

VILLAGE OF LIBERTYVILLE

**Municipal Code Chapter 9
Environmental Preservation**

TREE PRESERVATION CODE

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CHAPTER 9 - TREE PRESERVATION,
ARTICLE I. SECTION 9-1. Definitions, Historic tree; and
ARTICLE II SECTION 9-52 b Permit fees and SECTION 9-53 Appeals; and
ARTICLE III, SECTION 9-77.(c) Standards.
OF THE LIBERTYVILLE, ILLINOIS MUNICIPAL CODE

ARTICLE I. IN GENERAL

Sec. 9-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- Appearance Review Commission (ARC) means a quorum of the commission members currently appointed to their positions by the Village Board.
- Building permit means a permit issued by the village for the construction, erection or alteration of a structure or building.
- Certify or certification means a written statement verifying that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this chapter.
- Diameter at Breast Height (DBH) means the measurement of a tree's diameter taken at a standard 54" above the ground.
- Dripline means a vertical line extended from the surface of the ground up to the outermost extent of the tree canopy.
- Excavation means any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.
- Final grade means the vertical location (elevation) of the ground or pavement surface after grading work is completed in accordance with the site development plan.
- Grading means excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.
- Grouping of Trees shall be defined as six (6) or more trees, each of which possesses a DBH of at least four (4) inches and which together form an interrelated canopy as determined by the Village Arborist.
- Historic Tree shall be defined as any tree with a DBH of eighteen (18) inches or greater.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT
DIVISION 1. GENERALLY

Sec. 9-26. Tree Replacement or Remediation Required.

In the case of unauthorized tree removal, done either without a tree removal permit or in violation of a tree removal permit or site development permit, tree replacement or remediation shall be required in accordance with the standards prescribed in section 9-77(c). Review and approval of such tree replacement or remediation shall be rendered by the appearance review commission (ARC).

DIVISION 2. PERMITS

Sec. 9-46. Permit Required: Exceptions.

(a) Site development permit. A site development permit is required for all site development activity except in the following cases:

- (1) Development of a single parcel in one- and two-family dwelling districts when not part of a new subdivision or PUD under current development.
- (2) Agricultural use of land, including the construction of agriculture structures.
- (3) Installation, renovation or replacement of a septic system to serve an existing dwelling or structure, provided that the person responsible for any such development shall implement necessary erosion and sedimentation control measures to satisfy the standards set forth in article III.

(b) Tree removal Permit.

- 1) Except as otherwise provided herein, a tree removal permit is required when tree removal only is contemplated on a parcel that is not part of a site development.
- 2) No tree removal permit shall be required on a single parcel in one and two-family dwelling districts, except that a tree removal permit shall be required within such districts for the removal of Historic Tree(s) or Grouping of Trees as defined by this Code.

Sec. 9-47. Application.

(a) Application for a site development permit or a tree removal permit shall be made by the owner of the site or his authorized agent to the village engineer on a form furnished for that purpose. Each application shall bear the name and address of the owner or agent of the site and of any consulting firm retained by the applicant.

(b) Each application shall include certification that any land clearing, construction or development involving the removal of trees shall be in accordance with plans approved upon issuance of the permit.

Sec. 9-48. Site Development Permit - Tree Preservation Plan Requirements.

Each application for a site development permit shall satisfy all applicable requirements of Chapter 20.5, and shall also provide a Tree Preservation Plan which includes the following information. The Tree Preservation component of the Site Development Permit application shall be submitted to the Village Engineer, or his designee, for approval:

- (a) A vicinity map in sufficient detail to enable easy location in the field of the site for which the permit is sought, and including the boundary line and approximate acreage of the site, existing zoning, a drawing legend and scale.
- (b) A survey of all existing trees located upon the development site, performed by a licensed surveyor in concert with a licensed arborist that provides the following information:
 - 1. The location of all trees within the limits of the development site that equal or exceed 6" at the diameter breast height (DBH).
 - 2. The diameter of each tree, measured at the DBH whose diameter equals or exceeds 6".
 - 3. The genus/species classification of each tree identified on the development site that exceeds 6" DBH.
 - 4. A rating or written assessment of the quality of each tree on the development site that equals or exceeds 6" DBH.
 - 5. A condition rating or statement of general health of each tree on the development site that equals or exceeds 6" DBH.
 - 6. Specific identification of any historic tree with a DBH of 18" or greater
 - 7. Proposed use of the site, including present development and planned utilization; areas of excavation, grading and filling; existing and proposed grading contours, finished grades and street profiles; provisions for storm drainage; kinds and locations of utilities; and areas and acreage proposed to be paved, covered, sodded or seeded, vegetatively stabilized or left undisturbed.
- (c) An exhibit identifying all trees proposed to be removed, all trees proposed to be transplanted, and all trees proposed to be preserved undisturbed within the limits of the development site. This exhibit shall be identified as the Tree Preservation Plan, and shall further identify the following information.
 - 1. For those trees proposed to be transplanted, a proposed location for the relocation of each tree within the limits of the development site shall be identified
 - 2. For those trees proposed to be preserved in an undisturbed condition within the limits of the development site, all tree protection measures shall be identified at each location on the Tree Preservation Plan. Such protection measures shall include, but not be limited to the following:
 - a. Protective fencing installed at the limits of those areas to be disturbed or otherwise affected by the proposed development activities. Protective fencing shall be maintained at the dripline of those trees to be preserved in their original location.
 - b. Preventive root pruning shall be identified where proposed development activities encroach within the defined critical root zones of any tree that is to be

preserved in its original location.

c. Tree wells shall be specified where those trees to be preserved are located in areas of the development site that are subject to changes in final grade elevations in excess of 18", measured from original ground elevations. The critical root zone of the tree shall be preserved within the undisturbed areas of the development site to be confined by the tree well.

Where trees are present on the site, a tree survey and tree preservation plan identifying trees proposed to be preserved and/or removed, tree diameters measured at DBH, tree species identification, general tree condition assessments, and all tree protection measures to be installed for protection of existing trees which are to be preserved.

Sec. 9-49. Site Development Permit--Review and Approval.

(a) General procedures.

(1) The village engineer or his designee shall review and evaluate each site development permit application for compliance with the provisions of this chapter. The village engineer may refer the application to other agencies for review and comment.

(2) Following review and evaluation, the village engineer or his designee shall forward the permit application to the director of public works with a recommendation of approval or denial. Recommendations of denial shall indicate reasons for the negative recommendation.

(b) When part of a subdivision or planned unit development.

(1) Following review by the Village Engineer or his designee and Director of Public Works, the application and supporting plans and documents shall be submitted through the plan commission to the village board for review and approval as part of the final plat or specific implementation plan submittal package.

(2) Site development permits may be issued prior to final plat or specific implementation plan approval only upon the consent of the village board.

(c) When not associated with a subdivision or planned unit development.

(1) The village engineer, with the approval of the Director of Public Works, shall review and have permit approval authority except when tree removal is involved for a proposed site development which does not meet the conditions of section 9-78.

(2) Site development permit applications involving tree removal that does not meet conditions of section 9-78 shall be referred to the Appearance Review Commission (ARC) for review, approval or denial.

Sec. 9-50. Tree Removal Permit - Submission Requirements.

(a) Where tree removal only is applied for on a parcel not undergoing site development, a plat of survey for the parcel is required to be submitted to the Director of Community Development. The location, size and species of trees to be removed, including identification of any historic tree or grouping of trees as defined in Section 9-1, shall be noted on the plat of survey by the applicant as accurately as possible.

(b) Where tree removal only is applied for on a parcel which is not the subject of a current site development permit, or for the removal of a Grouping of Trees or an Historic Tree a plat of survey for the parcel is required to be submitted to the Director of Community Development. The location, size and species of trees to be removed, including identification of any Historic Tree or Grouping of Trees as defined in Section 9-1, shall be noted on the plat of survey by the applicant as accurately as possible.

(c) The applicant for a tree removal permit shall provide a written statement to accompany the permit application form indicating the reason for removal of the trees.

(d) Reasons for tree removal related to disease or good forestry practice may require justification in writing by a certified arborist.

Sec. 9-51. Same--Review and Approval.

(a) The Director of Community Development may issue the tree removal permit where conditions listed in Section 9-78 are determined to exist.

(b) The removal of any trees in connection with a Site Development Permit or a Tree Removal Permit which do not meet the criteria established in section 9-78 of this code shall be subject to the requirements of section 9-77 of this code.

Sec. 9-52. Fees and Performance Guaranty.

(a) Site development permits.

(1) A filing fee as established in the annual fee ordinance shall accompany each site development permit application.

(2) An inspection fee, equal to a percentage of the estimated costs of the erosion/sedimentation control measures to be implemented, as established in the annual fee ordinance, shall be paid to the village prior to issuance of the site development permit.

(3) The applicant shall file a performance guaranty in the form of a cash bond or other security deemed adequate by the village attorney, in such amount as is reasonably determined by the village engineer, sufficient to pay all costs of:

a. Soil erosion control, tree protection and landscaping installation and maintenance for such period as specified by the village engineer, which period shall be of a duration reasonably calculated to determine that harmful erosion and tree destruction are not occurring on the site; and

b. Village engineering, administration and inspection necessitated by failure or repair required of tree protection measures installed on the site and/or failure to comply with tree preservation and protection techniques established in owner-developer's tree preservation plan.

(b) Tree Removal/Replacement permits.

A tree removal permit fee calculated in accordance with the village fee ordinance for building permits is required where tree removal/replacement only on a parcel is permitted

under provisions of section 9-77. No application fee or inspection fee is required where tree removal/replacement only on a parcel is permitted under provisions of section 9-78.

Sec. 9-53. Appeals.

The applicant for a permit under this article may appeal the adverse decision of the applicable approving authority to the village administrator by filing a written request for an appeal within fifteen (15) days of the decision. The appeal request shall be filed with the village administrator. The village administrator shall hear the appeal and render a decision within thirty (30) days of receipt of the appeal.

Sec. 9-54. Retention of Plans.

Plans, specifications and reports for all site developments shall be retained in original form or in an electronic file form by the village engineer.

Sec. 9-55. Amendment of Plans.

Proposed amendments of the site development plan, erosion and sedimentation control plan and tree preservation plan shall be submitted to the village engineer and shall be processed and approved or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the village engineer by written directive to the permittee.

Sec. 9-56. Inspection.

- (a) The village engineer or his designee shall make inspections as required in this section, and shall either approve that portion of the work completed or shall notify the permittee in writing of any specific instances where the work fails to comply with the site development, erosion and sedimentation control plan, or tree preservation plan or tree removal permit as approved.
- (b) Plans for grading, stripping, excavating and filling work bearing the stamp of approval of the village engineer or department of public works shall be maintained at the site during progress of the work.
- (c) In order to obtain inspections, the permittee shall notify the village engineer at least one working day before the completion of the following, as applicable:
 - (1) Implementation of tree protection measures and/or tree preservation plan.
 - (2) Stripping, clearing and/or tree removal.
 - (3) Rough grading.
 - (4) Final grading.
 - (5) Final landscaping.
- (d) If operations requiring tree protection measures are to be conducted in phases or areas, the permittee shall give notice and request inspection at the completion of each of the work stages listed in subsection (c) of this section for each phase or area.

Sec. 9-57. Stop Work Order; Suspension and Revocation of Permit.

- (a) If any person holding a site development permit pursuant to this chapter violates the terms of the permit, or carries on site development in such a manner as to materially and adversely affect the health, welfare, or safety of persons residing or working in the vicinity of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the vicinity, the village engineer may suspend or revoke the site

development permit.

(b) Suspension of a permit shall be by a written stop work order issued by the village engineer and delivered to the permittee or his agent or the person performing the work. The stop work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop work order shall remain in effect until the permittee has corrected the cited violations to the satisfaction of the village engineer or an appeal decision, per section 9-53, has been rendered.

(c) When site development work is started without a site development permit, or when tree removal as regulated in this chapter is conducted without a tree removal permit, the village engineer shall issue a stop work order. All related activities shall cease until the required permits have been applied for, approved and issued under the terms of this chapter. Corrective action to mitigate drainage problems, soil erosion or tree damage may be required.

Sec. 9-58. Expiration of Permit.

Every site development permit and tree removal permit shall expire and become null and void if the work authorized by such permit has not been commenced within one hundred eighty (180) days from the date of issuance, or is not completed by a date which shall be specified in the permit; except that the village engineer may, if the permittee presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit.

Secs. 9-59--9-75. Reserved.

ARTICLE III. STANDARDS

Sec. 9-77. Tree Preservation and/or Removal.

(a) Measures taken to preserve and protect trees shall ensure that, through careful planning, existing trees shall be saved to the greatest extent possible without severely restricting the owner's ability to develop the property within allowed building setbacks.

(b) The owner/developer must demonstrate through the tree survey, tree preservation plan and other related information required during the application process that the proposed site development minimizes tree destruction and loss to the greatest extent feasible and practical. Proposed structures, utilities and impervious areas shall be designed so as to minimize tree removal in keeping with sound engineering and construction practices.

(c) Except as provided by Section 9-78 of this Code, tree replacement shall be required in accordance with the following provisions when: 1) any tree removal, severe trimming or severe damage occurs on any site that is not in accordance with a required village-approved Tree-Removal Permit or required Site Development Permit; 2) the removal of any Historic Tree, as defined by this Code occurs; or 3) the removal of any tree occurs which is a part of a Grouping of Trees on a parcel of land in one and two family dwelling unit districts and which is not a part of a Site Development Permit:

- (1) The following table specifies the number of inches in diameter for replacement trees according to the inch-diameter of tree removed:

For fractions which are less than one-half inch, the lower full number in the table shall be applied. If a fraction is one-half inch or greater, the higher number shall be applied.

| Tree Removed (inches in diameter) | Replacement trees (inches in diameter) |
|--------------------------------------|---|
| 30 or greater | 20 |
| 13–29 | 16 |
| 6–12 | 12 |

Exception: No replacement trees are required for each tree of any diameter that is approved for removal under a permit and is of an undesirable tree species as listed in Section 9-77c(6).

(2) All replacement trees shall have a minimum caliper of two and one-half (2 ½) inches.

(3) If, in keeping with good forestry practices, sufficient space is not available to plant replacement trees within the lot from which the tree will be removed, the owner/developer shall be required to pay to the village four hundred dollars (\$400.00) per one-inch diameter required for each tree that will not be planted in compliance with the replacement schedule, such amount to be utilized for tree planting or tree preservation programs operated by the village.

(4) Replacement trees shall be limited to the following species:

- a. Linden.
- b. Maple(excluding silver maple and similar softwood species).
- c. Hackberry.
- d. Oak, except in paved or parking areas.
- e. Thornless honey locust (cultivars).
- f. Pine (ten [10] feet in height minimum).
- g. Spruce (ten [10] in height minimum).
- h. Or as determined by the appropriate approving authority.

(5) An amended tree preservation plan shall be submitted to the original approving authority for approval and shall indicate the location, size and botanical and common names of all replacement trees.

(6) Undesirable trees shall be limited to the following species:

- a. Black Cherry.
- b. Box Elder.
- c. Cottonwood.
- d. Siberian Elm.
- e. Silver Maple.
- f. Tree of Heaven.
- g. Willow.
- h. Ash.
- i. Or as determined by the appropriate approving authority.

(d) The following tree protection techniques shall be employed during any work conducted on the site:

(1) All grading and the storage of construction related equipment shall be forbidden from encroaching within the dripline of a tree.

(2) Crushed limestone, hydrocarbons and other materials detrimental to trees shall not be dumped within the dripline of any tree, nor at any higher location where drainage toward the tree could conceivably affect the health of the tree.

(3) Appropriate protective fencing shall be installed at the periphery of the tree's dripline, to be maintained throughout the duration of site development and construction activities.

(e) Methods to be used to protect trees designated for preservation by the tree preservation plan shall be clearly specified. If, in the opinion of the village engineer or his designee, the necessary precautions as specified in the tree preservation plan were not undertaken before or maintained during construction, the site development permit for the parcel shall not be issued or, if previously issued, shall be revoked or suspended until such time as these precautions have been satisfactorily implemented .

Sec. 9-78. Tree Removal.

When a person desires to remove a tree on a parcel, whether it is part of a site development or not, such removal shall be deemed justified where one (1) or more of the following conditions is clearly demonstrated by the person seeking to obtain a tree removal or a site development permit:

(a) The condition or location of the tree represents a safety hazard to pedestrian or vehicle traffic or a threat to public safety.

(b) The tree poses a safety hazard to structures or utilities on or adjacent to the property on which the tree is located.

(c) The tree is infested, or incurably diseased, or has been severely weakened by age, storm, fire or other injury.

(d) Good forestry practice requires removal. Such forestry practice includes such considerations as the number of healthy trees a given parcel of land will support.

