

VILLAGE OF GLENCOE

ORDINANCE NO. 2009-11-3244

**AN ORDINANCE AMENDING CHAPTER 34
OF THE GLENCOE VILLAGE CODE, BEING THE
VILLAGE'S TREE PRESERVATION REGULATIONS**

WHEREAS, the Village of Glencoe has been recognized for its forested environment, which environment is an essential part of the character of the Village; and

WHEREAS, the presence of trees in the Village improves air quality, conserves energy, provides wildlife habitat, reduces soil erosion, enhances storm water detention and drainage, and preserves and enhances property values in the Village and its environs; and

WHEREAS, the removal of trees on a lot within a block can have noticeable adverse impacts relating to soil erosion and drainage on other lots within the same block; and

WHEREAS, to protect, preserve, and enhance the forested character and natural resources of the Village, the President and Board of Trustees of the Village has adopted extensive tree preservation regulations, which regulations have been codified in Chapter 34 of the Glencoe Village Code ("***Tree Regulations***"); and

WHEREAS, as part of a periodic review of the Tree Regulations, the Village has determined that certain modifications to the Tree Regulations are necessary and desirable, as described more fully in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLENCOE, COUNTY OF COOK, STATE OF ILLINOIS, as follows:

SECTION ONE: **Recitals.** The foregoing recitals are by this reference made a part of this Ordinance as if fully set forth in this Section.

SECTION TWO: **Amendment of Section 34-22 of the Village Code.** Section 34-22, entitled "Definitions," of Chapter 34, entitled "Trees and Shrubs," of the Glencoe Village Code is hereby amended to add a new definition of "Heritage Trees" which shall be inserted in

Section 34-22 in alphabetical order and shall hereafter be and read as follows:

"(g) Heritage Tree. Any tree of the American elm, American linden, black walnut, buckeye, catalpa, ginkgo, hackberry, hickory, ironwood, maple (except Norway maple or silver maple), oak, osage orange, sycamore, or white pine varieties.

(g-h) Priority Tree. Any tree qualifying in any of the following categories, which categories are ranked in order of priority:

- (i) Priority I Tree. Any tree located on any Village-owned property, including without limitation parkway and other right-of-way areas.
- (ii) Priority II Tree. Any tree on a lot located within a front or corner side yard of such lot and having a DBH of eight inches (8") or more.
- (iii) Priority III Tree: Any tree on a lot having a DBH of eight inches (8") or more.

(h-i) Removable Tree. Any Priority Tree of the box elder, buckthorn, cottonwood, popular, or willow varieties, as well as any dead, diseased, or hazardous trees (as determined by the Village Arborist).

(i-j) Replacement Tree. A tree installed pursuant to a tree permit to replace a Priority Tree that an applicant has been authorized to cut or destroy.

(j-k) Tree Impact Activity. Any activity that will or is likely to involve or result in (i) the subdivision of any lot, parcel, or tract of land in the Village; (ii) any work on a lot for which a building permit is required (unless such building permit is limited exclusively to interior work on existing building space); or (iii) the cutting or destruction of a Priority Tree, or taking actions that will likely result in the cutting or destruction of a Priority Tree.

(k-l) Village Arborist. An employee or consultant of the Village designated by the Director of Public Works who is trained or skilled in the diagnosis of the condition of shade trees, ornamental trees, and/or shrubs and their treatment. There may at any time be more than one Village Arborist."

SECTION THREE: Amendment of Section 34-26 of the Village Code. Section 34-26, entitled "Tree Replacement Standards," of Chapter 34, entitled "Trees and Shrubs," of the Glencoe Village Code is hereby amended to hereafter be and read as follows:

"Sec. 34-26 Tree Replacement Standards.

(a) Whenever a tree permit is subject to a tree replacement obligation due to the cutting or destruction of a Priority Tree, the Village Arborist shall determine what the tree replacement obligation shall be, which obligation shall be

based on the type of Priority Tree affected and subject to the following terms:

Priority I Trees:

- If the affected Priority I Tree has a DBH of 4.5 inches or less, the Village Arborist may require the applicant to relocate such tree elsewhere on the parkway serving applicant's lot, parcel, or tract.
- If the affected Priority I Tree has a DBH in excess of 4.5 inches or the Village Arborist determines that relocation is not desirable or feasible, the Village Arborist may require the applicant to pay a tree replacement fee to the Village for the installation of a Replacement Tree on any parkway or right-of-way in the Village. The Village Manager shall establish a reasonable tree replacement fee on an annual basis, based on the Village's cost per inch of a tree with a DBH of three inches. The required tree replacement fee shall then be calculated by multiplying the DBH inches of the Priority Tree that is removed times the tree replacement fee established by the Village Manager, **except that the tree replacement fee is doubled if the removed Priority Tree is a Heritage Tree that has a DBH of eight inches or more.**

Priority II and III Trees:

- The Village Arborist may require the applicant to install a Replacement Tree(s) at a specific location on the applicant's lot, parcel, or tract; provided, however, that no Replacement Tree(s) shall be installed within 25 feet of any existing tree.
- If the applicant's lot, parcel, or tract does not have a suitable location to install a Replacement Tree(s), the Village Arborist may require the applicant to pay a tree replacement fee to the Village for installation upon the parkway within the same block as the applicant's lot, parcel, or tract. The Village Manager shall establish a reasonable tree replacement fee on an annual basis, based on the Village's cost per inch of a tree with a DBH of three inches. The required tree replacement fee shall then be calculated by multiplying the DBH inches of the Priority Tree that is removed times the tree replacement fee established by the Village Manager, **except that the tree replacement fee is doubled if the removed Priority Tree is a Heritage Tree that has a DBH of eight inches or more.**
- If the Village Arborist determines that (i) there is no suitable location for installing a Replacement Tree(s) on the applicant's lot, parcel, or tract and (ii) the removal of the Priority Tree will enhance the conditions for other trees on such lot, parcel, or tract, the Village Arborist may waive the requirement to provide for a Replacement Tree(s)."

(b) Whenever the Village Arborist requires an applicant to install a Replacement Tree on the applicant's lot, parcel, or tract as a condition of a tree permit, such Replacement Tree shall have a caliper of no less than three inches (3"). The Village Arborist may prescribe the species of Replacement Tree, provided

that such species is one of the species authorized for installation pursuant to the Village's parkway tree program. In addition, an applicant shall be required to replace any Replacement Tree that does not survive the second anniversary of its installation. **If a Heritage Tree is removed and replaced with a Heritage Tree(s), the Replacement Tree(s) must measure one caliper inch for each DBH inch of the removed Heritage Tree. If a Heritage Tree is removed and replaced with a tree(s) that is not a Heritage Tree(s), the Replacement Tree must measure two caliper inches for each DBH inch of the removed Heritage Tree.**

SECTION FOUR: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form in the manner provided by law; provided, however, that the amendments to the Tree Regulations adopted pursuant to this Ordinance shall not apply to construction activities that are undertaken pursuant to a building permit that was issued prior to the effective date of this Ordinance.

PASSED THIS 16th DAY OF APRIL 2009.

AYES: Cowans, Debb, Keefe, Shubart and Solomon (5)

NAYS: None (0)

ABSENT: Melamed (1)

ABSTAIN: None (0)

APPROVED THIS 16th DAY OF APRIL 2009.

/s/ Scott M. Feldman

Village President

ATTEST:

/s/ David A. Clark

Deputy Village Clerk

PUBLISHED IN PAMPHLET FORM THIS 16th DAY OF APRIL 2009.

/s/ David A. Clark

Deputy Village Clerk

POSTED THIS 16TH DAY OF APRIL 2009.

/s/ David A. Clark

Deputy Village Clerk

APPROVED AS TO FORM.

/s/ Andrew Fiske
Acting Village Attorney