

TITLE 4

CHAPTER 6

TREE PRESERVATION

SECTION:

- 4-6-1: Intent and Purpose
- 4-6-2: Definitions
- 4-6-3: Administration and Enforcement
- 4-6-4: Appeals
- 4-6-5: Replacement

4-6-1: **INTENT AND PURPOSE:** The intent of this section is to ensure the presence and continuation of Heritage Trees, a special resource throughout the Village of Barrington Hills by requiring sound forestry practices and preventing storm water runoff and topsoil erosion. It is also the intent of this section to promote and educate our residents as to the importance, protection and existence of Heritage Trees. Residents of the Village will then continue to enjoy all the benefits of living in the unique environment of Barrington Hills, because the Village strives to protect the health, safety and welfare of its residents from situations in which may substantially alter the environment. This will be accomplished by regulating how such trees may be removed and replaced, whether as a result of building construction or as a result of landscaping activity only.

4-6-2: **DEFINITIONS:** For the purposes of the regulations contained in this Chapter, the definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future, and words used in the singular shall include the plural, and the plural the singular: the word "shall" is mandatory and not discretionary; the word "may" is permissive: the masculine gender includes the feminine and neuter. Whenever a word or term defined herein appears in the text of this Chapter, its meaning shall be construed as set forth in the definition thereof and any word appearing in parenthesis directly thereafter shall be construed in the same manner.

ARBORIST means a person who, based on training and experience, diagnoses the condition of shade or ornamental trees and shrubs and recommends or supervises the treatment of any such trees, or in any manner treats any such trees, by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods and is a member in good standing in a reputable nationally recognized professional arborist association such as the American Nursery and Landscape Association or is so licensed.

AMERICAN NURSERY AND LANDSCAPE ASSOCIATION (ANLA) means the national trade association of the nursery and landscape industry. ANLA provides education, research, public relations and representation services to ANLA members.

BUILDING OFFICER means the Building and Zoning Enforcement Officer as defined in 12-6-9 of the Village Code.

CONDITION RATING means the condition of a Heritage Tree based on a six (6) point scale set forth on Table B, with (1) being the best and (6) being the worst, for purposes of determining the health of a Heritage Tree and whether the tree is subject to regulations contained in this Chapter.

DIAMETER BREAST HEIGHT (DBH) means the diameter of the trunk of the tree measured in inches at a point of four and one-half feet ($4\frac{1}{2}$) above grade.

GOOD CONDITION means a tree having a condition rating of one (1), two (2), or three (3) as set forth in Table B of this Chapter. Only trees of those ratings will be considered Heritage Trees.

HERITAGE TREES means trees, as set forth on Table A of this Chapter, that are of a genus and species indigenous to this region and determined to be of significant historical value to the Village of Barrington Hills. Such trees shall be above the minimum specified DBH and of Good Condition.

MINIMUM ROOT ZONE means the area beneath a tree having as its center point the center of the trunk of the tree and a radius equal to one foot (1') for every inch of DBH.

SITE means a lot, or contiguous lots, under the control of a common owner, for which a tree removal permit was sought and obtained.

SURROUNDING AREA shall not include any area which is not on the same site as that for which the tree removal permit was sought and obtained.

TREE means any self-supporting, woody plant together with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.

TREE REMOVAL PERMIT (TRP) means the permit required by this chapter in order to remove any Heritage Tree within a protected Woodland.

WOODLAND means eight (8) or more Heritage Trees on a site within circular area having a radius not to exceed 117.8 feet and shall include all such trees within the Woodland regardless of the number of such trees. A site may encompass more than one Woodland.

4-6-3: ADMINISTRATION AND ENFORCEMENT

(A) Tree Removal Permit Required: A tree removal permit ("TRP") shall be required for the destruction or removal of any Heritage Tree in any Woodland. No person shall, directly or indirectly, remove, damage or destroy a Woodland without having secured a TRP.

(B) Exemption:

1. This chapter shall not apply to the removal of Woodlands pursuant to a forestry management or nursery stock plan that is approved and administered by a proper governmental agency with jurisdiction over such matters.

2. This chapter shall not apply to the removal of Woodlands on property owned by a common owner, either singularly, collectively or institutionally, which exceeds 100 acres of contiguous land in the Village so long as the property is subject to a Tree Preservation Plan acceptable to the

Village. Such a plan, which shall have been written under the oversight of an Arborist or endorsed by such, may be accepted by either or both of the Village's Zoning Board of Appeals or Board of Trustees and shall, at a minimum, include the intent through sound forest management to preserve and protect Heritage Trees.

- (C) Application and Fee: A TRP application on the prescribed form shall be submitted to the Village Building Officer with the permit fee established by the Village.
- (D) Application Procedure:

1. New Construction Permit

The applicant shall submit a Tree Preservation Plan ("TPP") to the Village Building Officer with his application for a TRP in conjunction with new construction (when a Building Permit is required), which shall consist of at least (2) legible reproducible site plans, drawn to scale, which in addition to the general submittal requirements of this ordinance shall include a tree survey overlaid directly upon the site plan indicating the location, species, Condition Rating and DBH of all Heritage Trees. The survey shall distinguish among trees to be preserved, transplanted, and/or destroyed. Groups of trees which are less than three feet (3') apart may be designed by clumps, provided at that all Heritage Trees and all other trees with a DBH of twelve inches (12") or greater must be individually depicted. The Building Officer may permit the application to exclude areas of the site from the tree survey if he determines that the proposed construction or other activity will not impact those areas. The survey shall include a maintenance plan for all Heritage Trees, consistent with sound forestry practices, to ensure the protection of the trees for a period of at least three (3) years from the conclusion of construction or activity and the issuance of an occupancy permit, if one is required.

2. Non Construction Permit

The applicant shall submit the following with his application for Tree Removal Permit with existing structure and use (when no Building Permit is required):

- a. Site plan that depicts the area of the tree removal, the Heritage Trees to be removed, and all other Heritage Trees in proximity to the removal. All Heritage Trees shall be identified by location, species, Condition Rating and DBH.
- b. Reasons for removing the trees.
- c. Reports or studies, if any, indicating that the trees should be removed.

3. Upon receipt of a completed application with the required fee, the Building Officer shall review the application, which, if deemed necessary, may include a site inspection by village staff and professional review by an arborist or other professional.

- (E) Granting a TRP:

I. The Building Officer shall grant a TRP only if:

- a. All reasonable efforts have been undertaken in the architectural layout and design of the proposed construction or other activity to preserve Woodlands and to otherwise enhance the a

esthetic appearance of the site by the incorporation of trees in the design process and the transplanting of the Woodlands is not feasible.

- b. The removal of the Heritage Trees is consistent with sound forestry practice or will result in the Woodland enhancement.
2. As a condition to granting a TRP, the applicant may be required to replace the Heritage Trees that will be destroyed and other trees of the species identified on Table A of this Chapter. Replacement trees shall conform to the minimum standards of the American Nursery and Landscape Association. In determining the necessity of transplanting or replacement of trees, the Building Officer shall consider the following:
 - a. Existing tree coverage on the site and in the immediate surrounding area.
 - b. Number of trees to be preserved on the entire site.
 - c. The species, DBH, and Condition Rating of the trees(s) to be removed.
 - d. The feasibility of transplanting the particular tree or trees.
 - e. Topography and drainage of the site.
 - f. The extent to which the protected tree(s) contributes to the historic, economic and environmental integrity of the surrounding area.
 - g. The nature of the existing and intended use of the property, including adjoining rights of way, scenic easements, conservancy district or conservancy areas or other open spaces on the site or within a distance of two hundred fifty feet (250') of the site.
3. A TRP shall expire and become null and void if work authorized by the TRP is not commenced within one (1) year from the date of issuance of the TRP or if such work, when commenced, is suspended or abandoned at any time for a period of ninety (90) days. Upon good cause shown, the TRP may be extended six (6) months by the Building Officer.
4. No occupancy certificate shall be issued until any required replacement of Heritage Trees, as required by the TRP or TPP, has been completed and the final tree inspection approval has been given by the Building Officer.

(F) Tree Protection:

1. During construction, the TPP must be followed to prevent the destruction or damaging of Heritage Trees. Heritage Trees that are destroyed or receive major damage must be replaced by Heritage Trees of equal DBH in the aggregate, as determined by the Building Officer and/or a professional arborist retained by the Village, except when clearly impractical.
2. During construction, unless otherwise authorized by the TPP, a fence shall be erected and maintained so that no excess soil, additional fill, equipment, liquids, or construction debris shall be placed within the minimum root zone of any protected tree, unless the addition of excess soil or

fill is required in order to comply with either the flood criteria requirements and/or federal flood regulations in high flood hazard location.

3. No attachments or wires other than those of a protective or non-damaging nature shall be attached to any Heritage Tree(s) during construction.
4. Unless otherwise authorized by a TPP, no soil is to be removed from within the minimum root zone of any protected tree.
5. All Woodlands which are planted or transplanted pursuant to this chapter shall be maintained alive and healthy on the site. Any of such tree(s) which die within three (3) planting seasons, shall be promptly replaced by the applicant.

4-6-4: **APPEAL:** Any person aggrieved by any action taken, order issued, or determination made pursuant to this Chapter, other than a stop-work order issued pursuant to subsection 4-1-7(C) of this Title, may appeal to the Barrington Hills Plan Commission in accordance with the provisions of subsection 4-3-4(D) of this Title, upon payment of a filing fee of one hundred dollars(\$100.00).

4-6-5: **REPLACEMENT:** In the event that a person shall remove, damage or destroy a Woodland without having secured a TRP, in addition to the general penalty provided in this code, he shall plant a replacement tree or trees on the site within ninety (90) days of written notice from the Village. Such replacement tree(s) shall be a species listed on Table A of this Chapter and shall be minimum three inch (3") DBH trees with the aggregate plantings equaling the DBH of the damaged or destroyed protected tree. The failure to plant the replacement trees shall constitute a violation of this Chapter and each day that the replacement tree is not planted shall constitute a separate offense. These replacement trees shall conform to the minimum standards of the American Nursery and Landscape Association. Any of such trees which die within three (3) planting seasons shall be promptly replaced upon written notice from the Village.

ROLL CALL VOTE:

YEAS: Gohl, Smithe, McKevitt, Schueppert, Mallen

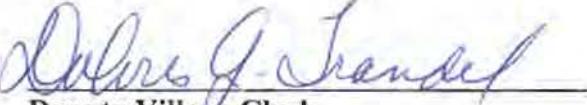
NAYS: Abboud

ABSENT: Knoop

ABSTAIN: 0

APPROVED by the President of the Village of Barrington Hills, Illinois
This 17th day of December, 2007

ATTEST:


Deputy Village Clerk


Village President

SEAL

TABLE A
HERITAGE TREES

Species	Diameter At Breast Height
Oak	10 inches or greater
White Oak (<i>Quercus alba</i>)	
Swamp White Oak (<i>Quercus bicolor</i>)	
Hill's Oak (<i>Quercus ellipsoidalis</i>)	
Bur Oak (<i>Quercus macrocarpa</i>)	
Red Oak (<i>Quercus ruba</i>)	
Black Oak (<i>Quercus velutina</i>)	
Hickory	8 inches or greater
Shagbark Hickory (<i>Carya ovata</i>)	
Bitternut Hickory (<i>Carya cordiformis</i>)	
Pignut Hickory (<i>Carya glabra</i>)	
Ironwood (<i>Ostrya virginiana</i>)	6 inches or greater
Wild Black Cherry (<i>Prunus serotina</i>)	8 inches or greater
Hackberry (<i>Celtis occidentalis</i>)	8 inches or greater
Black Walnut (<i>Juglans nigra</i>)	8 inches or greater
Basswood/Linden (<i>Tilia americana</i>)	10 inches or greater
Sugar Maple (<i>Acer saccharum</i>)	10 inches or greater

TABLE B
CONDITION RATING

Rating	Description	General Criteria
1	Excellent	The tree is typical of the species, has less than 10% deadwood in the crown that is attributable to normal causes, has no other observed problems, and requires no remedial action.
2	Good	The tree is typical of the species and/or has less than 20% deadwood in the crown, only one or two minor problems that are easily corrected with normal care.
3	Fair	The tree is typical of the species and/or has less than 30% deadwood in the crown, one or two minor problems that are not imminently lethal to the tree and no significant decay or structural problems, but the tree must have remedial care above normal care in order to minimize the impact of future stress and to insure continued health.
4	Fair to Poor	The tree is not typical of the species and/or has significant problems such as 30-50% deadwood in the crown, serious decay or structural defect, insects, disease or other problems that can be imminently lethal to the tree or create a hazardous tree if not corrected in a short period of time or if the tree is subjected to additional stress.
5	Poor	The tree is not typical of the species and/or has over 50A% deadwood in the crown, major decay or structural problems, is hazardous or is severely involved with insects, disease, or other problems that even if aggressively corrected would not result in the long term survival of the tree.
6	Dead	Less than 10% of the tree shows signs of life.