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**ARTICLE XIV  
TREE PRESERVATION AND LANDSCAPE ORDINANCES**

**§ 156.150 TREE PRESERVATION ORDINANCE**

- (A) *Purpose.* The Tree Preservation Ordinance is focused upon the management and preservation of mature, healthy trees and natural areas and the consideration of protected trees in the design of streets, alleys, utilities, drainage and proposed structures part of any development plan and to require suitable replacement of trees when removal is necessary. Trees are to be protected during construction, development and redevelopment and controls followed for the replacement of protected trees when removal is necessary. This ordinance shall protect any property from indiscriminate clearing and maintain and enhance a positive image as well as attract new businesses to the Village.

The terms and provisions contained within this ordinance apply to all real property with the Village's corporate limits as follows:

- (1) All new subdivisions of land at the time of preliminary an/or final platting;
  - (2) All resubdivisions of undeveloped land;
  - (3) All unplatted and undeveloped residential tracts of land greater than three (3) acres;
  - (4) All unplatted and undeveloped non-residential tracts of land greater than one (1) acre;
  - (5) All non-residential parcels of land at the time of site plan approval.
- (B) *Plans required.* No person, directly or indirectly, shall cut down, destroy, remove or move or effectively destroy through damaging, any protected or feature tree situated on a property regulated by this ordinance without first submitting and receiving approval of a treescape plan unless otherwise specified by this ordinance.
- (C) *Builders/Contractors.* All builders/contractors should verify if there is a treescape plan approved on a subject parcel of land prior to work beginning on said parcel. All builders/contactors who have not submitted a request for a building permit as of the effective date of this ordinance are subject to the requirements herein.
- (D) *Exemptions.* Tree protection and replacement requirements shall not be required if the following conditions exist:
- (1) Tracts of land having an area one acre or less of land under a single ownership on which an existing single family house is located.
  - (2) Commercial nurseries or orchards, where the business of selling trees, landscaping, etc. is fully operational and functional.
  - (3) Properties for which a landscaping or tree preservation plan was approved, pursuant to the terms of an annexation agreement, special use permit or other agreement of ordinance prior to the existence of this chapter.
  - (4) Property owned by the Village, Huntley Park District and School District # 158 or the McHenry County Conservation District.

- (5) Emergencies involving, but not limited to: tornadoes, windstorms, flood freezes, or other natural disasters. The requirements of this chapter may be waived by the Village Manager or his/her designee.

(E) *Definitions*

*Buildable Area.* That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected and including the actual structure, driveway, parking lot, pool and other construction as shown on a site plan.

*Building Pad.* The actual foundation area of a building and a reasonable area around the foundation necessary for construction and grade transitions.

*Construction drawings.* Engineering or architectural drawings which have been prepared by an authorized individual and approved by the authorized authority, that describe in detail by measurements and specifications the method and manner in which a building, structure, utility, street or physical alteration to land or structure is to be accomplished.

*Critical Root Zone (CRZ).* The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line but not less than one foot radius for each one inch DBH.

*Clear cutting.* The removal of all trees or a significant majority of the trees within an area.

*Diameter Breast Height (DBH).* The diameter in inches of a tree as measured through the main trunk at a point four and one-half feet (4.5') above the natural ground level.

*Drip line.* A vertical line run through the outermost portion of the crown of a tree and extending down to the ground.

*Limits of construction.* A delineation on the treescape plan which shows the boundary of the area within which all construction activity will occur.

*Protective/temporary fencing.* Snow fencing, chain link fencing, orange vinyl construction fencing or similar fencing with a four (4') foot approximate height. The Village Manager, or his/her designee, shall determine the appropriate type of fencing for any particular property or portion thereof.

*Replacement tree.* A tree from the replacement tree list with a minimum caliper size of three inches (3") and height of seven feet (7'). For the purpose of determining size, Replacement Trees should be measured at a point six (6") above the ground and top 2/3rds of any wire baskets removed prior to installation.

*Tree.* Any self-supporting woody perennial plant which will attain a trunk diameter of three inches (3") DBH and normally attains an overall height of at least fifteen (15) feet at maturity, usually with one (1) main stem or trunk and many branches. It may appear to have stems or trunks as in several varieties of oaks.

*Tree, Featured.* Any tree identified by a qualified arborist as an exceptionally good example of the species, in good to excellent condition, that has a diameter breast height of 24 inches or larger, and that is a variety of the following species: Oak, Hickory, Walnut, or Sugar Maple or other species as determined by the Village Manager or his/her designee.

*Tree, Protected.* A tree which has a diameter of six inches (6") DBH or larger. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half the

diameter of each additional trunk. *Protected* or *featured* trees shall not include the following species: Bois d'Arc, Willow, Cottonwood, Locust and Chinaberry. In addition, Hackberry and Cedar trees that are less than 11" DBH shall not be considered a protected tree.

*Treescape Plan.* A graphic representation drawn to the largest scale practical showing the exact location, size (trunk diameter and height) and common name of all protected and feature trees and indication of which trees are to be removed and or replaced. The treescape plan should include the following:

- (1) Location of all existing or proposed structures, or building pads as shown on the grading plan and all improvements properly dimensioned and referenced to property lines.
- (2) Setback and yard requirements.
- (3) Existing and proposed site elevations, grades, major contour and limits of construction.
- (4) Location of existing or proposed utilities and easements.
- (5) Location of all protected trees and trees to be removed from the site and the location of all replacement trees.
- (6) Columnar listing of all protected trees by species, location key shown on the plat, diameter breast height (DBH), physical condition of tree, and an indication of whether or not the applicant is proposing to remove that tree. Each column with numeric values shall be totaled.
- (7) Title block stating street address, lot and block, subdivision name, and date.
- (8) Name, address, and phone number of person preparing the plan.

(F) *Plan Review and Approval*

- (1) *Authority of Review and Approval.* The Village Manager or his/her designee will review the treescape plan, report and make recommendations to the Plan Commission. As part of the treescape plan review, the Village has the right to request changes or adjustments in the layout and design of the development to save protected and feature trees. The Plan Commission will review and approve or disapprove the treescape plan. The decision of the Plan Commission may be appealed to the Village Board of Trustees.
- (2) *Treescape Plan Application Required/Application Process.* Consideration of a treescape plan shall be obtained by making application to the Village Manager or his/her designee. The application and treescape plan shall be accompanied by a written document indicating the reasons for removal of any protected trees. The required treescape plan will accompany all preliminary plats, final plats, site plans and landscape plans. In those instances where very few protected trees exists on a property, the treescape plan can be incorporated and shown on the preliminary plat, site plan or landscape plan and the fee can be waived at the discretion of the staff.
- (3) *No Protected Trees.* For property being platted or site planned, the property owner may submit a letter certifying that there are no protected trees on the property. This letter will be submitted with the understanding that if it is determined that there are protected trees on the property, the violation provisions and fines adopted as part of this ordinance will be in full force and effect.

- (4) *Appeals.* Decisions of the Plan Commission may be appealed to the Village Board of Trustees.
- (5) *Treescape Plan Expiration.* Plans shall be valid for two (2) years after the approval date. Treescape plans which are approved in conjunction with preliminary plats, final plats, site plans, or building permits shall be valid for the same amount of time as those corresponding plans and permits.
- (6) *Building Permit.* All builders/contractors should determine if there is an approved treescape plan before work begins on a parcel. The Village will verify this statement. No building permit shall be issued unless the applicant signs an application for permit request which states that all construction activities shall meet the requirements of the tree preservation ordinance. Before issuing the building permit, the Village shall obtain a signature from applicant acknowledging receipt of the Tree Preservation Ordinance.
- (G) *Tree Removal Permit.* Once a treescape plan is approved, a tree removal permit will be required under the following conditions:
- (1) If it is determined by the property owner that a protected tree needs to be removed; except as covered in Section (D) *Exemptions*.
  - (2) An addition to an existing non-residential structure requires that a protected tree be removed.
- Tree removal permits will be approved administratively by the Director of Plan and Zoning or his/her designee. Feature trees may not be removed without approval of the Plan Commission. All trees removed through this process will require replacement as described in Section 6 below.
- (H) *Tree Replacement and Planting Requirements.* If it is necessary to remove protected or feature tree(s), the applicant as condition of approval will be required to replace the tree(s) being removed with trees selected from the list of approved trees on the replacement tree list. Replacement trees must be a minimum of 3 caliper inches measured 6" above the root ball when planted. The following replacement rules apply:
- (1) Protected tree(s) measuring 6" through 23" DBH shall be replaced with caliper inches equal to the total diameters of the tree(s) removed, except as shown in *Item 6* below.
  - (2) Protected feature tree(s) (24" DBH and larger) if approved for removal will be replaced with twice the number of inches as the tree(s) removed.
  - (3) The replacement tree must be maintained in a healthy growing condition for a minimum of three (3) years after planting.
  - (4) A replacement tree, with top 2/3<sup>rd</sup>s of any wire baskets removed prior to installation, shall not be planted within an area such that the mature root zone will interfere with underground public utility lines, and/or where the mature canopy of the tree will interfere with overhead utility lines.
  - (5) No tree shall be planted within 5' of a fire hydrant, water/sewer lines or Municipal Utility Easements.
  - (6) Hackberry and Cedar trees that are 11" DBH or larger, shall be replaced at 50% of the total caliper inches being removed. Protected or feature trees shall not include the

following species: Bois d'Arc, Willow, Cottonwood, Locust and Chinaberry. In addition, Hackberry and Cedar trees that are less than 11" DBH shall not be considered a protected tree.

(1) *Tree Replacement Credits.* Tree replacement credits may be granted to reduce the number of replacement inches required. The following guidelines apply:

- (1) *Preservation Credits.* Each tree(s) 24" DBH or greater will earn a credit. The maximum credit under this provision is 20% of the total replacement inches in the development.
- (2) *Locations for Planting Replacement Trees.* The preferred location for the planting of replacement trees is the development from which trees were removed. However, if the site is too small to accommodate the number of replacement trees required, credits can be earned for trees planted elsewhere within the corporate Village limits. Credit on an inch-per-inch basis will be granted for trees planted in parks, medians, street rights-of-way, or other areas as negotiated through the Huntley Parks District. The location shall be within one mile of the area where the trees are being removed.
- (3) *Purchase of Credits.* Tree replacement credits not exceeding 20% of the total replacement inches can also be purchased. Payments of \$125 per caliper inch may be paid to the *Village of Huntley Tree Fund*. Funds will be used for planting of trees, but not limited to Village parks, medians, and along street rights-of-way more than one mile from the area where the trees are being removed. Replacement credits purchased in a private community development with no public streets or parks can be used for the planting of trees elsewhere in that development.
- (4) *Types of Trees.* Replacement trees shall be selected from the following list and shall be a minimum of three (3) caliper inches as measured 6" above the root ball.

**Evergreen:**

<b>Scientific Name</b>	<b>Common Name</b>
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Picea abies</i>	Norway Spruce
<i>Picea glauca</i>	White Spruce
<i>Picea pungens</i>	Colorado Blue Spruce
<i>Pinus strobes</i>	Eastern White Pine
<i>Pseudotsuga menziesii</i>	Douglas Fir

**Deciduous:**

<b>Scientific Name</b>	<b>Common Name</b>
<i>Acer campestre</i>	Hedge Maple
<i>Acer ginnala</i>	Amur Maple
<i>Acer nigrum</i>	Black Maple
<i>Acer platanoides</i>	Norway Maple (improved cultivars)*
<i>Acer rubrum</i>	Red Maple (improved cultivars)*
<i>Acer saccharum</i>	Sugar Maple (species) (improved cultivars)*
<i>Aesculus Glabra</i>	Ohio Buckeye*
<i>Amelanchier</i>	Serviceberry
<i>Betula nigra</i>	River Birch
<i>Cara ovata</i>	Shagbark Hickory*
<i>Carpinus caroliniana</i>	American Hornbeam (blue beech)
<i>Celtis occidentalis</i>	Common Hackberry*

<i>Cercis canadensis</i>	Redbud
<i>Cornus alternifolia</i>	Pagoda Dogwood
<i>Corylus colurna</i>	Turkish Filbert*
<i>Crataegus crus-galli</i>	Cockspur Hawthorn
<i>Crataegus phaenopyrum</i>	Washington Hawthorn
<i>Fagus sylvatica</i>	European Beech
<i>Ginkgo biloba</i>	Ginkgo (improved cultivars)*
<i>Gleditsia triacanthos</i> <i>f. inermis</i>	Thornless Honeylocust *
<i>Gymnocladus dioicis</i>	Kentucky Coffeetree (male)*
<i>Malus spp.</i>	Crabapple (superior cultivators)*
<i>Pyrus calleryana</i>	Callery Pear (superior cultivars)*
<i>Quercus alba</i>	White Oak*
<i>Quercus bicolor</i>	Swamp White Oak*
<i>Quercus ellipsoidalis</i>	Hill's Oak*
<i>Quercus macrocarpa</i>	Bur Oak*
<i>Quercus muehlenbergii</i>	Chinquapin Oak*
<i>Quercus palustris</i>	Pin Oak
<i>Quercus prinus</i>	Chestnut Oak*
<i>Quercus rubra</i>	Red Oak*
<i>Syringa pekinensis</i>	Peking Lilac
<i>Syringa reticulata</i>	Japanese Tree Lilac
<i>Taxodium distichum</i>	Bald Cypress
<i>Thuja occidentalis</i>	White Cedar Arborvitae
<i>Tilia americana</i>	American (basswood) Linden *
<i>Tilia cordata</i>	Littleleaf Linden*
<i>Tilia x euchlora 'Redmond'</i>	Redmond Linden*

\*Suitable for street tree planting.

(J) *Tree Transplanting.* Existing trees of the variety listed in Section (I) (4) above can be transplanted to meet the replacement requirements under the following conditions:

- (1) Trees of at least three caliper inches (3") but not exceeding six inches (6") DBH are eligible for transplanting
- (2) Transplanted trees must survive and be in a healthy condition for a period of three years. The developer who received the transplanting credit must replace trees that do not meet these criteria.
- (3) Transplanted protected trees will be listed in the tree survey with the notation that they are being transplanted.

(K) *Tree Protection Prior to and During Construction*

- (1) *Tree Protection.* Prior to any construction or land development, the developer shall mark with an aluminum tag which indicates its relationship to the Treescape Plan and clearly flag with bright fluorescent red vinyl tape all protected trees. The red tape should be wrapped around the main trunk of the protected tree at a height of approximately 5 feet so that the tape is clearly visible during construction. In those instances where a protected tree is so close to the construction area that construction equipment could possibly damage the tree, a protective fence shall be required installed at the drip line.

The protective fence must be maintained during all construction phases until project is finished.

*Please Note:* Property owner shall be responsible for protecting feature trees including the use of an arborist, as necessary.

- (2) *Material and Equipment Storage.* The developer or contractor shall not store any material or equipment under the canopy of any protected tree. During the construction stage of the development no cleaning or storage of equipment or material shall be allowed within the drip line of a protected tree. Those materials include but are not limited to oils, solvents, mortar, asphalt and concrete.
  - (3) *Signs.* No signs, wire or other attachments shall be attached to the protected trees.
  - (4) *Traffic.* No vehicular traffic, construction equipment traffic or parking shall take place within the drip line of a protected tree other than on an existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.
  - (5) *Grade.* No grade change in excess of two inches (2") shall be allowed within the drip line of any protected tree unless adequate construction methods are approved beforehand. If approved, major grade changes (i.e. two inches (2") or greater) within the critical root zone of a protected tree will require additional measures to maintain proper oxygen and water exchange with the roots. Root pruning will be required when disturbance will result in root exposure.
  - (6) *Tree Flagging.* At the time of submittal of the treescape plan all protected trees should be marked with an aluminum tag which indicates its relationship to the Treescape Plan and clearly flagged with bright fluorescent red vinyl tape. The red tape should be wrapped around the main trunk of the protected tree at a height of approximately 4 feet so that the tape is clearly visible.
  - (7) *Boring.* Boring of utilities under protected trees shall be required in those circumstances where it is not possible to trench around the critical root zone of a protected tree. When required, the length of the bore shall be the width of the critical root zone plus two feet (2') on either side of the critical root zone and shall be at a minimum depth of 48 inches.
  - (8) *Damage.* Any physical damage to a tree preserved for credit that is considered to place the survival of the tree in doubt shall be eliminated as a credited tree and will require additional trees to be planted in its place at the required ratio. A certified arborist shall be consulted to determine whether physical damage to a tree places the survival of the tree in doubt.
- (L) *Tree Pruning*
- (1) *General.* No protected tree shall be pruned in a manner, which significantly disfigures the tree, or in any manner which would reasonably lead to the death of the tree.
  - (2) *Permit Requirement.* Utility companies may prune trees as necessary to reestablish disrupted service or maintain existing service without obtaining a permit. Utility companies shall inform the Village of their routine pruning schedules and are encouraged



to prune trees in accordance with the National Arborist Association standards for pruning shade trees.

- (3) *Allowed Pruning.* A protected tree may be pruned in cases where it is necessary to remove branches broken during the course of construction, or where protected trees must be pruned to allow construction of a structure. Pruning should be done in manner that does not significantly disfigure the tree.
- (4) *Required Pruning.* The owner of all trees adjacent to public R.O.W. shall be required to maintain a minimum clearance of twelve feet (12') above traveled pavement or curb of a public street. The Village shall also have the right to prune trees overhanging the public R.O.W. as necessary to preserve public safety. Trees shall be pruned to allow signs to be seen.

(M) *Tree Fund*

- (1) *Tree Fund Administration.* The Village shall administer the tree fund. The funds shall be used to purchase, plant and maintain trees on public property utilizing either Village staff or contract labor, to acquire wooded property that remains in a naturalistic state in perpetuity, to perform and maintain a Village wide tree inventory and to educate citizens and developers on the benefits and value of trees. The Village Board of Trustees shall, by policy, have the ability to adopt alternative methods of creating tree credits and methods of distribution of trees and/ or funds for purchasing trees.
- (2) *Collection of Money.* Money contributed to the Tree Fund shall be paid prior to the issuance of any construction or building permit and prior to filing of a Final Plat.

(N) *Violations*

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction hereof shall be fined \$500.00 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs. The unlawful damage, destruction or removal of each protected tree shall be considered a separate incident and each incident subjects the violator to the maximum penalty of \$500 for the first tree with each subsequent tree increasing by \$500 increments. No acceptance of public improvements shall be authorized and no Certificates of Occupancy (CO) shall be issued until all fines for violations of this ordinance have been paid to the Village.

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**§ 156.151 LANDSCAPE ORDINANCE**

- (A) *Purpose.* The process of development with its alteration of the natural topography, vegetation, and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation. The economic base of the Village can and should be protected through the preservation and enhancement of the unique natural beauty, environment, and vegetative space in this area. Recognizing that the general objectives of this article are to promote and protect the health, safety and welfare of the public, the Board of Trustees further declares that this article is adopted for the following specific purposes:
- (1) To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground-water recharge, and storm water runoff retardation, while at the same time aiding in noise, glare, and heat abatement.
  - (2) To provide visual buffering between land uses of differing character.
  - (3) To enhance the beautification of the Village.
  - (4) To safeguard and enhance property values and to protect public and private investment.
  - (5) To conserve energy.
- (B) *Applicability*
- (1) This Section *does not* apply to:
    - (a) Any property with a previously approved landscape and/or site plan prior to adoption of this ordinance, unless such plan is required to be resubmitted for consideration;
    - (b) Lots containing only single-family and/or duplex uses, and
  - (2) This Section *does* apply to:

Except as otherwise provided in *Subsection (B)(1)*, this article applies to all uses on a lot when an application for a building permit for work on the lot is made, unless the application is for:

    - (a) Restoration of a building that has been damaged by fire, flood, explosion, riot, act of the public enemy, other natural disaster, or accident of any kind, if said structure may be restored under the nonconforming use provisions of the Comprehensive Zoning Ordinance. For purposes of this Subsection, restoration means the act of putting back into a former or original state; or
    - (b) Construction work on an existing structure that does not increase:
      - i. the number of stories in a building on the lot;
      - ii. the total floor area of all buildings on the lot by more than 10 percent or 10,000 square feet, whichever is less; or
      - iii. the non-permeable coverage of the lot by more than 2,000 square feet.

- (3) *Planned Unit Developments.* Landscaping requirements consistent with the standards and purposes of this article shall be a part of all ordinances establishing or amending planned development districts, unless otherwise approved by the Board of Trustees.
- (4) *Special Exceptions.* The Plan Commission and Board of Trustees may grant a special exception to the landscaping requirements of this article upon making a special finding that the resulting landscape will provide an improved amenity for both the general public and users of the facility being landscaped.

(C) *Definitions*

*Caliper.* means the diameter of the trunk measured six inches above ground level up to and including four inch caliper size, and measured 12 inches aboveground level if the measurement taken at six inches above ground level exceeds four inches. If a tree is of a multi-trunk variety, the caliper of the tree is the total caliper of all of its trunks at the elevation being measured.

*Canopy or Shade Tree.* means a species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity.

*Enhanced Pavement.* means any permeable or nonpermeable decorative pavement material intended for pedestrian or vehicular use. Examples of enhanced pavement include brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained concrete.

*Evergreen Tree or Shrub.* means a tree or shrub of a species which normally retains its leaves throughout the year.

*Ground Cover.* means natural mulch or plants of species which normally reach a height of less than two feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

*Landscape Architect.* means a person licensed to practice or teach landscape architecture in the State of Illinois pursuant to State law.

*Landscape Buffer Strip.* means a strip of land:

- Which serves a buffer function on the perimeter of a building site adjacent to another building site or to a public or private street or alley; and
- At least 80 percent of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening).

*Non-permeable Coverage.* means coverage with non-permeable pavement.

*Screening.* means screening that complies with the construction and maintenance regulations in Section 5. Mandatory Provisions, except as those regulations may be expressly modified in this article.

*Shrub, Large.* means a shrub which normally reaches a height of six feet or more upon maturity.

*Soil.* means a medium that plants will grow in.

*Tree, Large.* means a tree of a species which normally reaches a height of 30 feet or more upon maturity.

*Tree, Small.* means a tree of a species which normally reaches a height of less than 30 feet.

*Visibility Triangle.* means the term “visibility triangle” as defined in §156.011 of this Code.

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- (D) *Landscape Plan Submittal.* Landscape plans shall be submitted for all sites required to submit a site plan for approval by the Plan Commission and Village Board of Trustees.
- (E) *Approval of Landscape Plan.* Landscape plans shall be referred to the Plan Commission for approval or denial.
- (F) *Plan Content.* The landscape plan shall be submitted in the form and number as prescribed by the Village and must contain the following information:
- (1) Date, scale, north arrow, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan.
  - (2) Project name, street address, and lot and block description.
  - (3) Location of existing boundary lines and dimensions of the lot, street address, approximate centerline of existing water courses and the location of the 100-year flood plain, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, driveways and sidewalks on or adjacent to the lot.
  - (4) Location, height, and material of proposed screening and fencing (with berms to be delineated by one-foot contours).
  - (5) Locations and dimensions of proposed landscape buffer strips.
  - (6) Complete description of plant materials shown on the plan, including names, locations, quantities, container or caliper sizes at installation, heights, spread, and spacing. The location and type of all existing trees on the lot over six inches in caliper must be specifically indicated.
  - (7) Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided internal to parking areas, the total square footage included in the parking area, and the number and location of required off-street parking and loading spaces.
  - (8) Location and description, by type and size, of existing trees proposed to be retained. Such trees shall be marked and drip-line of said trees shall be protected prior to and during all construction, including all dirt work.
  - (9) Size, height, location and material of proposed seating, lighting, planters, sculptures, water features and landscape paving and other site amenities.
  - (10) Identification of visibility triangles on the lot for all driveway intersections with public streets and evidence proposed landscaping will not interfere with site utilities and easements.
- (G) *Mandatory Provisions*
- (1) *Landscape Buffer Strip.* A minimum 10 foot wide landscape buffer strip must be provided along the entire length of the portion of the perimeter of any commercial or industrial lot that abuts, without an alley or drive separation, or is directly across a public street from a residential zoning district, exclusive of driveways and access-ways. If the

proposed commercial structures exceed twenty-four (24) feet in height adjacent to an alley, a 10 foot buffer shall also be required along the length of the alley.

(2) *Screening of Off-Street Loading Docks*

- (a) Off-street loading docks in non-residential zoning classifications must be screened from:
  - i. All public streets; and
  - ii. Any residential district that abuts or is directly across a public street or alley from the lot.
- (b) Off-street loading docks in industrial zoning classifications must be screened from:
  - i. Arterial streets, as indicated on the Village's *Thoroughfare Plan*, and
  - ii. Any residential district that abuts or is directly across a public street or alley from the lot.
- (c) The screening required under *Subsections (2)(a) and (2)(b)* must be at least six feet in height and may be provided by using any of the methods for providing screening described in this section.

(3) *Acceptable Landscape Materials*

- (a) No artificial plant materials may be used to satisfy the requirements of this article.
- (b) Plant materials used to satisfy the requirements of this article must comply with the following minimum size requirements at the time of installation:
 

Large trees must have a minimum caliper of three inches, or a minimum height of six feet, depending on the standard measuring technique for the species.
- (c) For purposes of this section, "height" is measured from the root crown or, if the plant is in a container, from the soil level in the container.
- (d) In satisfying the landscaping requirements of this article, the use of high quality, hardy plant materials on the approved plant list below is recommended and encouraged. Plants found on the disapproved plant list below shall not be placed within the ROW or within the required building setback along a street.
- (e) *Trees Allowed in Street Landscape Buffer Areas.* Please refer to Section 156.150 (I) (4) for the list of suitable for Street Trees.
- (f) *Trees Not Allowed in Street Landscape Buffer Areas.* The following plants shall not be placed in public ROW or within the required Street Landscape Buffers along public streets:
  - Ash tree (*Fraxinus* sp.)
  - Silver Maple (*Acer Saccharinum*)
  - Box Elder (*Acer Negundo*)
  - Mimosa (*Albizia Julibrissin*)

Catalpa (Catalpa sp.)  
 Hackberry, Sugarberry (Celtis sp.)  
 Honeylocust (Gleditsia Triacanthos)  
 Tulip tree (Liriodendron Tulipifera)  
 Chinaberry (Melia Azedarach)  
 Sycamore (Platanus Occidentalis)  
 Cottonwood, Poplar (Populus sp.)  
 Willows (Salix sp.)  
 American Elm (Ulmus Americana)  
 Siberian Elm (Ulmus Pumilia)  
 Jerusalem Thorn/Petuma (Parkinsonia Aculeata)  
 Bois D'Arc (Maclura Pomifera)  
 Flowering Crabapple varieties (Malus sp.)  
 Ginkgo Tree (Ginkgo Biloba)  
 Peach/Plum varieties  
 Mulberry varieties (Morus sp.)  
 Texas Mountain Laurel (Sophora Secundiflora)  
 Lilac Chaste Tree (Vitex Agnuscastus)  
 Pine Tree Varieties (Pinus sp.)

(4) *Protection of Landscape Areas.* Required landscape areas must be protected from vehicular traffic through the use of concrete curbs, or other permanent barriers. Vehicular wheels shall be prevented from extending into landscaped areas.

(5) *Irrigation and Watering Requirements*

(a) *General.* The owner shall be responsible for the health and vitality of plant material through irrigation of all landscaped areas and plant materials, and shall:

- i. Provide a moisture level in an amount and frequency adequate to sustain growth of the plant materials on a permanent basis.
- ii. Be in place and operational at the time of the landscape inspection for Certificate of Occupancy.
- iii. Be maintained and kept operational at all times to provide for efficient water distribution.

(b) *Irrigation and Watering Methods*

i. *Landscaped Areas.* One of the following irrigation methods shall be used to ensure adequate watering of plant material in landscaped areas:

1. *Conventional System.* An automatic or manual underground irrigation system which may be a conventional spray or bubbler type heads.
2. *Drip or Leaky-Pipe System.* An automatic or manual underground irrigation system in conjunction with a water-saving system such as a drip or a leaky pipe system.
3. *Temporary and Above Ground Watering.* Landscape areas utilizing xeriscape plants and installation techniques, including

areas planted with native grasses and wildflowers, may use a temporary and above ground system, and shall be required to provide irrigation for the first three growing seasons only.

- ii. *Natural and Undisturbed Areas.* No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

(6) *Screening From Residential Uses*

- (a) Any commercial or industrial use or parking lot with a side or rear contiguous to a residentially-zoned district, a multi-family use with more than 5 dwelling units or a parking lot with a side or rear contiguous to any single family, townhouse, or duplex district, shall be screened with an eight-foot (8') wide buffer area including a masonry fence (excluding tilt wall or concrete block unless approved by the Board of Trustees), six feet (6') in height, unless otherwise approved by the Board of Trustees. Berms in conjunction with a fence can be utilized to meet this requirement. The screen shall be located no closer to the street than the property line. Any ordinances concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or driveway.
- (b) Prior to construction of any required screens, complete plans showing type of material, depth of beam, and structural support shall be analyzed by the Village Building Department to determine whether or not:
  - i. The screen will withstand the pressures of time and nature;
  - ii. The screen adequately accomplishes the purpose for which it was intended;
  - iii. Plans shall be sealed by a Registered Engineer or they shall conform to the Village's standard design for screening walls.
- (c) Such screen shall be constructed prior to the issuance of a Certificate of Occupancy for any building or portion thereof.
- (d) The areas adjacent to the required screening wall, or areas adjacent to a public street or right-of-way, shall be maintained by the property owner in a clean and orderly condition, free of debris and trash in accordance with the applicable codes of the Village.
- (e) Plans shall be sealed by a Registered Engineer or they shall conform to the Village's standard design for screening walls.

(7) *Non-Residential Property Abutting Non-Residential Property*

- (a) *Shade Trees* – provided at the equivalent of seventy-five (75') apart along the abutting property line. Such trees shall be clustered or spaced evenly as deemed appropriate by the Plan Commission.
- (b) *Other Planting Materials* - Other landscape elements including berms, ornamental trees, shrubbery and/or hedges are encouraged to be provided at appropriate locations along the property line.

- (c) Ground Cover - Except where occupied by planting beds, all perimeter landscaping areas shall be sodded or seeded.
- (8) *Street Landscaping.* A Street Landscape Buffer strip with a minimum width of ten (10) feet, must be provided along the entire length of the property to be developed that is adjacent to a major arterial or collector street, as defined in the Village's Thoroughfare Plan, exclusive of driveways and access-ways. Large trees, as herein defined, shall be provided in the required buffer in numbers equal to one tree for each forty (40') feet of street frontage.
- They shall be no closer than:*
- (a) Five feet (5') back from the curb or, in the case of streets without curbs, five feet (5') back from the pavement edge or from the edge of any swale or ditch.
- (b) Forty feet (40') from the nearest corner of the pavement of intersecting streets, said distance to be measured away from the corner along both of the streets.
- (c) Ten feet (10') from driveways.
- (d) Fifteen feet (15') from street lights.
- (e) Five feet (5') from fire hydrants, buffalo boxes, vaults, and the like.
- (f) Five feet (5') from sidewalks, unless otherwise required or approved.
- (9) *Right-of-Way Landscaping Requirements.* All street rights-of-way located adjacent to the proposed development shall be improved with grass or ground cover material and shall be maintained. It shall be the responsibility of the developer to design the irrigation system within the lot to ensure that the grass placed in the right-of-way is watered and maintained and to ensure that minimal water will enter the street itself. The designer of the irrigation system shall base the design on the ultimate proposed width of the street when designing the system. The plans for design of the irrigation system shall be approved by the Village prior to installation.
- (10) *Parking Lot Landscaping*
- (a) Any parking lot with more than two (2) rows of spaces shall have a minimum of 5% or 200 sq. ft., whichever is greater, in the interior of the parking lot in landscaping. Such landscaping shall be counted toward the total landscaping.
- (b) If the parking and maneuvering space exceeds 20,000 square feet one large canopy tree for every ten required parking spaces shall be required internal to the parking lot. No tree shall be planted closer than 2 ½ feet to the pavement.
- i. No required parking space may be located more than 80 feet from the trunk of a large canopy tree.
- ii. No tree may be planted closer than 2 ½ feet to the pavement.
- iii. All trees must be internal to the parking lot.
- (11) *Dimensions of Landscaping.* All required landscaping shall be no less than 5 feet wide and a minimum of 25 square feet in area unless it is within 10 feet of the building.



(12) *Required Landscaping*

- (a) *Amount of Landscaping.* Minimum square footage requirements for landscaping shall be provided and maintained in the zoning districts set forth as follows. The requirements shall be applied to the total site area to be developed:

DISTRICT	% REQUIREMENT	NET % REQUIREMENTS W/ MAXIMUM CREDITS
Multi-Family	25%	20%
Office (O-1)	20%	15%
Business (B-4)	20%	15%
Business (B-1)	20%	15%
Business (B-2 and B-3)	15%	10%
Health Care	15%	10%
Manufacturing	10%	5%

The total site area required for landscaping may be reduced by no more than 5% in accordance with the provisions of Section 156.152. For example, the required percentage of 15% for *Business (B-2 and B-3)* zoning could be reduced to a total of 10% under the terms of §156.152.

- (b) *Location of Landscaping.* No less than 50% of the total requirement shall be located in front of and along side buildings with street frontage in the following zoning districts: “R-5”, “O-1”, “B-1”, “B-2”, “B-3”, “B-4” and “HC.” 100% of the total requirement shall be located in front of and along side buildings with street frontage in the “M” zoning district.
- (c) *Detention Basins.* Detention basins shall be landscaped in a natural manner using ground cover, grasses, shrubs and trees in all dry land areas. There shall be a minimum of one (1) tree for each 750 square feet of dry land area.

**§ 156.152 LANDSCAPE CREDITS**

- (A) *Credit for Required Landscape Buffer Strips between Residential and Non-Residential Zoning.* The overall landscaping requirement may be reduced by 2.5% when the buffer strip, whether required or not, has a minimum average width of 15 feet or greater and contains at least one large tree every 40 feet, or large shrubs at least every 10 feet the entire length of the perimeter adjacent to property with residential zoning. This perimeter must equal at least 25% of the total perimeter of all adjacent private property.
- (B) *Credit for Surface Parking Screening.* The overall landscaping requirement may be reduced by 2.5% when a surface parking lot located adjacent to a public street is screened as follows:
- (1) The screen must be voluntary, not required by this ordinance.
  - (2) The screening must be located along the entire length of street frontage of the parking lot, exclusive of driveways, access-ways, and visibility triangles. Visibility triangles will be maintained at all driveway intersections.
  - (3) The screening must be at least three feet in height utilizing only evergreen planting materials, berms, and/or masonry walls.

- (4) The adjacent street must be generally at the same grade level of the parking lot or below for such credit to qualify.
- (C) *Credit for Right-of-Way Landscaping.* The overall landscaping requirement may be reduced by 2.5% when the public right-of-way adjacent to a proposed development is landscaped meeting the following requirements:
- (1) All landscaping in the right-of-way shall be provided sufficient irrigation for maintenance.
  - (2) Plants used in landscaping in the right-of-way shall only be varieties included on the approved plant list.
  - (3) The plan for landscaping in right-of-way shall be submitted and approved by the Village prior to any work being done in the right-of-way.
  - (4) In certain cases, the Village may determine that landscaping in the right-of-way may be infeasible and in such cases this credit shall not apply.
  - (5) Landscaping shall include ground cover, shrubs, trees and/or other plant materials and must cover at least 50% of the adjacent ROW, exclusive of driveways, to qualify for this credit. Grass alone shall not qualify for this credit.
  - (6) If the Village has an adopted landscape plan for the street adjacent to the proposed project, any proposed improvements must be in compliance with said plan.

#### **§ 156.153 COMPLETION OF LANDSCAPING**

- (A) *In Accordance with Approved Plans.* Except as otherwise provided in *Section 156.207 Certificates of Occupancy*, all landscaping must be completed in accordance with the approved landscape plan before a Certificate of Occupancy may be issued for any building on the lot.
- (B) *Escrow and Assurance.* If, due to circumstances beyond the property owner's control, the required landscaping cannot be installed prior to completion of the building and if the property owner provides the building official with documented assurance that the landscaping will be completed within six months and the funds required to complete the project are placed in escrow with the Village, the building official may issue one six-month temporary Certificate of Occupancy and permit the property owner to complete his landscaping during the six month period. For purposes of this Subsection, "documented assurance" means a copy of a valid contract to install the landscaping in accordance with the landscape plan within the six month period. The Village shall hold the funds in escrow until such time as the landscaping is completed in accordance with the approved plan.
- (C) *Forfeiture of Escrow.* If a temporary Certificate of Occupancy is issued under *Subsection 7.2.* and, at the end of the six month period, no permanent Certificate of Occupancy has been issued because the landscaping has not been installed in accordance with the landscape plan, the property owner shall be deemed in violation of this ordinance, the funds placed in escrow shall be forfeited, and the Village shall issue a citation for said violation, unless an extension is granted by the Village Manager.

#### **§ 156.154 PUBLIC RIGHT-OF-WAY VISIBILITY**

- (A) *Street/Drive Intersection Visibility Obstruction Triangles.* A landscape plan showing the plan of the street on both sides of each proposed drive/street to the proposed development with the

grades, curb elevations, proposed street/drive locations, and all items (both natural and man-made) within the visibility triangles as prescribed below shall be provided with all site plans, if they are not on engineering plans that are submitted at the same time. This plan shall show no horizontal or vertical restrictions (either existing or future) within the areas defined below.

- (B) *Obstruction/Interference Triangles – Defined.* No fence, wall screen, billboard, sign face, tree or shrub foliage, berm, or any other item, either man-made or natural shall be erected, planted, or maintained in such a position or place so as to obstruct or interfere within the following minimum standards; however, on non-residentially zoned lots, a single pole for mounting a sign may be placed within this area provided the pole does not exceed 12-inches in diameter, and provided every portion of the sign has a minimum height clearance of nine (9') feet:
- (1) Vision at all intersections which intersect at or near right angles shall be clear at elevations between thirty (30") inches and ten (10') feet above the top of the curb elevation, within a triangular area formed by extending the three curb lines from their point of intersection, for the following minimum distances for the applicable intersection, and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection for a distance as prescribed below, and connecting these points with an imaginary line, thereby making a triangle as shown below.
  - (2) Intersection of **Two Public Streets** – the minimum required distance from the curb shall be 50 feet and the minimum distance from the property line on streets without a curb shall be 20 feet.
  - (3) Intersection of a **Public Street and an Alley** – the minimum required distance measured from the property line shall be 15 feet, or 25 feet from street curb.
  - (4) Intersection of **Private Drive and Public Street** – the minimum required distance from the curb shall be 25 feet and the minimum distance from the property line on streets without a curb shall be 10 feet.
- (C) *Sight-Distance Requirements.* The Village hereby adopts the standards for both vertical and horizontal sight distance requirements set forth in the *most Current* Edition of AASHTO Green Book, "A Policy on Geometric Design of Highways and Streets" for the construction of both public street intersections and private drive intersections, unless otherwise approved by the Village Engineer. If, in the opinion of the Village Engineer, a proposed street or drive intersection may not meet these standards, additional engineering information exhibiting how the standards have been addressed may be required for submission and approval by the Village's Engineer.

#### § 156.155 GENERAL MAINTENANCE

- (A) Throughout the installation of the required improvements, the Developer shall be fully responsible for the preservation and protection of those existing trees identified on the approved plans and specifications. In addition, the Developer shall be fully responsible for the maintenance in a healthy, flourishing condition of all trees required to be planted until the end of the three-year maintenance period following acceptance of the improvements by the Village. In the case of those trees which are replaced during the three-year maintenance period and which will not have been in the ground for three years at the expiration of the three-year maintenance period (the time required to ensure the Village that they will continue to flourish once they are

being maintained by the Village), the Developer shall be required to post cash with the Village as a guarantee, as set forth under Item (E) below.

At a minimum, the following schedule of specific maintenance activities shall be observed:

- (1) *April* – All tree wrap shall be removed and trees shall be fertilized and mulched and checked for settling, straightness, and soil moisture.
  - (2) *April thru August* – Trees shall be inspected and treated as needed to ensure that they remain free of disease and/or insect infestation.
  - (3) *June thru August* – Trees shall be watered on a regular schedule to prevent drought stress and to ensure healthy growth. Care should be taken not to over-water.
  - (4) *Before November 1* – The trunks of all trees shall be wrapped to prevent winter bark damage by the elements and/or animals. Trees shall be pruned (as needed), fertilized, and mulched.
- (B) In order to ensure that trees are maintained in the manner required, the Village shall cause all new development trees, including the existing trees to be preserved and protected, to be inspected by the Village Forester on a periodic basis. The findings of the Village Forester shall be reported to the Developer with specific requirements for corrective action, which shall be immediately implemented by the Developer. The Village Forester shall also maintain a record of those trees replaced and the date of their replacement.
- (C) Since the building construction activities associated with the new development can endanger the well-being of those trees planted by the Developer, as well as those trees which are to be preserved and protected, developers are encouraged to require individual builders or contractors to post bonds with them which can be used to pay for tree replacement, if necessary. In no event, shall the Village assume the role of arbitrator in determining the party responsible for tree damage. Notwithstanding the above, the Developer shall remain responsible for the health and vitality of all trees required to be planted or preserved and protected until the end of the required maintenance period set forth in this Ordinance and the Village of Huntley Municipal Code.
- (D) The Developer shall be required to replace those trees which have become so damaged, deformed, diseased, or otherwise unhealthy that they do not meet industry standard or that the Village has good reason to believe they cannot survive in good condition. The determination of the Village shall be based on the recommendation of the Village Forester and shall be final.
- (1) Where tree replacement is required by the Village, planting shall occur during the current planting season, if possible, and, if not, then in the next planting season following notification by the Village.
  - (2) The size and quality of replacement trees shall be equal to or better than the size and quality of the trees to be replaced, as approved by the Village Forester.
- (E) As set forth above, there will be instances when the Developer is required to replace trees during the three-year maintenance period and, as a result, the Village will be afforded less than three years to monitor the health and vigor of these trees in order to ensure that it will be assuming responsibility for trees which will continue to flourish. Therefore, prior to the expiration of the three-year maintenance period and prior to the release of the letter of credit or other security required by this Ordinance, for each tree which has been in the ground less than three years at

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the expiration of the three-year maintenance period the Developer shall be held for a period of three years following the expiration of said three-year maintenance period.

- (1) The purpose of the required cash bond shall be to ensure against loss due to improper planting techniques, disease, or lack of proper maintenance by the Developer.
- (2) The amount of the required cash bond shall be equal to 125% of the then current replacement cost of each tree to be guaranteed.
- (3) At least four (4) months prior to the expiration of the required maintenance period, the Village Forester, using the record of tree replacement dates, shall prepare a report to the Village Engineer listing those trees for which a cash bond is required. This report shall include the date the tree was planted, the current replacement cost of the tree, and the current condition of the tree.
- (4) The Developer shall be notified in writing by the Village Engineer of the required amount of the cash bond. Said notice shall include a copy of the Village Forester's detailed report. Any disagreement between the Developer and the Village Forester regarding the number of trees to be guaranteed of the required amount shall be resolved by the Village Engineer not less than three (2) months prior to the expiration of the required maintenance period and the expiration of the required letter of credit of other security.
- (5) Not less than one (1) month prior to the expiration of the required maintenance period and the expiration of the required letter of credit of other security, if the Developer has not deposited the required cash bond with the Village, the amount of said cash bond shall be drawn from the Developer's security to be held by the Village for the purposes herein set forth.
- (6) For all such trees for which a cash bond has been deposited with the Village, the Village Forester shall continue to conduct inspections on a period basis. The findings of the Village Forester shall be reported to the Village (with a copy to the Developer) with specified requirements for corrective action. Corrective action of a maintenance nature shall be immediately implemented by the Village at its own expense. If, however, the only proper corrective action, in the opinion of the Village Forester, is replacement, the cost for such replacement shall be drawn from the cash bond following written notice to the Developer and, after replacement, any funds remaining for that tree shall be released to the Developer. Notice shall be given by depositing the same in U.S. mail, postage prepaid, addressed to the Developer or his authorized agent at such address as is shown on the then most current records of the Village. Receipt of such notice shall be conclusively presumed form proof of mailing.
- (7) At the end of the three-year period following the expiration of the three-year maintenance period, any cash bond funds remaining on deposit with the Village as a tree guarantee shall be released to the Developer.