



VILLAGE OF CHANNAHON
LANDSCAPE ORDINANCE



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CHAPTER 158: LANDSCAPE ORDINANCE

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GENERAL PROVISIONS

§ 158.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEST MANAGEMENT PRACTICES (BMP) - A design or practice employed with the primary objective to minimize adverse water quality impacts, preserve beneficial features on-site, avoid downstream erosion and habitat loss, maintain natural base flows and groundwater recharge, prevent increases to downstream flooding, provide multiple uses of drainage and storm water drainage facilities, and/or provide for the economical, safe, and aesthetically pleasing drainage system for development.

BMP methods have been published by the Northeastern Illinois Planning Commission (NIPC) under the following titles: “Designing Stormwater BMP in Northeastern Illinois,” “Urban Stormwater BMP for Northeastern Illinois,” “Restoring and Managing Stream Greenways: A Landowners Handbook,” and the Chicago Wilderness “Biodiversity Recovery Plan.” These, as well as other sources, are recognized BMP which should be considered in the design of a stormwater management system.

BERM - An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BUFFER - A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

CALIPER - A circumferential measurement of a tree’s trunk recorded six inches above the grade for those trees having a caliper of four inches or less, and twelve inches above grade for those trees with a caliper of above four inches.

DECIDUOUS - A plant with foliage that is shed annually.

DOUBLE FRONTAGE LOT - A lot abutting two (2) parallel streets, or two (2) streets which do not intersect at the boundaries of the lot.

DRIP LINE – A circle area that could be drawn on the soil around a tree directly under the tips of the outermost branches.

EVERGREEN - A plant with foliage that persists and remains green year-round.

LANDSCAPED AREA - An area which consists of living landscape material.

LIVING LANDSCAPE - Low growing woody or herbaceous ground cover, turf, shrubs, and trees.

NATURALIZED LANDSCAPE - Ecologically sensitive landscaping that uses regionally native plant species to create, improve or restore specialized and self-sustaining plant communities (prairie, woodland, etc.).

OVERSTORY TREE - A self-supporting woody plant having at least one well defined stem or trunk and normally attaining a mature height and spread of at least 30 feet, and having a trunk that may at maturity, be kept clear of leaves and branches at least eight feet above grade.

PARKWAY - That portion of village owned property between the curb line, shoulder line, traveled portion of the roadway or alley and the private property line.

SCREEN - An area of planting which provides an effective visual barrier.

STREET TREES - Any tree or part of a tree, existing or new planting, including the canopy and root system that lies on or has grown onto or over public property, or in public "Right of Way" owned by the village.

TREE TOPPING – The sever cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

TRANSITION YARD - That portion of yard that separates two incompatible uses.

UNDERSTORY TREE - A self supporting woody plant having at least one well-defined stem or trunk or normally attaining a mature height and spread of less than 30 feet with branching less than eight feet above grade.

VEHICULAR USE AREAS - All areas subject to vehicular traffic including, but not limited to, access ways, driveways, loading areas, service areas, and parking stalls for all types of vehicles. This definition shall not apply to covered parking structures or underground parking lots.

VILLAGE TREE BOARD

§ 158.20 CREATION AND ESTABLISHMENT.

There is hereby created and established a Village Tree Board (hereinafter referred to as Board) for the village, which will consist of five members, citizens and residents of this village, who will be appointed by the Mayor with the approval of the Village Board; members once appointed may be removed in like manner.
(Ord. 922, passed 12-2-96)

§ 158.21 TERM OF OFFICE.

The term of the five persons to be appointed shall be three years, except that the initial term of two of the members appointed to the first Board shall be for only one year, and the initial term of two members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. All members shall serve until their successors are duly appointed and qualified.

(Ord. 922, passed 12-2-96)

§ 158.22 COMPENSATION.

Members of the Board shall serve without compensation.

(Ord. 922, passed 12-2-96)

§ 158.23 DUTIES AND RESPONSIBILITIES.

(A) It shall be the responsibility of the Board to study, investigate, counsel, develop (and/or update), and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of street trees. Such a plan will be presented annually to the Village Planning and Zoning Commission and, upon their acceptance and approval, shall constitute the official Village Tree Plan.

(B) The Board, when requested by the Village Board or Planning and Zoning Commission, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

(Ord. 922, passed 12-2-96)

§ 158.24 OPERATION.

The Board shall choose its own officers, make its own rules and regulations, and keep minutes of its proceedings. A majority of the members shall constitute a quorum for the transaction of business.

(Ord. 922, passed 12-2-96)

STANDARDS

§ 158.35 APPLICABILITY.

(A) Administration.

(1) The provisions of this chapter shall apply to all development herein after the effective date of this chapter and any development which has not received final plat approval, and explicitly does not apply to any existing single family detached housing.

(2) For any conforming or legally nonconforming building or use which is in existence on the effective date of this chapter which is subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and is reconstructed, reestablished or repaired at a cost that exceeds 50% of the value of the building or use, landscaping shall be provided as required by this chapter for equivalent new use or construction.

(3) All requirements in this chapter are minimum requirements. Provision of landscaping in excess of these requirements is encouraged and may be required when necessary to achieve the purpose of these regulations.

(4) The requirements of this chapter shall take precedence over any other ordinance, resolution, and orders or parts thereof, with conflicting requirements.

(B) Areas of responsibility.

(1) Landscape Plan Requirements.

(a) *Landscape Plans*- Landscape plans shall be required as part of each of the following development scenarios, and shall be submitted and approved by the same procedure set forth in the Village Code for commercial and industrial development site plans, and for planned unit developments (P.U.D.).

1. Single family detached residential developments of seven (7) or more units; any SF detached residential development with less units or individually separated lots are not required to submit landscape plans, but the developer or housing contractor must still comply with all regulations as describe herein.

2. Single family and multi-family attached residential developments.

3. Commercial, industrial, or public purpose development.

4. Any modification of existing structures, (excluding single-family detached structures) that either increases the footprint by twenty-five percent (25%), or where the cost of improvements exceeds the value of the existing structure by fifty percent (50%). Existing value shall be determined by the value of the building or stated in most recent tax bill as provided by the owner. The owner shall provide the estimated costs of improvements.

(b) The landscape plan shall show exact locations and quantities of landscape features. Each proposed plant shall be identified as to botanical and common name, size and installed condition (balled and burlapped, container, etc).

(c) At the preliminary plat stage (or P.U.D. preliminary plat), a “preliminary landscape plan,” indicating general locations and approximate quantities of landscape features shall be prepared. A list of typical plants proposed shall be provided, including common and botanical names, installed condition, and approximate sizes.

(d) All landscape plans shall include the following:

1. North point and scale.
2. Topographic information and proposed grades.
3. Proposed structures and pavement.
4. Existing utilities, above and or below ground.
5. Location, type, size, quantity and planting condition (balled and burlapped, bare root, etc) of all proposed landscape materials.
6. Common and botanical scientific names of all proposed plant material.
7. Location, size and common/botanical names of existing vegetation that is to remain.
8. Identification of vegetation proposed to be removed.
9. Symbols representing proposed plant material shall be drawn to scale showing two thirds of full mature size and labeled as to quantity and type.
10. Location of underground irrigation system, if any.
11. Location of drain tiles, downspouts and sump pump discharge.
12. Planting schedule.
13. Stormwater Retention/Detention pond improvement plan(s).
14. Indication of all underground improvements to include water, sewer, storm sewer, and any other such utility to ensure no conflicts exist.
15. Berm cross sections including height, width, plantings, seedings. (if applicable)

(e) *Revising Approved Landscape Plans*

1. Once a landscape plan has been approved and a building permit issued, the village staff may authorize minor revisions to the approved landscape plan including the substitution of equivalent plantings and ground covers where such revisions do not diminish the benefits of the approved landscape plan.

2. A revision shall be considered minor where there is no reduction in the quality or quantity of plant material, no significant change in size or location of plant material, and new plants are of the same general category (overstory,

ornamental, evergreen, etc.) and have the same general design characteristics (mature size, spread, density) as the materials being replaced.

(2) Existing public properties lacking appropriate street tree plantings shall receive new infill planting on an ongoing basis. All removed public trees shall be replaced with one or more new trees selected from the approved street tree species.

§ 158.36 LANDSCAPE DESIGN CRITERIA.

(A) *Planting units;*

(1) Plant units shall be calculated as follows:

- (a) One overstory tree
(2.5" caliper) = 10 plant units
- (b) One understory or ornamental tree
(2.5" caliper) = 5 plant units
- (c) One evergreen tree
(10' or greater in vertical height) = 8 plant units
- (d) One evergreen tree
(6'-9' in vertical height) = 5 plant units
- (e) One large shrub
(36" inches in height) = 2 plant units
- (f) One small shrub
(24" inches in height) = 1 plant unit
- (g) Perennials & ground covers (per 100 Sq Ft of area) = ½ plant unit

(B) *Single family detached residential;*

(1) Parkway Plantings will be required in accordance with § 158.36.E.

(2) Certificate of Occupancy will not be issued until all landscape requirements have been met as described herein.

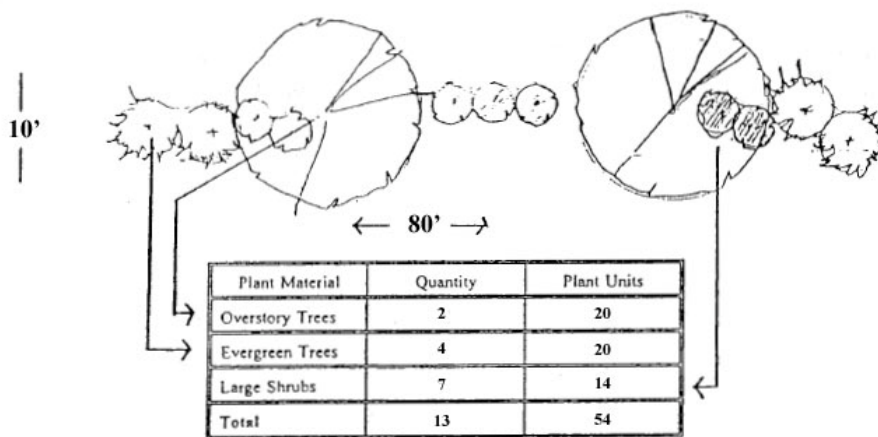
(3) All yards (front and side) of any single family residential must be complete with sod, and any rear yard must be seeded or sodded.

(4) Double Frontage Lots: Landscaping shall be provided on each double frontage lot along the frontage from which the lot does not have access to the public right-of-way. The landscaping shall be located parallel to the lot line and shall

extend along the entire frontage. If a fence is located along the frontage, the required landscaping shall be provided on the side of the fence facing the public right-of-way. The landscaping shall be provided in accordance with the requirements provided in § 158.36.B.3 and § 158.36.B.4, depending on the classification of the adjacent right-of-way.

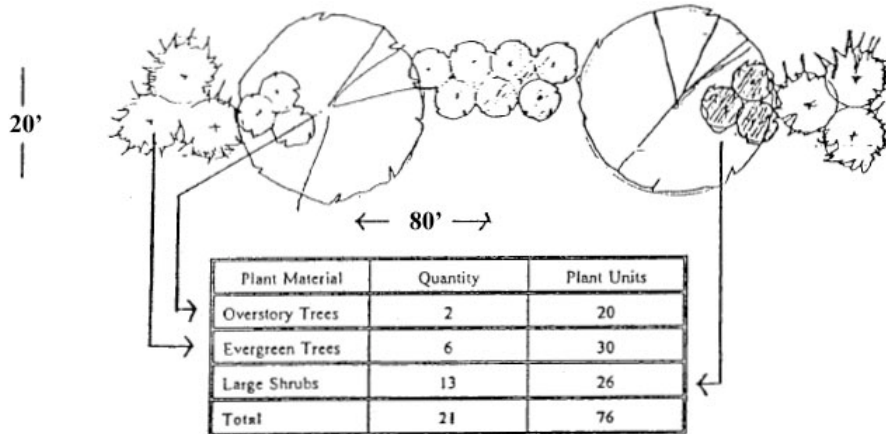
(5) Yard adjacent to a major collector right-of-way: A minimum of a ten (10) foot wide landscape area shall be provided in any yard adjacent to a major collector road and shall consist of a minimum of 40 plant units per 80 linear feet of frontage. Twenty-five percent (25%) of the unit count must be evergreen.

Figure 2.1: Yard Adjacent to Major Collector ROW - TYPICAL



(6) Yard adjacent to an arterial right-of-way: A minimum of a twenty (20) foot wide landscape area shall be provided in any yard adjacent to an arterial road and shall consist of a minimum of 65 plant units per 80 linear feet of frontage. Twenty-five percent (25%) of the unit count must be evergreen. Berming and mounding height of two (2) feet shall be incorporated into the landscape plan.

Figure 3.1: Yard Adjacent to Arterial ROW - TYPICAL



(7) The requirements stated in 158.36.B.5 and 6 may be reduced or replaced if a buffer landscape area of twenty-five (25) feet or more and berm are installed between the collector or arterial road and the adjacent yards. The berm must be at least 6 feet in height at a maximum of 3:1 slope and the buffer landscape area shall have a minimum of forty (40) plant units per hundred (100) linear feet of frontage. Creative landscaping techniques such as undulating berms and staggering plantings should be implemented.

(C) *Attached single family housing/ multi-family housing;*

(1) Parkway Plantings will be required in accordance with § 158.36.E.

(2) Certificate of Occupancy will not be issued until all landscape requirements have been met as described herein.

(3) All front and side yards shall be sodded and landscaped with trees and shrubs. A minimum ratio of ten (10) plant units shall be provided for each one-thousand five-hundred (1,500) square feet of yard area. At least seventy-five percent (75%) of the plant material must include overstory trees by unit count.

(4) All rear yards shall be sodded or seeded and landscaped. A minimum of five (5) plant units must be provided for each 1,500 square feet of yard area.

(5) Double frontage lots shall comply with the requirements set forth under § 158.36.B.4.

(6) Foundations shall require the following:

a. Foundation landscaping shall be provided on those sides of the building which face a public right-of-way.

b. The foundation landscaping shall be located in a planting bed a minimum of ten (10) feet in width adjacent to the building.

c. The required foundation landscaping area shall remain open and free of all paving except where sidewalks and driveways lead directly into the building. In no case shall the foundation landscaping area be reduced to extend across less than fifty percent (50%) of the building face due to said sidewalks and driveways.

d. Foundation landscaping shall consist of a minimum ratio of thirty (30) plant units for every 1,000 square foot area of planting bed which is within ten (10) feet of the foundation. Flowers, ornamental grasses, and groundcover may also be used.

e. The required foundation landscaping may be relocated elsewhere on site provided in an alternate manner, such as through the use of above ground planting containers or boxes per staff approval.

(D) *Non-Residential Development*

(1) Parkway Plantings will be required in accordance with § 158.36.E.

(2) Certificate of Occupancy will not be issued until all landscape requirements have been met as described herein.

(3) The landscape front yard shall be a minimum of 30% of the total depth of the front yard setback and shall be reserved for landscape/greenspace use only, and the measurement of area shall not include bike paths or sidewalks. The landscape front yard shall have a minimum of 80 plant units. If the development exceeds six-hundred (600) feet of street frontage, twelve (12) plant units shall be planted per 100 feet. Plantings may be clustered in areas to avoid a utilitarian look.

(4) The landscaped side and rear yards shall have a minimum ten (10) foot landscaped area within the setback, with a minimum forty (40) plant units. If the development exceeds six-hundred (600) feet of street frontage, eight (8) plant units shall be planted per 100 feet. These plantings may be clustered in areas to avoid a utilitarian look.

(5) Foundation plantings shall be required along each wall of the principal structure.

(6) All ground-based/monument signs shall have flower beds with small shrubs. Monument signs shall be located with its surrounding landscaping on the landscape plan.

(7) Transition Yards;

(a) The required landscaping in transitional yards shall be comprised of a combination of overstory trees, evergreen trees, ornamental trees and large shrubs. If shrubs are used, they shall be installed at a minimum height of four feet (4'). Additional small shrubs may be used, but shall not count toward meeting the landscape requirements.

(b) A minimum of a twenty-five (25) foot wide landscaped screen consisting of a minimum of 125 plant units per 100 linear feet of frontage measured along the length of a common boundary between two units. Forty percent (40%) of the plant material (by unit count) must be evergreen. The landscape plan shall include a landscape berm, of no less than three feet (3') in height to be located in a landscape easement. Exceptions will be considered if the berm is determined to conflict with the natural or proposed drainage ways.

(c) At the direction of Village staff the required number of plant units may be reduced in the following percentages:

1. Up to a seventy-five percent (75%) reduction in plant material (by unit count) for a solid fence structure with a minimum height of six (6) feet, constructed of a solid masonry or brick material, a combination of wood with masonry structural supports, or materials as approved by Village staff.

2. Up to a fifty percent (50%) reduction in plant material for an earthen berm, a minimum of six (6) feet high, with a maximum slope of 3:1.

(d) If existing woodlands are located within the transitional yard, preservation of those woodlands may substitute for part or all of the required landscaping. If existing woodlands are located in only part of the transitional yard, the required number of plant units may be proportionately reduced. If existing woodlands substitute for any portion of the required landscaping, a six (6) foot high sight-proof, wood board fence shall be provided along the edge of the preserved woodlands area. Any reductions or substitutions will be approved at the discretion of the Village staff and all reductions or substitutions shall be indicated on the approved landscape plan.

(e) The area of the transitional yard not planted with trees, shrubs, or existing woodlands shall be planted with sod, live groundcover, flowers, ornamental grasses or some combination thereof.

(f) When vehicle uses are in the area of the transitional yard, a minimum fifteen (15) wide landscape strip shall be provided along the length of the vehicle use area. The landscaping within this area shall consist of one or more of the following options:

1. A minimum of one hundred (100) plant units per 1000 square feet of area between the vehicle use area and the residential property.

2. An undulating berm or earth mounding that is at least two and a half (2.5) feet high than the finished elevation of the parking lot (at the nearest point) and eighty (80) plant units per 1000 square feet of area between the vehicle use area and the residential property.

3. A minimum three (3) foot grade drop from the property line to the vehicle use area, and seventy (70) plant units per 1000 square feet of area between the vehicle use area and the public right-of-way.

4. A minimum twenty-five (25) foot wide strip of existing woodlands.

(g) *Loading Docks, Service Yards, and Exterior Work areas-* Service yards, loading docks and exterior work areas shall be screened from view from public rights-of-way. The screening shall consist of either of the following:

1. Sight-proof board fence constructed of masonry material, cedar, or preservative treated lumber of a minimum six (6) feet in height.

2. All planting requirements shall be in accordance with § 96.36.D.

(h) *Open Storage yards-* In accordance with § 156.185, if any storage area is within 150 feet of the nearest point of any residential district, then all storage shall be in completely enclosed buildings or structures. All open storage yards shall be screened on all sides by solid walls or fences (including solid doors or gates thereto) in accordance with § 156.185, then landscaping shall be provided at a minimum ratio of fifty (50) plant units for each one hundred (100) linear feet of the fence or wall visible from the public ROW. The landscaping shall be in addition to the fence or wall. The installed height of the landscaping shall be equal to or greater than one-half (1/2) the height of the fence or wall.

(i) *Drive-Through Lanes Adjacent to Other Vehicular Uses-* Drive-through lanes shall be separated from adjacent driveways, parking lot aisles and other vehicular uses areas by a curbed planting bed along the entire length of the lane. The planting bed shall be a minimum of five (5) feet wide (excluding the curb) and shall contain a minimum of one-hundred (100) plant units per one-hundred (100) linear feet.

(j) *Recycling and Refuse Receptacle Areas-* Refuse and recycling receptacles and removal areas shall be screened from view on all sides. The screening shall consist of a sight-proof wall constructed of the same material as the principal structure, and shall be a minimum six (6) feet in height. The side that includes access into the facility shall include a sight-proof gate, and be oriented to minimally visible from adjacent properties. Landscape material should be provided adjacent to this area.

(E) *Parkway Planting and Interior Parking Lot Criteria;*

(1) *Interior parking lot* – Parking lots with more than twenty (20) cars shall include landscape islands planted with overstory trees at a ratio of one (1) landscape island for every twenty (20) parking spaces or fraction thereof. They shall be evenly dispersed throughout the parking area.

Curbed planting islands shall be placed at the ends of each row of parking. These islands shall be a minimum of nine (9) feet wide and shall extend the length of the parking stalls. They shall be landscaped with trees, shrubs, flowers, or groundcover. The planting beds shall meet the following requirements:

(a) The minimum area of a planting bed for each tree shall be one-hundred-eighty (180) square feet with a minimum dimension of nine (9) feet in any direction. These planting beds shall be curbed with a barrier curb. Planting beds may be combined to create larger planting islands within the parking lot.

(b) Planting beds shall not be used for snow storage. Rather, separate snow storage areas shall be designated on the landscape plan.

(c) Small shrubs, flowers and groundcovers other than turf grass may be planted in the tree planting beds, in addition to the required overstory trees or necessary lighting.

(d) Plant materials other than groundcover shall be set back a minimum of three (3) feet from the curb to avoid damage from overhanging car bumpers and doors.

(e) Plant materials other than overstory trees shall be limited to a mature height of no more than two (2) feet within ten (10) feet of any curb at a driveway intersection.

(2) *Parkway Plantings Standards*- Parkways should be planted according to the following standards for all development of property, including any modifications of existing structures which increases the footprint of the existing structure by twenty-five percent (25%) or in those cases where the cost of improvements exceeds the value of the existing structure by fifty percent (50%). Existing values shall be determined by the value of the building as stated on the most recent tax bill as provided by the owner. The owner shall also provide estimated costs of improvements.

(a) Street trees shall be planted along all public or privately dedicated streets within a development.

1. Residential developments - One street tree shall be planted every forty (40) linear feet with one tree per lot and two per corner lot.

2. Non-Residential developments – One street tree shall be planted every forty (40) linear feet with one tree per lot and two per corner lot.

(b) Selection of tree species for street tree planting shall be made from the approved street tree plant list available from the village (see Exhibit C). This list shall be updated by the Village as needed to ensure quality, disease resistance and hardiness.

(c) No street tree shall be planted closer than thirty (30) feet from the right-of-way line at an intersection or closer than eight (8) feet from any drive or alley way.

(d) The parkways shall be planted with grass or low ground cover, except where covered by pavement, trees, or shrubs, or up to two (2) feet of paving which is allowed along the curb.

(e) The use of stone, rock, or gravel is prohibited on public parkways.

(f) Plantings under utility wires are discouraged. If overhead utilities exist, plant selection shall be made from the approved understory plant list (see Exhibit B) and the selection of planting site and species shall be determined by Village staff.

(g) Parkway less than four feet in width do not require tree plantings.

(h) No overstory tree shall be planted closer than fifteen (15) feet from any lamppost to allow for proper lighting.

(i) No tree shall be planted within ten (10) feet of any fire hydrant or stop sign.

(j) No street trees or shrubs shall be planted at an intersection corner within a triangle having two 50-foot sides as measured perpendicular to the curb line.

(F) *Detention/Retention Areas;*

(1) A Stormwater Detention/Retention Pond landscape plan must be submitted to the Village for all stormwater retention/detention facilities. The plan must include all the information in accordance with § 158.35.B.1.d and the following:

- (a) Plant material suitable for periods of inundation.
- (b) Proposed grades.

- (c) Identification of all seed mixes.
- (d) Perimeter landscaping providing a minimum of twenty (20) plant units for every one hundred (100) linear feet of the facility perimeter, as measured at high water level.

(G) *Planting Specifications;*

(1) The following are required minimum sizes for plant material. Larger sizes may be required, upon recommendation of the Planning and Zoning Commission and approval of the Village Board, to ensure tree survival or provide a desired landscape effect. All plant material shall comply with the provisions set forth by the most recent edition of the American Standard for Nursery Stock, as sponsored and approved by the American Association of Nurserymen and the American National Standards Institute, Inc. (ANSI).

- (a) Overstory Trees - 2 1/2" caliper and 6' clear of branches;
- (b) Understory Trees - 2" caliper;
- (c) Evergreen trees - 6' height; and
- (d) Large shrubs – 36" height and 5-gallon containers or equivalent balled and burlapped.
- (e) Small shrubs – 18"-24" height and 5-gallon containers or equivalent balled and burlapped.

(2) Tree size caliper shall be measured six inches above the ground, up to and including, four-inch caliper size, and 12 inches above the ground for larger sizes.

(3) All trees and shrubs shall be mulched with a minimum of four inch (4") depth shredded bark, wood chips or other all organic mulch. All flower and groundcover beds shall be mulched with a minimum of two inch (2") depth shredded bark or other all organic mulch.

(4) The use of stone, rock, or gravel as a ground cover is discouraged unless used as a decorative accent or as part of an appropriate landscape concept.

(5) Planting pits shall be 1 ½ times as deep and three times as wide as the root ball. Native soil should be used for backfill whenever possible.

(6) Local ecotypes should be preserved. Therefore, all native seed and plant stock should be obtained from sources within a 150-miles radius of the Village. Vendors from beyond that radius may supply the native seed and/or plants, but they must demonstrate the materials come from local genetic stock.

(7) Any planting of noxious weeds or other plants is strictly prohibited, as seen in Exhibit G of this chapter.

(8) Trees and shrubs should be spaced so that they are separated by a minimum of one-half of their total mature canopy spread.

(9) All plant materials must be in conformance with Best Management Practices (BMPs).

(10) The distance trees may be planted from curbs, curblines, and sidewalks may be closer than the following:

- (a) Understory and overstory trees at four (4) feet.
- (b) Evergreens at one-half of the mature spread.

(11) Plant material use in conformance with the provisions of this chapter shall be selected to provide:

- (a) Climate hardiness of plant material.
- (b) High disease resistance and stress tolerance.
- (c) Adaptability of proposed plant material to the particular microclimate. (sun, shade, dry or wet soils, etc.)
- (d) Inclusion of native plant material where appropriate.
- (e) Select plants for drought intolerance.
- (f) Overall year round ornamental effect.
- (g) Conformance with Best Management Practices.

(I) Installation of public trees should be done by balled and burlapped or tree spade method. Bare root plantings and containers are not permitted without written permission of the Public Works Department.

(J) In order to prevent uniform disease susceptibility and eventual uniform age, no single species shall make up more than 15% of the total village tree population. The following are minimum requirements for tree species variation on a given plan.

TABLE I

Number of Trees on Plan	Maximum Percentage of Any One Species on Plan
10 - 19	50
20 - 39	33
40 - 59	25
60 or more	15

(J) *Permitted and Unacceptable Trees;*

(1) The exhibits immediately following this chapter shall constitute as the tree species list for the Village. No species other than those included in this list may be planted without written permission of the Public Works Department who shall consult with the Tree Board.

(2) All plants shall meet county, state and federal law with respect to freedom from disease and insect infestation. All plants must be alive and healthy, free from dead limbs, damaged tissue or any form of mutilation. Additional trees may be deemed acceptable at the discretion of the Public Works Department who shall consult with the Tree Board.

(Ord. 922, passed 12-2-96; Am. Ord. 1088, passed 3-20-00) Penalty, see §158.99

§ 158.37 TREE PRESERVATION.

(A) *Intent.*

(1) It is the intent of this section to establish regulations limiting the removal and ensuring the replacement of trees from public and private property within the Village and, in doing so, safeguard the ecological and aesthetic environment of the community. These regulations are further intended to discourage the unnecessary clearing and disturbance of land so as to preserve, insofar as practical, the existing natural vegetation with plant material indigenous to the region, and preserve landscape buffers to minimize the impact of adjoining conflicting land uses, enhance and protect the integrity of roadway corridors, and reduce the surface heat and negative visual impact of vehicular use areas.

(B) *Scope.*

(1) Tree Preservation requirements shall apply to all developments as outlined in § 158.35.B. The requirements under this chapter do not apply to any existing single-family residence or development that has final plat approval.

(C) *Tree Survey.*

(1) For the properties with existing vegetation in areas proposed for development, a tree survey shall be submitted prior to issuance of any final plat or final site plan approval indicating deciduous plant material that is greater than twenty feet (20') in height, or five inches (5") in diameter measured six inches (6") above the ground (hereafter referred to as "Surveyed Deciduous Trees") or evergreen trees measuring five feet (5') or more in vertical height (hereafter referred to as "Surveyed Evergreen Trees").

(2) The tree survey shall indicate the location, size, and species (both scientific, and common) of all Surveyed Deciduous and Evergreen Trees measuring twenty feet (20') in height or having a caliper of five inches (5") measured six inches (6")

above the ground, or all evergreen trees measuring five feet (5') or more in vertical height.

(3) The tree survey must be completed by a certified arborist or landscape architect, and shown as such on the submitted tree survey.

(D) *Removal and replacement criteria.*

(1) No existing Surveyed Deciduous or Evergreen Tree which has been identified on the "Tree Preservation List" (Exhibit E) shall be removed without approval of Village staff.

(2) Existing trees removed (with Village approval) shall be replaced according to the following schedule:

(a) Deciduous Trees

1. In the event a deciduous tree designated for preservation is destroyed or removed, such trees shall be replaced with new trees for every one inch (1") in caliper of removed tree. (*EXAMPLE: A ten (10) inch caliper Sycamore is designated for preservation and destroyed. Four (4) deciduous trees from the Village recommended tree list shall be provided at 2.5 inch caliper.*)

2. In the event of a fraction of an inch, if the fraction is less than one-half inch (1/2") it may be disregarded. If the fraction is one-half inch (1/2") or greater, it shall be counted as one inch (1").

(b) Evergreen Trees

1. In the event an evergreen tree designated for preservation is destroyed or removed, such tree shall be replaced with new trees at a rate of one (1) vertical foot for each one vertical foot of removed tree.

(3) Trees normally required by this ordinance may not be counted towards the required caliper inches to mitigate preservation trees.

(4) Village staff shall approve the type of replacement tree to be planted as selected from the approved "Overstory Tree List" (Exhibit A). The following minimum sizes are required for replacement trees:

(a) Deciduous Trees- All replacement trees for deciduous trees shall have a minimum caliper of two and one half inches (2.5") in diameter, as measured at diameter breast height (DBH) above the ground. Any combination of tree sizes equaling two and one half inches (2.5") in diameter or larger, may be used tree replacement; i.e., One (1) twenty four inch (24") tree equals two (2) six inch (6") and four (4) three inch (3") tree replacements or eight (8) three inch (3") replacements.

(b) Evergreen Trees- All replacement trees for evergreen trees shall be a minimum height of six vertical feet (6') in height or greater may be used as tree replacements.

(5) Village staff may vary the number of replacement trees required depending on the desirability of the existing trees.

(6) For those areas of significant vegetation (50% or greater contiguous lot coverage by existing vegetation and/or identified by the Village staff), lots shall be reviewed on an individual basis. Emphasis will be placed on maintaining contiguous plantings, and keeping disruption confined to the perimeter as much as possible.

(7) All required replacement trees shall be planted on the site from which the trees were removed. Relief from any portion or the entire on-site tree replacement requirement may be granted by the code official. Relief shall be based upon practical physical difficulties and/or undue hardships related to conditions of the site.

(a) Where specific unique site conditions render complete replacement impractical, cash-in-lieu of replacement trees may be accepted by the Village. The contribution in lieu of planting replacement trees shall be one hundred dollars (\$100) for each caliper inch of deciduous tree or fifty dollars (\$50) for each vertical foot of evergreen tree and shall be paid to the Village prior to the issuance of any building permits.

(8) Removal of any Ash trees may require special requirements due to the Emerald Ash Borer. Before any Ash trees are moved out of the area, the person or persons removing the tree must contact the Village.

(E) *Preservation techniques.*

(1) Prior to the development of any project, temporary barriers shall be installed to protect and preserve the existing vegetation.

(a) Wooden lath snow fencing, brightly colored plastic construction fencing, chain link fencing, or an alternative barrier, shall be installed at the periphery of the drip line of the tree or beyond to prevent storage of materials or vehicles. Said fence or barrier shall be a minimum of forty-eight inches (48") in height securely anchored to fence posts a minimum distance of five feet on center.

(2) Where a change of grade is planned, the trees to be preserved shall be protected by a wall so as to preserve the existing grade for the roots.

(3) Where a change of grade is planned, the topsoil shall be preserved for new landscaping to be installed, unless imported topsoil is used which meets planting specifications as outlined in 158.36.G.

(4) All grading and construction equipment shall be forbidden from encroaching upon the drip line of any tree.

(5) Crushed limestone or any other material which may be detrimental to tree shall not be dumped within the drip line of any tree(s) nor shall be located at any higher location where drainage toward the tree(s) could adversely affect the health of said tree(s).

(6) No materials or vehicles shall be stored, driven, or parked within the drip line of any trees.

(7) In the event that an underground utility line is to be located within five feet (5') of the trunk of a tree designated for preservation, said utility line shall be augured to prevent damage to the trees root system.

(8) All trees to be preserved which have been subjected to the construction activity within the drip line should be reviewed by a qualified arborist and appropriate actions performed per the recommendation of the arborist. None of the trees shall be topped, headed-back, skinned (removal of interior branches), or climbed with spikes. All dead wood shall be removed to reduce hazard.

§ 158.38 PUBLIC TREE CARE.

(A) The village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the sight lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(B) The Village Tree Board, with approval from the Public Works Department, may remove or order to be removed any tree or part thereof that is in an unsafe condition or that by reason of its nature is injurious to sewers, electric lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest (see §§ 96.43 and 96.44).
(Ord. 922, passed 12-2-96)

(C) The management of street trees is the responsibility of the Public Works Department. State routes and arterial roads shall receive the highest priority for tree planting.

§ 158.39 MAINTENANCE STANDARDS.

(A) All deciduous trees on public properties shall be pruned on a rotational basis of not more than ten years. This involves pruning each Village-owned deciduous tree at least once in this time period.

(B) Public trees shall be managed in such a manner as to promote their general health by providing the necessary arboricultural practices, which may include insect and disease control, fertilization, irrigation, staking, guying, wrapping, cabling, bracing or pruning.

(C) Trees shall be maintained in such a manner as not to endanger, interfere or otherwise conflict with requirements of public safety.

(D) Any public tree, because of habit of growth, age, condition or disease, becomes a hazard to public safety or obstructs a clear view of streets, signs, signals or intersection, thus creating a hazard, shall be maintained to correct the problem. Hanging limb and branch growth shall be maintained 14 feet above streets and eight feet above sidewalks.

(E) Any tree, because of an epidemic disease or insect infestation, thus posing a threat to other trees or plants in the community, shall be treated so as to control the spread of the problem organism.

(Ord. 922, passed 12-2-96) Penalty, see § 158.99

§ 158.40 TREE REMOVAL AND TOPPING.

It shall be unlawful as a normal practice for any person, firm or Village department to remove or top any street tree or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the Public Works Department.

(Ord. 922, passed 12-2-96) Penalty, see § 158.99

§ 158.41 PRUNING, CORNER CLEARANCE.

Every owner of any tree overhanging any street or right-of-way within the Village shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection, so that there shall be a clear space free of overhanging limbs of 14 feet above street surface or eight feet above the sidewalk surface. The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public. The Village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign or sight triangle at intersections. Tree limbs, which grow near high voltage electrical conductors, shall be maintained clear of such

conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree trimming policy must be reviewed by the utility company and Village Public Works Department prior to any trimming by the utility company. (Ord. 922, passed 12-2-96) Penalty, see § 158.99

§ 158.42 PRIVATE PROPERTY TREE REMOVAL.

The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village, when such trees constitute a hazard to life and property, or harbor insects or disease that constitutes a potential threat to other trees within the Village. The Village Tree Board or Public Works Department will notify in writing the owners of such trees. Removal shall be done by the owners at their own expense within a maximum of 30 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Village shall have the authority to remove such trees at the expense of the Village with the cutting and removal charges and expenses charged to and paid by the owner.

(A) Charges for tree removal shall be a lien upon the real property. Whenever a bill for tree removal remains unpaid, the Village Clerk, or the person performing the service by authority of the Village, shall file with the County Recorder of Deeds within 60 days after the expense is incurred a notice of lien in the name of the Village or in the name of the person performing the service. The notice of lien shall consist of a sworn statement setting forth the legal description of the real property and a common address sufficient for identification thereof; the amount of the cost and expense incurred or payable for the removal of the trees; and the date or dates when such cost and expense was incurred by the Village. The failure of the Village Clerk to mail the lien notice or record the notice shall not affect the right to foreclose the lien, as provided for in the following section. Expenses shall include but not be limited to the expenses of the cutting and removal, service and filing expenses and reasonable attorney's fees.

(B) Property subject to a lien for unpaid tree removal charges shall be sold for nonpayment of the charges and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by a bill in equity in the name of the Village within two years of the date of the cutting and removal of the trees. The Village Attorney shall hereby be authorized and directed, following approval of the Corporate Authorities, to institute such proceedings in the name of the Village against any owner for which a bill for tree removal has remained unpaid for a period of 60 days after the expense has been incurred in any court having jurisdiction over such matters. The owner shall also be required to pay any and all costs and expenses of the Village for the foreclosure of the lien including, but not limited to, reasonable attorney's fees. In addition to foreclosure of the lien, the Village may institute any necessary proceedings in any court of law to recover from the owner the costs and expenses of the Village in cutting and removing the trees, including but not limited to reasonable attorney's fees.

(C) Upon payment of all of the expenses of the village, the lien shall be released by the Village in the same manner as the filing of the lien.
(Ord. 922, passed 12-2-96) Penalty, see § 158.99

§ 158.43 REMOVAL OF STUMPS.

All stumps of street trees shall be removed below the surface of the ground so that the top of the stump shall not be projected above the surface of the ground.
(Ord. 922, passed 12-2-96) Penalty, see § 158.99

§ 158.44 CORPORATE AUTHORITY INTERFERENCE.

It shall be unlawful for any person to prevent, delay or interfere with the Public Works Department, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees or trees on private grounds, as authorized in this chapter.
(Ord. 922, passed 12-2-96) Penalty, see § 158.99

§ 158.99 PENALTY.

Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$200 for each separate offense, each day during which any violation of the provisions of this chapter shall be a separate offense. If, as the result of the provisions of this chapter, the injury, mutilation or death of a tree, shrub or other plant located in the village-owned property is caused, the cost of repair or replacement of such tree, shrub or other plant shall be born by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with the latest revision of Valuation of Landscape Trees, Shrubs and Other Plants, as published by the International Society of Arboriculture.
(Ord. 922, passed 12-2-96)

EXHIBIT A: OVERSTORY TREES

RECOMMENDED PLANT MATERIALS FOR OVERSTORY TREES*

<i>Botanical Name</i>	<i>Common Name</i>
Acer platanoides “Emerald Queen”	Emerald Queen Maple
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Acer x freemanii	Autumn Blaze, Marmo
Celtis Occidentalis	Hackberry
Corylus colurna	Turkish Filbert
Fagus sylvatica	European Beech
Ginkgo biloba	Maidenhair Tree (male only)
Gleditsia trianchanthos inermis var.	Thornless Honeylocust
Gymnocladus dioicus	Kentucky Coffeetree
Liriodendron tulipifera	Tulip Tree
Nyssa sylvatica	Black Tupelo/Black Gum
Platanus acerifolia	London Plane
Platanus occidentalis	Sycamore
Pyrus calleryana	Ornamental Pear
Quercus acutissima	Sawtooth Oak
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus coccinea	Scarlet Oak
Quercus imbricaria	Shingle Oak
Quercus macrocarpa	Bur Oak
Quercus muehlenbergii	Chinquapin Oak
Quercus robur	English Oak
Quercus rubra	Red Oak
Quercus shumardii	Shumard Oak
Sassafras albidum	Sassafras
Sophora japonica	Japanese Pagodatree
Taxodium distichum	Bald Cypress
Tilia Americana	American Linden
Tilia cordata	Littleleaf Linden
Tilia euchlora	Redmond Linden
Tilia platphyllos	Bigleaf Linden
Tilia tomentosa	Silver Linden
Ulmus	Elm

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

EXHIBIT B: UNDERSTORY TREES

RECOMMENDED PLANT MATERIALS FOR UNDERSTORY TREES*

<i>Biological Name</i>	<i>Common Name</i>
Acer ginnala	Amur Maple
Acer palmatum	Bloodgood Japanese Maple
Alnus glutinosa	Common Alder
Amalanchier canadensis	Shadowblow Serviceberry (tree form)
Amalanchier grandiflora	Apple Serviceberry
Amalanchier laevis	Allegheny Serviceberry
Betula nigra	River Birch
Betula platyphyllis japonicum	Whitespire Birch
Carpinus betulus	European Hornbeam
Carpinus Carolina	American Hornbeam
Cercidiphyllum japonicum	Katsuratree
Corylus colurna	Hazelnut
Crataegus crus-galli inermis	Thornless Cockspur Hawthorn
Crataegus phaenopyrum	Washington Hawthorn
Crataegus virdis	Winter King Hawthorn
Magnolia stellata	Star Magnolia
Malus 'prairiefire'	Prairiefire Crab
Malus 'red jewel'	Red Jewel Crab
Ostrya virginiana	Ironwood/American Hornbeam
Syringa japonica	Japanese Tree Lilac

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

EXHIBIT C: STREET TREES

RECOMMENDED PLANT MATERIALS FOR STREET TREES*

<i>Biological Name</i>	<i>Common Name</i>
Acer x freemanii	Autumn Blaze, Marmo
Acer platanoides “Emerald Queen”	Emerald Queen Maple
Acer rubrum var.	Red Maple
Corylus colurna	Turkish Filbert
Ginko Biloba	Maidenhair Tree (male only)
Gleditsia trianchanthos inermis var.	Thornless Honeylocust
Gymnocladus dioicus	Kentucky Coffeetree
Ostrya/Virginiana	Ironwood
Plantanus acerifolia or occidentalis	Lond Planetree, Sycamore
Pyrus calleryana “Chanticleer”	Chanticleer Pear
Pyrus calleryana “Cleveland Select”	Cleveland Select Pear
Quercus Alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus Imbrcaria	Shingle Oak
Quercus rubra	Red Oak
Syringa reticulate	Japanese Tree Lilac
Tilia Americana	American Linden
Tilia cordata var.	Littleleaf Linden
Tilia euchlora “Redmond”	Redmond Linden
Tilia tomentosa	Sterling Silver Linden
Ulmus var	Elm (newer hybrids)

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

EXHIBIT D: EVERGREEN TREES

RECOMMENDED PLANT MATERIALS FOR EVERGREEN TREES*

<i>Botanical Name</i>	<i>Common Name</i>
Juniperus Virginiana	Eastern Red Cedar
Picea Abies	Norway Spruce
Picea Glauca	White Spruce
Picea Glauca var. Densata	Black Hills Spruce
Picea Omorika	Serbian Spruce
Picea Pungens	Colorado Blue Spruce
Pinus Flexilus	Limber Pine
Pinus Ponderosa	Ponderosa Pine
Pinus Strobus	Eastern White Pine
Pinus Sylvestris	Scotch Pine
Pseudotsuga Meniesii	Douglas Fir
Taxodium Distichum	Bald Cypress
Tsuga Canadensis	Canadian Hemlock

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

EXHIBIT E: PRESERVATION TREES

RECOMMENDED PLANT MATERIALS FOR PRESERVATION TREES*

<i>Botanical Name</i>	<i>Common Name</i>
Aesculus species	Buckeye/Horse Chestnut
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Carpinus caroliniana	Blue Beech
Carya var.	Hickory
Celtis Occidentalis	Hackberry
Gymnocladus dioicus	Kentucky Coffeetree
Juglansnigra	Walnut
Ostrya Virginiana	Ironwood
Platanus occidentalis	Sycamore
Quercus (all except (palustris)	Oaks (all except Pin Oak)
Taxodium Distchum	Bald Cyprus
Talia Americana	American Linden

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

EXHIBIT F: STORMWATER DETENTION/RETENTION TREES

RECOMMENDED PLANT MATERIALS FOR DETENTION TREES*

<i>Botanical Name</i>	<i>Common Name</i>
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Alnus glutinosa	European Alder
Alnus rugosa	Speckled Alder (native)
Betula nigra	River Birch
Carpinus caroliniana	Blue Beech
Carya ovata	Shagbark Hickory
Crataegus crus-galli inermis	Thornless Hawthorne
Gymnocladus Dioicus	Kentucky Coffeetree
Juglans nigra	Black Walnut
Platanus occidentalis	Sycamore
Quercus bicolor	Swamp White Oak
Quercus rubra	Red Oak
Taxodium distichum	Bald Cypress

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

EXHIBIT G: UNACCEPTABLE TREES

RECOMMENDED UNACCEPTABLE TREES*

<i>Botanical Name</i>	<i>Common Name</i>
Acer negundo	Boxelder
Acer platanoides	
Acer saccharinum	Silver Maple
Ailanthus altissima	Tree of Heaven
Albizza sp.	Mimosa
Betula platyphylla	White Birch
Elaeagnus angustifolia	Russian Olive
Franfula alnus	Glossy Buckthorn
Fraxinus Var.	Ash
Juglans sp	Juniper
Malus sp.	Common apple
Morus sp.	Mulberry
Pinus nigra	Austrian Pine
Populus spp.	Poplars, Cottonwoods, Aspen
Prunus spp.	Buckthorn
Rhamnus spp.	Willows
Ulmus	Elms (other than newer hybrids)

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**