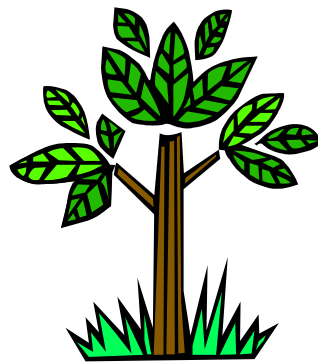


# **Tree Preservation and Protection**

**(Effective May 1, 2003)**



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## **Section 10-13. Tree Preservation and Protection.**

### **A. Purpose.**

It has been determined that trees and woodlands are an integral part of community life and an important public resource that enhances the quality of life and the general welfare of the Village. It is also been determined that the Village of Northfield and its residents would benefit by the protection of these community assets, which contribute distinctive environmental, economic and aesthetic benefits such as:

1. Environmental
  - a. Enhancement of air quality;
  - b. Mitigation of sound and noise pollution;
  - c. Improvement of water quality, ground water retention and reduction of soil erosion;
  - d. Reduction of storm water runoff;
  - e. Providing for nesting areas for birds and other wildlife, which, in turn, assists in the control of mosquitoes and other insects.
2. Economic
  - a. Natural reduction in energy costs;
  - b. The protection and enhancement of property values.
3. Aesthetic
  - a. Screening and buffer treatments between land uses;
  - b. Provision of barriers between pedestrian and vehicular traffic;
  - c. Maintenance of the natural and rural qualities established throughout the community;
  - d. Building and maintaining a positive community image.

Therefore, the purpose of this ordinance is to preserve and protect the trees in Northfield and to ensure appropriate replacement or transplantation of trees.

### **B. Definitions.**

Building Activity Area: The area on the lot specified for the proposed construction activity. This shall include the entire area needed for building, storage and grading activities.

Caliper: American Association of Nurserymen standard for trunk measurement of nursery stock. The caliper of the trunk is taken 6" above the ground for trees 4" caliper and below. 4" to 8" caliper trees are measured 12" above ground. Trees above 8" shall use Diameter at Breast Height (DBH) for measurement.

Construction Activity Plan: The Construction Activity Plan is part of the Tree Inventory Plan and indicates the building activity area and the area of tree preservation. The plan also indicates methods used to prevent the destruction of or damage to trees.

Diameter Breast Height (DBH): Tree trunk diameter measured in inches at a height of 4.5 feet above the ground. Trees over 8" caliper shall be measured at DBH.

Naturalized Land: Vegetative growth which was not installed by man but rather established itself naturally.

Previously Landscaped Area: Vegetative growth which was installed by man.

Quality Tree: A hardwood species of tree that has is in good condition, form and health.

Root Zone: A circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. The root zone is one-foot of radial distance for every inch of tree DBH. The minimum root zone is 8 feet.

Tree Inventory Plan: The plan required for submittal for a Tree Permit. This plan shall include, protected trees and other landscape materials on the lot, a listing of the species, size and condition of each tree, index of trees to be removed, tree preservation area, specifications for tree maintenance during construction, Construction Activity Plan, specifications for tree transplanting, and the Tree Replacement Plan and Schedule.

Tree Permit: A permit required for any regulated activity that could cause the removal or damage to trees on the lot.

Tree Preservation Area: The area of a development parcel that is not included in the Building Activity Area that retains the maximum existing protected trees on site during construction. Orientation of buildings and drives shall be such as to preserve as many trees as possible. In single-family residential areas, the area is the required front and side yard setbacks of each lot.

Volunteer Tree: A tree which was not planted by man but rather self established itself naturally from a foreign area.

### **C. Scope.**

Regulated Activities: A regulated activity is one in which a tree permit is required and/or the activity could cause damage to trees:

1. Subdivision of land.
2. Removal or damage of any tree(s) on any multi-family residential property.
3. Removal or damage of any tree(s) in the required front or side yard setback of any single-family residential district.
4. Removal or damage of any tree on any non-residential property.
5. The removal or damage of any tree(s) on a single-family residential property where the use is nonresidential.

Protected Trees: Trees located in the following areas shall be protected during a regulated activity:

1. Trees on Public Right-of-Way or other public lands, including Park District and Forest Preserves. Please refer to Chapter 10, Section 10-6 for Protection of Trees on the Public Right-of-Way;
2. Trees in Single Family required front and side yard setbacks;
3. Trees in all non-residential zoning districts;

The size of the tree to be protected will be determined by the existing property condition:

- Trees greater than 6" caliper on naturalized land
- Trees greater than 3" caliper in previously landscaped areas

### **D. Tree Permit Process.**

1. Application.

Any property owner with trees on his or her property or any governmental agency engaging in a regulated activity shall submit a Tree Permit application on a form provided by the Community Development and Building Department and must be accompanied by all the necessary information and exhibits, as set forth on the application, applicable to the requested action.

2. Tree Inventory Plan

- a. Any project involving a Tree Permit will require a *Tree Inventory Plan* according to the following:
  - Single family parcels shall be surveyed to determine the location and number of protected trees located in a required Front and Side Yard if within 50 feet of a construction activity.
  - Non-residential Parcels, planned developments and all multi-family developments shall be surveyed to determine the location and number of protected trees.
- b. The Village of Northfield encourages all petitioners to protect or transplant plant materials in existing landscape beds.
- c. The *Tree Inventory Plan* shall contain the following information for Single Family Parcels:
  - i. All existing and proposed structures, additions, drives, parking lots, walks, accessory structures and utilities
  - ii. All setbacks and easements
  - iii. The proposed grading of the parcel
  - iv. The protected trees (or groups of trees) location, size, condition and reason for proposed removal
  - v. Contractor name, address and phone number
  - vi. Specifications for maintenance needs of the trees which are not to be removed which shall include: limb and root pruning, watering of trees, installation of retaining wall or fence and auguring of utility lines. (See Construction Activity Plan)
  - vii. Construction Activity Plan.
  - viii. Replacement Plan and List
  - ix. Specifications for *tree transplanting* will be required. On-site tree transplant locations and/or off-site transplant locations will be required.
- d. The Tree Inventory Plan for non-residential parcels, multifamily parcels and planned developments shall be at the same scale as the site plan for the project and contain all the above information plus the following:
  - i. Tree's identification number, which corresponds to the tree's number in the field, species, size and action to be taken, shall be on the Plan. The trees will also be color identified as to condition according to No. 6 below. All landscape beds shall be identified.
  - ii. A data table listing the trees by tag number, species, size, approximate height, condition, action to be taken and maintenance of trees during construction.
  - iii. The tree's condition shall be in the table and color identified on the Plan according to the following hierarchy:
    - Healthy (Green) – vigorous, no insect or disease damage.

- Fair (Yellow) – average condition and vigor, may have some injury, and may lack desirable form.
- Poor (Orange) – state of decline, may require major repair.
- Dead/Dying or Undesirable (Red) – candidate for removal, unless in an area where can be kept as a snag for habitat.

iv. Individually protected trees and/or groups of trees

### 3. Construction Activity Plan

- a. A Construction Activity Plan shall be part of the Tree Inventory Plan. A Construction Activity Plan will consist of the building activity area and the area of tree preservation as follows:
- i. Building Activity Area: The building activity area shall be the area of the Subject Property that is the smallest area reasonably needed to undertake the proposed construction activity and shall include the entire area needed for building and grading activities. All buildings, structures, storage areas and driveways shall be located so as to reasonably involve the least amount of damage or removal of protected trees.
  - ii. Tree Preservation Area: The Tree Preservation Area is all land not included in the Building Activity Area. No construction is allowed in this area and the area will be protected with a 4' highly visible fence secured to metal posts every six feet. The fence shall be in place prior to the issuance of permits and shall remain in place until the Community Development/Building Department Director approves removal.
- b. During construction, all reasonable steps necessary to prevent the destruction or damage of trees (other than those specified to be removed) shall be taken, including, but not limited to the following:
- i. The Building Activity Area shall be separated from the Tree Preservation Area by the 4' fence described above;
  - ii. No construction activity, movement and/or placement of equipment or material or spoils storage shall be permitted within the Tree Preservation Area. No soil, additional fill, liquids, or construction debris shall be placed within the root zone of any tree that is required to be preserved;
  - iii. No attachments, fences or wires, other than those approved for guying or wrapping, shall be attached to trees during construction.
  - iv. All utilities, including service lines, shall be staked on site with the utility color-coded ribbons identifying the utility path. Auguring of utilities under trees will be required where the installation has the potential to damage trees 4" diameter or above.

### 4. Tree Transplanting

Trees affected during construction may be transplanted elsewhere on the site or to an approved off-site location. Tree size, health, structure and species will determine transplantability on a case-by-case basis. The staging of the transplants and specifications will be required. Quality

trees in good condition under 6" caliper will be required to be moved if they cannot be preserved in place.

5. Tree Replacement Plan

All existing protected trees, tree replacements and transplants will be integrated into the landscape plan for the proposed project. The tree replacement formula will be the following:

- a. In areas where trees have been approved for removal due to construction activity, the tree replacement shall be 1" of new tree for every 1" quality tree to be removed. Non-quality trees will not be required to be replaced.
- b. The replacement of trees which are not permitted to be damaged or removed will be 2" of new tree for every 1" damaged or removed tree.

All tree replacements shall be:

- a. 3" in caliper or greater
- b. A species and location approved by the Community Development and Building Department
- c. Pursuant to a written time schedule approved by the Community Development and Building Department

The petitioner will be responsible for the care of newly planted trees for a period of one year. If the trees die during this time, the petitioner shall replace the trees. In the event there is not sufficient space within the site to accommodate the required replacement trees, the petitioner shall be required to provide a cash contribution to the Village's tree planting program at the rate per caliper inch for replacement of trees as set forth in Appendix D.

**E. Tree Replacement Exemptions.**

Removal or damage of protected trees shall not require tree replacement if the Community Development and Building Director determines that any of the following circumstances exist:

1. When a tree is categorized as an unhealthy or undesirable tree and appropriate for removal.
2. When a tree, at the time of the inventory, due to natural causes, is dead or irreversibly declining, is in danger of falling, or interferes with any existing or proposed public improvements, is in dangerous proximity to any public utility lines or related facilities, creates unsafe vision clearance, or constitutes a health hazard to persons, property or other trees when removal is necessary to observe good forestry practices.

**F. Administrative Procedure.**

**Approval:** A Tree Permit shall be issued only in the event the Village finds that all reasonable efforts have been undertaken in the layout and design of the proposed improvement to preserve existing protected trees, or shall be issued subject to such conditions as necessary to protect the public welfare, achieve the purposes of this Chapter, or to prevent undue damage or removal of trees.

**Denial:** If the Tree Permit application, inspection of the property and consideration of all other relevant information reveal the applicant has not justified the removal of trees, the petitioner will be notified that the application has been denied.

**Appeals:** The property owner may appeal in writing to the Architectural Commission any decision made by the Community Development and Building Department with respect to this section within thirty (30) days of the decision being rendered.

**Stop Work Order:** If, in the opinion of the Village, the necessary precautions as specified in the Tree Preservation Plan were not undertaken before construction commenced and/or damage to Protected Trees has occurred during construction, a stop work order may be issued by the Village until such time as the petitioner complies with these precautions or, in the case of damage to Protected Trees, the petitioner takes corrective action to mitigate any damage done to Protected Trees.

**Penalty:** Any person found guilty of violating any provision of this Chapter shall be fined in accordance with Appendix D, Article XIII A of this code. Additionally, should the Village incur costs to abate a violation, the costs shall be assessed against the property owner.

Replacement of these trees can be made on-site or off-site as approved by the Community Development and Building Department Director. If it is not possible to replace trees, a fee equal to the cost of the replacement trees will be charged in accordance with replacement tree rate as set forth in Appendix D. Shrubs or other vegetation of sufficient scale and equivalent value may be substituted for penalty replacement trees, subject to Village approval.

**Expiration:** Tree Permits shall expire and become null and void after 6 months if no action is taken. Tree Permits will expire if work has commenced on a project, but no activity has taken place for 90 days.

**Zoning District:** A permit is required for the removal of any tree located within the required front or side yard setback as noted in the table below. If a tree is not located within one of these areas, a permit is not required.

District	Front Yard Setback	Side Yard Setback
R-1	40'	15'
R-2	37'	13'
R-3	35'	10'
R-4	30'	7'
R-5	30'	6'

**Cost:** The cost for a Tree Permit is as follows:

Dead or Diseased Tree Removal Fee.....No Fee\*

Tree Protection Due to Remodeling/Construction .....No Fee  
Escrow only .....\$500.00

Healthy Tree Removal due to Remodeling/Construction  
(on public and private property) ..... \$125.00  
Plus escrow .....\$500.00

New Construction, Commercial Developments and Subdivisions .....\$175.00  
Plus escrow..... \$500.00

\* Property owners are still required to obtain a tree removal permit unless their tree contractor writes a letter to the Village Hall, attention Linnea O'Neill, with the following information: 1) Name and address of property owner; 2) Location of tree(s); and 3) Type of tree disease. Please send this information to the Village before the tree removal takes place.