



## VILLAGE OF SUGAR GROVE BOARD REPORT

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES

**FROM:** DANIELLE MARION, COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT:** DISCUSSION: TREE REGULATIONS

**AGENDA:** OCTOBER 21, 2025

**DATE:** SEPTEMBER 30, 2025

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### ISSUE

Shall the Village Board discuss the current tree regulations in the Village Code.

### DISCUSSION

In July the Village Board discussed the different Comprehensive Plan Action Items that the Plan Commission recommended focusing on the next year. One of the items was “Modify development standards to reflect goals for preserving and increasing tree density.” During this discussion the Board requested staff to bring back for discussion the existing tree regulations that are in our Village Code.

Tree regulations can be found in different parts of the Village Code. The first part I am going to discuss is our tree preservation/mitigation regulations. This can be found in multiple sections of the Village Code. The tree preservation/mitigation requires, where any trees greater than six inches in caliper, as measured in diameter at breast height, which are identified to be removed for construction shall be replaced by not less than (1) 3-inch caliper tree shall be required for each six inches (6”) of the tree proposed to be removed, but limits no more than 3 trees shall be required per one tree that is removed. The exact language from the Village Code is as follows:

*E. Tree Preservation/Mitigation: The intent of this provision is to mitigate the loss of healthy, mature trees in the Village, by requiring replacement trees:*

*1. Existing trees, six inches (6”) in diameter or greater, as measured at breast height (dbh), shall be preserved, when possible, according to a tree preservation plan prepared by the developer with input from the Director of Development or designee. The tree preservation plan shall show:*

*a. Protective fencing planned to be installed around the critical root zone of those trees identified for preservation, on both grading and landscape plans.*

*b. Trees that will have their roots pruned by a certified arborist, to avoid tearing and other damage during construction.*

c. *Locations where limestone and other materials that might negatively affect trees planned to be preserved will be stored on the property.*

2. *Where it is determined that trees six inches (6") dbh or greater must be removed to allow for proposed development, tree replacement will be required:*

a. *Not less than one (1) 3-inch caliper tree shall be required for each six inches (6") of tree proposed to be removed, as measured at breast height. However, in no instance shall more than three (3) 3-inch caliper replacement trees be required for any tree removed.*

b. *Replacement trees shall be required in addition to any other landscaping that may be required by this title, except landscape screening. In this instance replacement trees can be used to count toward screening between M-1 development and properties planned, zoned or used for residential or institutional purposes.*

c. *The number of trees that an individual property can support, according to good forestry practices, shall determine the number of replacement trees that will be required on an individual lot.*

The next tree regulation in our code is the requirement to plant street trees. Street trees are required to be planted in all zoning districts throughout the village. The requirement is as follows:

*Street Trees: One (1) 2<sup>1</sup>/<sub>2</sub>-inch caliper shade tree shall be installed in the right-of-way per each fifty (50) linear feet of frontage, as required by the Village Engineer.*

In most instances for the street trees, the Villages preference is for the developer to pay for the trees and the Village Public Works Department plant the trees. This allows the Village to ensure the placement is not interfering with any utilities or too close to driveways or intersections. Additionally, Title 12: Subdivision Regulations goes into greater detail on tree planting requirements along streets. This section requires subdividers to plant one tree per lot that is 75 feet or less, any lots greater than 75 feet the subdivider is required to plant 2 trees. All tree species and locations are required to be approved by the Village prior to planting. The entire section of 12-6-11: Trees, is attached to the end of this report for reference.

Tree regulations are also part of the Engineering Manual. The Engineering manual lists the requirements for parkway trees, but also has a prohibited tree species list and a permitted tree species list. These lists pertain to trees planted within the right-of-way.

**Prohibited** tree species are as follows:

Aspen	Black Locust	Box Elder	Buckthorn
Chinese Elm	Siberian Elm	Cottonwood	Mulberry
Osage Orange	Persimmon	Poplar	Russian Olive
Silver Maple	Tree of Heaven	Black Willow	Corkscrew Willow

**Permitted** tree species are as follows:

European Black Alder	Blue Ash	Green Ash	White Ash
Bald Cypress	American Beech	European Beech	River Birch
Ohio Buckeye	Black Cherry	Kentucky Coffeetree	Crabapple
Regal Elm	Turkish Filbert	Ginko (Male only)	Common Hackberry

Bitternut Hickory	Shagbark Hickory	Honey Locust	American Hornbeam
European Hornbeam	Horsechestnut	Larch	Japanese Tree Lilac
Littleleaf Linden	Redmond Linden	Silver Linden	Amur Maple
Black Maple	Freeman Maple	Red Maple	Sugar Maple
Burr Oak	English Oak	Pin Oak	Red Oak
Swamp White Oak	White Oak	Ornamental Pear	Eastern Redbud
Allegheny Serviceberry	Apple Serviceberry	Downy Serviceberry	Tulip Tree
Japanese Zelkova			

Under Title 7: Public Ways and Property, Chapter 4 is cited as the Shade Tree Ordinance. This is a very lengthy section that addresses all things trees. This section includes specifications on varieties, planting, trimming and removal, spraying, duties of private owners, tree replacement program, maintenance, abuse of public trees, and violations. The full ordinance is attached to this report.

The Final section in the Village code where tree requirements are addressed is in Section 11-12-7: Landscaping as part of the Off Street Parking and Loading section of the zoning ordinance. This section outlines minimum landscape materials by landscape yard type. Depending on the location of the required landscape yard next to a parking lot, a certain number of trees and shrubs are to be planted. This section also requires landscape islands within parking lots and requires trees and shrubs to be planted within these islands. The entirety of this section is attached to the end of this report.

In summary, the Village Code addresses trees in several sections throughout, a lot of the sections are redundant requirements. Staffs suggestion to address the action item in the Comprehensive Plan “Modify development standards to reflect goals for preserving and increasing tree density” would best be to modify the tree preservation requirements as follows:

Not less than one (1) 3-inch caliper tree shall be required for each ~~six~~ four inches (64") of tree proposed to be removed, as measured at breast height. However, in no instance shall more than three (3) 3-inch caliper replacement trees be required for any tree removed. **If the site does not allow for the replacement trees to be planted or the developer wishes, with approval from the Village Administrator, the developer may pay a fee in lieu of for each tree that would need to be planted. The fee shall be determined by current tree and planting fees as determined by the parkway tree planning program.**

If the Board wishes to move forward with this suggestion a text amendment would need to be completed to address all sections of the code that reference the tree preservation requirements. Reducing the 6" caliper diameter requirement to 4" would increase the number of required replacement trees. Adding the fee in lieu of would allow flexibility when a lot may not be large enough to plant the required replacement trees. The money that would be paid would go into a tree fund and then the Village could use this money for planning trees throughout the Village where the Village sees fit. To give you an idea of what that fee may be,

this falls tree planting costs for parkway trees (purchase of tree and planting) ranges from \$542.00 to \$602.00, so the developer would be required to roughly pay this amount per required replacement tree into the tree fund.

#### **COST**

There is no cost to discuss this topic.

#### **ATTACHMENTS**

Code Sections Pertaining to Trees

#### **RECOMMENDATION**

That the Village Board discuss the existing tree requirements within the Village Code and Staffs suggestion to amend the code and provide staff with direction on next steps the Board would like to take.

#### **12-6-11: TREES:**

A. Planting Requirements: The subdivider shall provide and plant healthy and properly pruned trees along all streets at a rate of one tree per lot, provided that the lot width is seventy five feet (75') or less. If the lot width is greater than seventy five feet (75'), the subdivider shall provide and plant two (2) trees per lot. Corner lot plantings, trees shall be planted at least twenty feet (20') from the street intersection property corner. Corner lot planting on private property or public property shall within a certain triangular area be trimmed to a height of thirty inches (30") or less above the elevation of the nearest street centerline elevation. Said triangular area shall be described by the right-of-way lines of the two (2) intersecting streets extended, and a third line intersecting the right-of-way lines at points twenty feet (20') from the right-of-way line intersection. Corner lots shall have a minimum of one tree on each frontage measuring seventy five feet (75') or less and a minimum of two (2) trees on each frontage greater than seventy five feet (75'). (Ord. 604, 9-8-1994)

B. Approval Required: In order to discourage the spread of insects or disease, varying species shall be planted on all public properties. Tree species and locations shall be approved by the Village prior to planting. (Ord. 604, 9-8-1994; amd. Ord. 2008-07-15B, 7-15-2008)

C. Spacing: There shall be at least a thirty foot (30') spacing between small trees, forty foot (40') spacing between medium sized trees, and fifty foot (50') spacing between large trees. Trees shall be planted in the parkway at least twenty feet (20') from all poles, ten feet (10') from all driveways and fire hydrants and four feet (4') from all sidewalks and other paved areas. If the parkway width is less than seven feet (7'), the tree shall be centered in the parkway. If the parkway width is less than five feet (5'), only small trees shall be planted.

D. Size; Maintenance: Street trees to be planted or replanted in parkways shall have a trunk diameter (measured 12 inches above the ground) of not less than two and one-half inches ( $2\frac{1}{2}$ "). Proper maintenance and care shall be given all newly planted or replanted trees. Parkway trees shall be replaced with trees of the same size and species if not alive and healthy one year after the date of planting. (Ord. 604, 9-8-1994)

E. Reserved: (Ord. 2018-02-20, 2-20-2018)

F. Compliance Required: The subdivider shall comply with all requirements of title 7, chapter 4 of this Code, as amended. (Ord. 604, 9-8-1994; amd. Ord. 2018-02-20, 2-20-2018)

G. Credit For Existing Trees: Credit will be given for each healthy, properly pruned existing tree that meets the minimum size and location standards set forth in title 7, chapter 4 of this Code. (Ord. 604, 9-8-1994)

## **CHAPTER 4 SHADE TREES**

### **SECTION:**

7-4-1: Title

7-4-2: Definitions

7-4-3: Village Public Works Director

7-4-4: Village Tree Board (Rep. by Ord. 2008-07-15B, 7-15-2008)

7-4-5: Arboricultural Specifications And Standards Of Practice

7-4-5-1: Authority  
7-4-5-2: Policy  
7-4-5-3: Species, Cultivars Or Varieties  
7-4-5-4: Planting  
7-4-5-5: Trimming And Removal  
7-4-5-6: Spraying  
7-4-5-7: Duties Of Private Owners  
7-4-5-8: Amendment  
7-4-6: Tree Replacement Program  
7-4-7: Planting, Maintenance And Removal  
7-4-8: Obstruction; Pruning  
7-4-9: Protection Of Trees  
7-4-10: Hazardous Trees  
7-4-11: Trimming Of Trees For Protection Of Wires  
7-4-12: Abuse Or Mutilization Of Public Trees  
7-4-13: Placing Materials On Public Property  
7-4-14: Violation And Penalty

7-4-1: TITLE:

This chapter shall be known and may be cited as the SHADE TREE ORDINANCE. (Ord. 566, 7-13-1992)

7-4-2: DEFINITIONS:

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is mandatory and not merely directory.

CONTRACTOR: Any person engaged in the construction of any structure on a commercial or residential lot within the village limits.

LARGE TREES: Designated as those attaining a height of fifty feet (50') or more.

MEDIUM TREES: Designated as those attaining a height of thirty feet (30') to fifty feet (50').

MUNICIPALITY: The village, subdivision or otherwise designated area unit of Sugar Grove, county of Kane, state of Illinois.

NATIVE TREES: Species known to be part of the flora of northeastern Illinois before the time of settlement by European man and as indicated by Swink and Wilhelm, "Plants Of The Chicago Region", 1979.

PARK: All public parks having individual names.

PARK AND STREET TREES DEPARTMENT: The department of forestry, street trees and/or park trees or other designated department of the municipality under whose jurisdiction shade trees fall.

PARKWAY: That part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

PRINCIPAL THOROUGHFARE: Any street upon which trucks are not prohibited.

PROPERTY LINE: The outer edge of the right of way of a street or highway.

PROPERTY OWNER: The person owning such property as shown by the county auditor's plat of Kane County, state of Illinois.

PUBLIC PLACES: All other grounds owned by the village of Sugar Grove, county of Kane, state of Illinois.

PUBLIC TREES: Includes all shade and ornamental trees now or hereafter growing on any street or any public areas where otherwise indicated.

PUBLIC WORKS DIRECTOR OR HIS/HER AGENT: The qualified designated official of the village of Sugar Grove, county of Kane, state of Illinois, assigned to carry out the enforcement of this chapter.

SHRUBS: Any plant and branches of which grown from grade to a height of less than ten feet (10').

SMALL TREES: Designated as those attaining a height of up to thirty feet (30').

STREET OR HIGHWAY: The entire width of every public way or right of way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic. (Ord. 2008-07-15B, 7-15-2008)

#### 7-4-3: VILLAGE PUBLIC WORKS DIRECTOR:

##### A. Authority:

1. Regulation Of Planting, Maintenance And Removal: The public works director or his/her agent shall have the authority and jurisdiction of regulating the planting, maintenance and removal of trees on streets and other publicly owned property to ensure the safety or preserve the aesthetics of such public sites.

2. Supervision: The public works director or his/her agent shall have the authority and it shall be his/her duty to supervise or inspect all work done under a permit issued in accordance with the terms of this chapter.

3. Affix Conditions Of Permit: The public works director or his/her agent shall have the authority to affix reasonable conditions to the granting of a permit in accordance with the terms of this chapter.

B. Duties: The public works director or his/her agent shall have the authority to promulgate the rules and regulations governing the planting, maintenance, removal, fertilization, pruning and bracing of trees on the streets or other public sites in the municipality, and shall direct, regulate and control the planting, maintenance and removal of all trees growing now or hereafter in any public area of the village. He/she shall cause the provisions of this chapter to be enforced.

C. Interference With Public Works Director: No person shall hinder, prevent, delay or interfere with the public works director or his/her agents while engaged in carrying out the execution or enforcement of this chapter. (Ord. 2008-07-15B, 7-15-2008)

#### 7-4-4: VILLAGE TREE BOARD:

(Rep. by Ord. 2008-07-15B, 7-15-2008)

#### 7-4-5: ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE:

##### 7-4-5-1: AUTHORITY:

The public works director or his/her agent shall have the authority to promulgate the rules and regulations of the arboricultural, specifications and standards of practice governing the planting, maintenance, removal, fertilization, pruning and bracing of trees on the street or other public sites in the municipality. (Ord. 2008-07-15B, 7-15-2008)

##### 7-4-5-2: POLICY:

A. Compliance Required: All work on public trees shall comply with this chapter. (Ord. 566, 7-13-1992)

B. Standards: Standards shall be adhered to at all times, but may be amended at any time that experience, new research or laws indicate improved methods, or whenever circumstances make it advisable, with the approval of the village board.

C. Policy: The policy of the village shall be one of cooperating with the public, property owners, other municipal departments, and appropriate not for profit organizations at all times. (Ord. 2008-07-15B, 7-15-2008)

D. Removal: No trees shall be removed from public places unless they constitute a hazard to life or property, a public nuisance or because a revision of planting plans necessitates. (Ord. 566, 7-13-1992)

##### 7-4-5-3: SPECIES, CULTIVARS OR VARIETIES:

A. Preparation Of List: The Public Works Director subject to the approval of the Village Board shall prepare lists of trees acceptable for planting in the public sites of the Village. Undesirable trees shall not be recommended for general planting and their use, if any, shall be restricted to special locations where, because of certain characteristics of adaptability or landscape effect they can be used to advantage.

B. Review Of List: Only desirable, long lived trees of good appearance, beauty, adaptability and generally free from injurious insects or disease shall be planted in public sites. The Public Works Director or his/her agent shall review at least once every two (2) years the species, cultivars and varieties included on the approved list to determine if any should be removed for any reason or if certain new species, cultivars or varieties of proven dependability and value should be added.

C. Acceptable Shade Tree List: The shade tree list in title 12, chapter 11 of this Code constitutes the official shade tree species for the Village. No species other than those included in this list may be planted on public property without written permission of the Public Works Director or his/her agent. (Ord. 2008-07-15B, 7-15-2008)

D. Unacceptable Tree List:

	Comments
	Comments
All conifers	Evergreens/maintenance problems
All silver maples	Surface roots/soft wood
American Linden or Basswood spp.	Soft wood



Birch spp.	Soft wood/trashy
Cottonwood	Soft wood/seeds are nuisance
No ornamental trees except Bradford pear	Maintenance problems
Osageorange	Maintenance problems
Pin oaks - Quercus polustis	Iron chloris/maintenance problems
Poplar spp.	Soft wood/trashy
Sycamore or plantree spp. Ficus spp.	Disease and soft wood
Tree of heaven	
Willow spp.	Soft wood/trashy

(Ord. 566, 7-13-1992)

#### 7-4-5-4: PLANTING:

A. Varying Species: In order to have a large variety of tree species to prevent the spread of insects or disease, varying species shall be planted on all public properties. (Ord. 566, 7-13-1992)

B. Species Approval: Tree species shall be approved by the Village staff prior to planting in order to keep inventory records of the various species planted in the public parkways.

C. Locations: All planting locations shall be approved by the Public Works Director or his/her agent prior to planting.

1. Spacing Between Trees: There shall be at least a thirty foot (30') spacing between small trees, forty foot (40') spacing between medium trees and fifty foot (50') spacing between large trees.

2. Spacing From Improvements: Trees in the parkway shall be planted at least twenty feet (20') from all light poles, ten feet (10') from all driveways and fireplugs and four feet (4') from all sidewalks and other paved areas. If the width of the parkway is less than seven feet (7'), the tree shall be centered in the parkway. If the width of the parkway is less than five feet (5'), only small trees shall be planted.

3. Corner Lot: Trees to be planted shall be at least twenty feet (20') from the property corner at all street intersections. On corner lots, no plantings shall be maintained higher than thirty inches (30") above the centerline grade of the intersecting street if located within that triangular portion of a required front or side yard situated within twenty feet (20') of a lot corner formed by the intersection of any two (2) street lines. (Ord. 2008-07-15B, 7-15-2008)

D. Size Of Street Trees: Street trees to be planted or replanted in areas subdivided prior to the effective date hereof shall have a trunk diameter (measured 12 inches above the ground) of not less than two and one-half inches (2 1/2"). All new subdivisions shall have all street parkways planted with trees with a trunk diameter (measured 12 inches above the ground) of not less than two inches (2") to two and one-half inches (2 1/2").

E. Maintenance: Proper maintenance and care shall be given all newly planted trees and shall be replaced if not alive one year after date of planting.

F. Planting Without Approval: Persons planting trees without prior approval of the village shall be requested to either replant the tree in an acceptable position or to remove the tree. (Ord. 566, 7-13-1992)

#### 7-4-5-5: TRIMMING AND REMOVAL:

A. Parkway Trees: All parkway trees shall be trimmed to village specifications for health, safety and appearance.

B. Height Above Streets And Walkways: Trees shall be trimmed at least sixteen feet (16') above streets and walkways for vehicle clearance and pedestrian safety, as well as visibility. Trees shall be trimmed at least seven feet (7') above the sidewalk grade and shaped for proper growth.

C. Rotating Of Trimming: The village may require that all trees be trimmed on a rotating basis once every five (5) years.

D. Semiannual Survey: Trees on municipal property shall be surveyed twice yearly and scheduled for removal if found to be diseased or hazardous.

E. Removal Prohibited: No person shall remove parkway trees. (Ord. 566, 7-13-1992)

F. Diseased Trees: No tree shall be removed from the parkway, unless diseased, severely injured or dead as determined by the village staff. (Ord. 2008-07-15B, 7-15-2008)

G. Stumps: All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (Ord. 566, 7-13-1992)

#### 7-4-5-6: SPRAYING:

A. Precautions: Suitable precautions shall be taken to protect and warn the public that spraying is being done.

B. Spraying Practices: Spraying shall be done only for the control of specific diseases or insects, with the proper materials in the necessary strength and applied at the proper time to obtain the desired control. All spraying practices shall conform to federal and state regulations.

C. Dormant Oil Sprays: Dormant oil sprays shall not be applied to sugar maple, Japanese maple, beech, flowering dogwood, hickory, walnut and crabapple trees. Dormant oil sprays shall be applied to other trees only when the air temperature is forty degrees Fahrenheit (40°F) or above and when it is not likely to drop below this temperature for a period of twenty four (24) hours. (Ord. 566, 7-13-1992)

#### 7-4-5-7: DUTIES OF PRIVATE OWNERS:

A. Prevention Of Nuisance: It shall be the duty of any person growing a tree on his or her property to trim the trees and to treat or remove any diseased trees to prevent the trees from constituting a nuisance to the neighbor or to the public. Any tree or shrub which overhangs any sidewalk, street or other public place in the village in such a way as to impede or interfere with traffic or travel or within sixteen feet (16') of the street or seven feet (7') of a sidewalk level, shall be trimmed by the owner of the premises abutting or of the premises on which such tree grows so that the obstruction shall cease. (Ord. 566, 7-13-1992)

B. Prevention Of Obstruction Or Dangerous Conditions: All trees or limbs of a tree which have become likely to fall on or across any public way or property of another or interfere with the vision of vehicular traffic shall be removed by the owner of the premises on which such tree grows. The public works director or his/her agent may trim any such tree or shrub or remove

any such tree or branch thereof so that the obstruction or danger to traffic or passage shall be eliminated. (Ord. 2008-07-15B, 7-15-2008)

**7-4-5-8: AMENDMENT:**

The public works director or his/her agent shall have the authority to modify, amend or extend the arboricultural specifications and standards of practice of the village at any time that experience indicates improved methods or whenever circumstances make it advisable. (Ord. 2008-07-15B, 7-15-2008)

**7-4-6: TREE REPLACEMENT PROGRAM:**

A. Establishment Of Program: There is hereby established a voluntary tree replacement program for the purpose of providing for the replacement of trees on municipal property and for the payment of the cost thereof in equal portions by the village and the owner or owners of properties desiring to participate in the program.

B. Administration Of Program: The public works director or his/her agent shall administer the tree replacement program. He/she shall determine which portions of the village are in need of replacement trees under the program and shall establish priorities for accomplishing the same. He/she shall notify the owner or owners of property abutting the municipal property determined to be in need of trees under the program and shall invite their participation.

C. Implementation Of Program: When the public works director has determined that there are sufficient portions of the village requiring replacement trees under the program, he/she shall obtain cost estimates and shall notify each participating property owner of his proportionate share of such cost and request deposits of such amounts to be made with the village treasurer. When such deposits have been made, the public works director shall proceed to have the tree replacement work completed. Any excess in the amount of the deposits over actual cost of the replacement shall be refunded pro rata to the participants; any deficiency in the amount of such deposits, as related to the actual cost of the work, shall be collected from each participant in the same pro rata manner. (Ord. 2008-07-15B, 7-15-2008)

**7-4-7: PLANTING, MAINTENANCE AND REMOVAL:**

**A. Permit Requirements:**

1. Permit Required: No person shall plant, spray, fertilize, preserve, prune, remove, cut aboveground or otherwise disturb any tree on any street or municipal owned property without first filing an application and procuring a permit from the public works director or his/her agent. The person receiving the permit shall abide by the standards established by the village.

2. Application For Permit: Application for permit must be made at the village office not less than forty eight (48) hours in advance of the time the work is to be performed.

3. Application Data: The application required herein shall state the number and kind of trees to be trimmed, sprayed, preserved or removed; the kind of treatment to be administered; the kind and condition of nearest trees upon the adjoining properties and such other information as the village engineer shall find reasonably necessary.

4. Standards Of Issuance: The village engineer shall issue the permit provided for herein, if, in his judgment, the proposed work is desirable and the proposed method and workmanship thereof are of satisfactory nature. Any permit granted shall contain a definite date of expiration

and the work shall be completed in the time allowed on the permit and in the manner as therein described. Any permit shall be void if its terms are violated.

5. Notice Of Completion: Notice of completion shall be given within five (5) days to the public works director or his/her agent for inspection.

B. Planting:

1. Application Data: The application required herein shall state the number of trees to be set out, the location, grade, species, cultivar or variety of each tree and such other information as the public works director or his/her agent shall find reasonably necessary to a fair determination of whether a permit should be issued.

2. Improper Planting: Whenever any tree shall be planted or set out in conflict with the provisions of this chapter, it shall be lawful for the public works director or his/her agent to remove or cause removal of the same and the exact cost thereof shall be assessed to the owner as provided by law in the case of special assessment.

C. Maintenance: The application required herein shall state the number and kinds of trees to be sprayed, fertilized, pruned or otherwise preserved, the kind of treatment to be administered, the composition of the spray material to be applied and such other information as the public works director or his/her agent shall find reasonably necessary to a fair determination of whether a permit should be issued.

D. Removal, Replanting And Replacement:

1. Replacement By Village: Whenever it is necessary to remove a tree or trees from a parkway in connection with the repaving of an existing sidewalk or the paving or widening of the portion of a street or highway used for vehicular traffic, the municipality shall replace them.

2. Replacement By Owner Or Contractor: No contractor or property owner shall remove a tree from the parkway for the purpose of construction, or for any other reason, without first filing an application and procuring a permit from the public works director or his/her agent, and without replacing the removed tree or trees in accordance with the adopted village specifications. Such replacement shall meet the standards of size, species and placement as provided for in a permit issued by the public works director or his/her agent. The contractor or property owner shall bear the cost of removal and replacement of all trees removed.

E. Tree Location: Any application to do work on a village tree shall include a section noting the location of the tree in accordance with the standards set up by the public works director's office. (Ord. 2008-07-15B, 7-15-2008)

7-4-8: OBSTRUCTION; PRUNING:

It shall be the duty of any person owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that will not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or obstruct view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be seven feet (7') over sidewalks, and fourteen feet (14') over all streets except truck thoroughfares which shall have a clearance of sixteen feet (16').

A. Notice To Prune: Should any person owning real property bordering on any street fail to prune trees as hereinabove provided, the public works director or his/her agent shall order such person within ten (10) days after receipt of written notice, to so prune such trees.

B. Order Required: The order required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail.

C. Failure To Comply: When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the municipality to prune such trees and the exact cost thereof shall be assessed to the owner as provided by law in the case of special assessments. (Ord. 2008-07-15B, 7-15-2008)

#### 7-4-9: PROTECTION OF TREES:

A. Permit Required: No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten feet (10') from any public tree without first obtaining a written permit from the public works director or his/her agent. (Ord. 2008-07-15B, 7-15-2008)

B. Guarding From Excavation Or Construction: All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work, shall be guarded with a good, substantial fence, frame, or box, not less than four feet (4') high and eight feet (8') square, or at a distance in feet from the tree equal to one-half (1/2) the diameter of the trunk in inches, and all building material, dirt, or other debris shall be kept outside of the barrier. (Ord. 566, 7-13-1992)

#### 7-4-10: HAZARDOUS TREES:

The owner of every lot or parcel of land in the village, upon which any tree is growing, shall trim or cause to be trimmed, the branches thereof so that they pose no hazard to any individual's health and safety. When any such tree is dead, such property owner shall remove the same so that it will pose no hazard to any individual's health and safety. Any hazardous tree is hereby declared to be a public nuisance and failure to correct said hazardous condition within fifteen (15) days after written notice from the public works director or his/her agent shall be in violation of this section. (Ord. 2008-07-15B, 7-15-2008)

#### 7-4-11: TRIMMING OF TREES FOR PROTECTION OF WIRES:

It shall be the duty of the various utility companies to maintain trees in such a manner that they do not interfere with service or create a hazard to life, health or personal property. (Ord. 566, 7-13-1992)

#### 7-4-12: ABUSE OR MUTILIZATION OF PUBLIC TREES:

Unless specifically authorized by the public works director or his/her agent, no person shall intentionally damage, cut, carve, transplant, trim or remove any tree, attach any rope, wire, nails, advertising posters or any other contrivance to any tree, allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with them or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree. (Ord. 2008-07-15B, 7-15-2008)

#### 7-4-13: PLACING MATERIALS ON PUBLIC PROPERTY:

No person shall deposit, place, store or maintain upon any public place in the municipality, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air

and fertilizer to the roots of any tree growing herein, except by written permit of the public works director or his/her agent. (Ord. 2008-07-15B, 7-15-2008)

#### 7-4-14: VIOLATION AND PENALTY:

Any person violating or failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 566, 7-13-1992; amd. 1998 Code)

#### 11-12-7: LANDSCAPING:

All off street parking facilities shall be set back a minimum distance from property lines based on zoning district and, in some cases, the zoning of adjoining properties. Except for properties zoned agriculture and residential, these required yards shall be improved with live, organic landscape materials, as follows:

##### A. Minimum Parking Lot Perimeter Landscape Yard By Zoning District:

Zoning District	Street Lot Line	Interior Lot Line	Rear Lot Line	Transition Lot Line	Primary Road
Zoning District	Street Lot Line	Interior Lot Line	Rear Lot Line	Transition Lot Line	Primary Road
A-1 Agricultural District	50'	50'	50'	n/a	75'
R-1/R-2/R-3 Residential District and SR type 1 residential	1'	1'	1'	n/a	1'
SR Senior Residential District type 2	30'	10'	10'	30'	45'
B-1 Community Shopping District	10'	0'	0'	10'	45'
B-2 General Business District	30'	10'1	10'	30'	45'
B-3 Regional Business District	30'	10'1	10'	30'	45'
BP Business Park District	40'	25'1	15'	50'	45'
M-1 Limited Manufacturing District	30'	10'1	15'	50'	45'
I-1 Light Industrial District	30'	10'1	15'	50'	45'

##### Note:

1. Setback may be reduced to 0 feet where off street parking facilities are shared.

##### B. Minimum Amount Of Landscape Materials By Landscape Yard Type:

Zoning District	Street Yard	Interior Yard	Rear Yard	Transition Yard	Primary Road
Zoning District	Street Yard	Interior Yard	Rear Yard	Transition Yard	Primary Road
A-1 Agricultural District	n/a	n/a	n/a	n/a	n/a

R-1/R-2/R-3 Residential District and SR type 1 residential	n/a	n/a	n/a	n/a	n/a
SR Senior Residential District type 2	1 evergreen tree, 1 shade tree and 6 shrubs per 50 linear feet	1 tree and 6 shrubs per 50 linear feet	1 tree and 6 shrubs per 50 linear feet	Solid screen	Berm, 1 evergreen tree, 1 shade tree, 1 ornamental tree, and 12 shrubs per 50 linear feet
B-1 Community Shopping District	1 evergreen tree, 1 shade tree and 6 shrubs per 50 linear feet	n/a	n/a	Solid screen	Berm, 1 evergreen tree, 1 shade tree, 1 ornamental tree, and 12 shrubs per 50 linear feet
B-2 General Business District	1 evergreen tree, 1 shade tree and 6 shrubs per 50 linear feet	1 tree and 6 shrubs per 50 linear feet1	1 tree and 6 shrubs per 50 linear feet	Solid screen	Berm, 1 evergreen tree, 1 shade tree, 1 ornamental tree, and 12 shrubs per 50 linear feet
B-3 Regional Business District	1 evergreen tree, 1 shade tree and 6 shrubs per 50 linear feet	1 tree and 6 shrubs per 50 linear feet1	1 tree and 6 shrubs per 50 linear feet	Solid screen	Berm, 1 evergreen tree, 1 shade tree, 1 ornamental tree, and 12 shrubs per 50 linear feet
BP Business Park District	1 evergreen tree, 1 shade tree and 6 shrubs per 50 linear feet	1 tree and 6 shrubs per 50 linear feet1	1 tree and 6 shrubs per 50 linear feet	Solid screen	Berm, 1 evergreen tree, 1 shade tree, 1 ornamental tree, and 12 shrubs per 50 linear feet
M-1 Limited Manufacturing District	1 evergreen tree, 1 shade tree and 6 shrubs per 50 linear feet	1 tree and 6 shrubs per 50 linear feet1	1 tree and 6 shrubs per 50 linear feet	Solid screen	Berm, 1 evergreen tree, 1 shade tree, 1 ornamental tree, and 12 shrubs per 50 linear feet
I-1 Light Industrial District	1 evergreen tree, 1 shade tree and 6 shrubs per 50 linear feet	1 tree and 6 shrubs per 50 linear feet1	1 tree and 6 shrubs per 50 linear feet	Solid screen	Berm, 1 evergreen tree, 1 shade tree, 1 ornamental tree, and 12 shrubs per 50 linear feet

linear  
feet

Note:

1. Landscape materials are required when landscape yard is required.
- C. Minimum Standards For Landscape Materials:
  1. Required solid screen shall be provided by any one of the following:
    - a. A six foot (6') tall solid fence and six (6) shrubs per thirty (30) linear feet of transition yard, or
    - b. A six foot (6') solid evergreen hedgerow, or
    - c. An undulating berm averaging four feet (4') in height together with one evergreen, one shade tree, and six (6) shrubs per thirty (30) linear feet of transition yard.
  2. Evergreen trees shall be installed at six feet (6') in height. Deciduous shade trees shall be installed at two and one-half inch (2 1/2") caliper measured at four feet (4') above grade. Deciduous ornamental trees shall be installed at six feet (6') in height if multibranched and not less than two inch (2") caliper, measured at four feet (4') above grade, if single stemmed.
  3. Shrubs shall be installed at a minimum height of twenty four inches (24"). Ornamental grass may be substituted for shrubs with approval of the zoning official.
  4. An organic ground cover shall be installed and maintained over the entirety of all landscape yards. Decorative stone is prohibited.
  5. All shrubs located within the sight triangle, as required in chapter 4 of this title, shall be maintained to a maximum height of thirty six inches (36"). All trees located within the sight triangle shall be pruned with the lowest branch measuring at least eight feet (8') from the established grade of the intersection.
  6. Berms shall be designed and installed in a meandering and undulating style at a maximum slope of four to one (4:1) and an average height of four feet (4') as measured from the average established grade. Trees shall be planted on the slope of the berm, not on the top of the berm.
  7. The use of drought tolerate landscape materials is strongly encouraged.
  8. The addition of flowering perennials to landscape areas is strongly encouraged.
  9. Artificial plant material is prohibited.
- D. Interior Landscape Requirement: Not less than ten percent (10%) of the interior of any off street parking facility containing four (4) or more parking spaces shall be dedicated to interior landscape areas. This requirement is in addition to all other landscape requirements including required foundation landscaping and perimeter landscape yards.
  1. One landscaped island measuring at least ten feet (10') in width shall be provided for every twelve (12) parking spaces within the facility.
  2. One shade tree and six (6) shrubs shall be installed and maintained in each landscape island measuring eighteen feet (18') in length. Landscape islands that measure greater than eighteen feet (18') in length shall provide one shade tree and six (6) shrubs per eighteen feet (18') or fraction thereof of length.
  3. Shrubs shall be maintained at a height not to exceed thirty six inches (36").
  4. Ornamental grass may be substituted for shrubs as permitted by the zoning official.



5. Foundation plantings, installed to meet the minimum interior landscape requirement, shall be located in a landscape area not less than eight feet (8') in width along the front foundation of the principal building. One tree and six (6) shrubs are required per twenty (20) linear feet of building foundation.

6. An organic ground cover shall be maintained in the interior landscape areas. Decorative stone is prohibited.

E. Maintenance: All landscape materials and ground cover shall be permanently maintained in good condition with at least the same quality and quantity as installed. Dead or unsightly plant materials shall be removed and replaced as necessary. (Ord. 2017-01-10A, 1-10-2017; amd. Ord. 2018-03-20C, 3-20-2018)