5" or 3 trees at 4"

- a. Alianthus, Buckthorn, Willow, Box Elder, Silver Maple and Osage Orange are exempt from mitigation requirements.
- b. Trees rated as 'Poor' or 'Dead' on a tree survey completed by a certified arborist are exempt from mitigation requirements.
- c. The owner of a site with natural landscaping that is unhealthful(ie. spaced too closely) may be permitted to plant replacement trees in the parkway or elsewhere in the Village, if approved by the Director of the Development Services.
- d. If the required mitigation trees cannot be provided on the site, the petitioner shall pay cash, in the amount of \$400 for each 2.5" caliper tree, in lieu of tree replacement to the Village's Tree Mitigation Bank. This account shall be used only for the intended purpose of planting trees in public places throughout the Village. Such a fee in lieu of mitigation must be approved by the Development Services Department and can only be used when replacement on site is not possible.

2. Heritage Tree and Parkway Tree Removal

- a. If located on a single family lot, heritage trees and parkway trees may be replaced per the replacement standards set forth in Section 6-305.1C-1. The number of replacement trees may be limited by what can be reasonably accommodated within the available lot area, but any reduction in mitigation requirements must be approved by the Development Services Department.
- b. A heritage tree that is dead or diseased may be removed without replacement if the tree is certified as dead or diseased by a certified arborist, to be retained by the homeowner, and with issuance of a tree removal permit.
- c. A parkway tree that is dead or dying may be removed without replacement if the tree is confirmed as dead or diseased by the Development Services Department or Public Works Department and with issuance of a tree removal permit.

D. Procedures to Obtain a Tree Removal Permit For New Development.

1. Developers of any site for any use other than a single family home, seeking a site plan or landscape plan approval, shall submit a tree mitigation plan with the petition for development. The application shall include:
 - a. A tree survey showing the location, edge of dripline, species, trunk diameter and condition of every tree four inches (4") or larger, measured from four feet (4') from the ground, on the property. The survey shall distinguish existing trees which are proposed to be destroyed, relocated, replaced, preserved at their present location, or introduced into the development from an off-site source and identified on either the map or an accompanying sheet by code. The Development Services Department may provide that the tree survey exclude those portions of the site which it determines will not be affected by the development activity.
 - b. Tree mitigation report that highlights number of trees to be removed and required replacement trees pursuant to the replacement standards set forth in this Section.

2. The tree survey and mitigation report will be reviewed and approved by the Village Board through the site plan review process or landscape plan review process. Approval of a tree survey and mitigation report shall be granted only if the Development Services Department finds that all reasonable efforts have been undertaken in the architectural layout and design of the proposed development to preserve existing trees and to otherwise enhance the aesthetic appearance of the development by the incorporation of trees in the design process. Relocation or replacement of trees may be required as a condition of approval in accordance with the criteria set forth in this Section. No tree removal shall take place until the tree survey and mitigation report have been approved by the Village Board.

E. Procedures to Obtain a Tree Removal Permit For Single Family Homes and Existing Development.

1. All others requesting a tree removal permit shall fill out a Tree Removal Permit Application prescribed by the Development Services Department prior to its removal or relocation. The applicant should be ready to supply the following information:

- a. Information on the type of tree and the size of the tree under consideration.
- b. Reason(s) for the tree(s) removal/relocation.
- c. Photograph(s) of the condition, the location of the tree in question. Applicant shall provide at least one full scale photo of the tree(s) showing its surrounding environment. Also include any photographs supporting the reason(s) for relocation/removal.
- d. A copy of the plat of survey for the property shall be submitted showing the location of the existing building(s) and outlining the location of the existing tree(s) in question. If the tree location/removal involves existing or proposed utilities, driveways, structures, easements or other pertinent site features, these should also be drawn in to scale. Plans may be drawn by property owners.
- e. A description of the tree(s) to be planted to replace any removed trees.

4. Approval of a tree removal permit shall be granted only if the Development Services Department finds that all reasonable efforts have been undertaken in the architectural layout and design of the proposed development to preserve existing trees and to otherwise enhance the aesthetic appearance of the development by the incorporation of trees in the design process. Relocation or replacement of trees may be required as a condition of approval in accordance with the criteria set forth in this Section. No tree removal shall take place until the issuance of a tree removal permit.

5. If the Development Services Department determines that the scope of the tree removal exceeds the provisions of this Section, the applicant must supply the information listed in Section 6-305.1 D-1.

F. Tree Protection.

1. During the development of the property, or the relocation/removal of other permitted trees, the owner of the property shall be responsible for the erection of any and all barriers or protective guards necessary to protect any existing or installed vegetation from damage both during and after construction.

2. Trees to be preserved during the development of the property shall be protected during construction by a fence around the drip line of each tree to prevent compaction of soil and other damage to the tree by equipment or materials. No excess topsoil, construction materials, debris, or chemicals are allowed within the protected drip line of each tree. In addition, no parking of vehicles, on-site offices, or machinery is allowed inside the protected dripline. All refueling, maintenance, lunch, break and burning areas are to be located away from all protected trees.
3. Wherever a change of ground grading is planned, the trees to be preserved shall be protected by a retaining wall, placed at the drip-line so as to preserve the existing grade for the roots.
4. Wherever a change of grading is planned, the topsoil shall be preserved for the new landscaping to be installed.
5. When trenching alongside existing trees is unavoidable, the trench must be 1 foot for every 1" tree caliper, as measured four feet (4') above grade, away from the base of the existing tree to be preserved.
6. Construction pruning and root pruning of trees directly impacted by construction may be required for preservation of existing trees. These measures must be indicated on the tree preservation plan or the submitted application for permit.

G. Final Inspection:

1. No certificate of occupancy or letter of credit release shall be issued until the relocation or replacement of trees, as required by the Board approved mitigation plan or tree removal permit, has been completed and the final landscape inspection approval has been given by the Development Services Department. Trees relocated from one portion of the site to another which do not survive transplanting, shall be replaced with a suitable replacement tree as specified by the Development Services Department. Should the Department determine that, due to the time of the year that the certificate of compliance and occupancy is requested, the relocation or replacement of trees should be deferred until a more suitable time, a certificate of compliance and occupancy may be issued provided that:
 - a. The letter of credit is renewed in an amount to cover the remaining landscaping to be installed.
 - a. If a project does not have a letter of credit with the Village, the applicant(s) provides the Development Services Department with a cash deposit or bond in the amount equal to the cost of the relocation or replacement of trees;
 - b. The applicant completes all required tree relocation or replacement within the time frame specified by the Development Services Department. The cash deposit or bond will be returned to the applicant provided that all work is completed within the established time frame.
2. Should the applicant fail to comply with the above item, the Development Services Department may elect to use the cash bond or letter of credit to hire a landscaper to complete the required tree relocation or replacement. Excess cash deposit, letter of credit or bond funds, if any, will then be returned to the applicant.

H. Exceptions.

1. In the event that any tree shall pose a threat to one's health, safety or property and require immediate removal without delay (for instance a tree which has been blown over or struck by lightning), verbal authorization may be given by the Development Services Department and the tree removed without obtaining a written permit as herein required. Such verbal authorization shall later be confirmed in writing by the Department.
2. All state approved and governmental plant or tree nurseries and botanical gardens shall be exempt from the terms and provisions of this Section, but only in relation to those trees which are planted and grown for the sale or intended sale to the general public in the ordinary course of business or for some public purpose.
3. A tree removal authorization may be issued when a tree, due to natural circumstances, is dead or irreversibly declining, is in danger of falling, is too close to existing structures so as to endanger such structures, interferes with utility services, creates unsafe vision clearance, or constitutes a health hazard. Such trees may be removed only after the Development Services Department or Public Works Department has verified that such a condition exists.
4. A tree removal authorization may be issued when tree removal is necessary to observe good forestry practice such as the number of healthy trees a given parcel of land will support or when such removal is in accordance with a documented landscape management plan.

I. Civil Remedies:

In addition to any other remedies provided by this Section the Village shall have the following judicial remedies available for violations of this Section or any permit condition promulgated under this Section.

1. The Village may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any injury caused by the removal of trees in contravention of the terms of this Section.
2. The Village may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with this Section to enjoin any violation hereof; and to seek injunctive relief to prevent irreparable injury to the trees and/or properties encompassed by the terms of this Section.