

ARTICLE 15

BUILDING REGULATIONS

CHAPTER 18 TREE PRESERVATION ON PRIVATE PROPERTY

(Please see Article 9, Chapter 4 for regulations regarding Parkway/Public trees)

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15-18-1 POLICY

It is the policy of this Chapter to preserve, protect, replace and properly maintain trees on private property within the City because trees provide numerous benefits to the public health, safety and welfare.

15-18-2 DEFINITIONS

BUFFER ZONE: For the purposes of this ordinance, Buffer Zone shall be defined as an area of land extending out 12 feet from the exterior walls of a principle structure, measured perpendicular to the exterior wall at a height of 4.5 feet above the ground. The Buffer Zone does not apply to unattached amenities or attached decks, patios, or porches.

BUILDING FOOTPRINT: That precise portion of a lot or parcel where it is proposed that a structure will be placed.

CIRCUMFERENCE: The measure of the distance around a circle. The circumference of a circle is computed by multiplying the diameter by pi (3.1412).

DBH: The diameter in inches of a tree trunk measured at a height of four and one-half (4.5) feet above ground. (DBH = Diameter Breast Height)

DIAMETER: The width of a circular or cylindrical object; a straight line passing through the center of a circle or sphere and meeting the circumference or surface at each end.

DRIP LINE: An imaginary, perpendicular line that extends downward from the outermost tips of the tree branches to the ground.

MAINTENANCE ACTIVITY: Any activity including (but not limited to) the pruning, spraying, injecting, bracing, and nutrient supplementation of a tree with the intention of improving or maintaining tree health and/or structure.

MULTI-STEM TREE: A tree having two or more stems attached to the same common root system.

PRINCIPAL STRUCTURE: A non-accessory building in which the principal use of the lot on which it is located is conducted.

PRIVATE PROPERTY: Any property not owned by the City of Park Ridge.

PROTECTED TREES: (A) Any tree larger than ten (10") inches DBH (31.5" circumference) or multi-stemmed tree having a total diameter of fifteen (15") inches DBH (42.5" circumference); and (B) Any tree of any size that was required to be planted by City regulation, permit, ordinance or agreement.

Protected trees shall fall into one of two categories:

An At Risk Protected Tree is any Protected Tree that the City Forester, by applying accepted arboricultural standards, has determined that due to (1) loss of structural integrity resulting from internal defects or external factors; (2) aging; (3) disease; (4) damage; or (5) decay is either dead or would not be expected to be viable beyond three subsequent growing seasons.

A Healthy Protected Tree is any Protected Tree that has not been classified as an At Risk Protected Tree.

When the term Protected Tree is used, it shall mean both Healthy Protected Trees and At Risk Protected Trees.

REMOVAL: The cutting down or other Substantial Destruction of a tree.

ROOT ZONE: Portion of the tree located underground spreading out from the trunk in all directions, and at varying depths, generally confined to the drip line area. (Most root zones are found within eighteen (18") inches of the ground surface.)

STRUCTURE: Anything built, constructed, installed, erected or placed on, in or under the ground, or attached to something on, in or under the ground.

SUBSTANTIAL DESTRUCTION: The pruning out of more than thirty-five (35%) percent of the live branches of a tree; or an activity that in the opinion of the City Forester, is likely to result in the death of a tree; or any activity that puts a tree in an "At Risk" category.

TOPPING: The cutting back of a tree to buds, stubs or lateral branches not large enough to assume the terminal role.

TREE BANK REPLACEMENT FUND: That fund established by the City for the purpose of compliance with Section 15-18-06 of this Code.

TREE PRESERVATION COMMISSION: See Section 15-18-13.

UNATTACHED AMENITY: Any swimming pool, gazebo, garage, patio, play apparatus, basketball court, tennis court or similar structure or installation which is not attached to the principal building on the lot, and which is a permitted accessory structure on the parcel.

15-18-3 REMOVAL OF TREES ON PRIVATE PROPERTY PROHIBITED

Except as provided in this Chapter, it shall be unlawful for any person, including but not limited to the Property Owner, to remove a Protected Tree or cause the Substantial Destruction of a Tree.

15-18-4 PRUNING

No tree may be pruned except in compliance with all OSHA, American National Standards_Institute (ANSI) A300 Tree Care Performance Standards and ANSI Z133 Safety Standards. No permit is required for pruning a private property tree, however the homeowner is required to assure proper pruning practices are followed. Failure to follow proper pruning practices may cause substantial destruction, in violation of Section 15-18-6.

15-18-5 PERMIT REQUIRED FOR REMOVAL OF PROTECTED TREES

No Protected Tree may be removed without first obtaining a tree removal permit from the City Forester pursuant to the provisions of this Chapter.

Permits authorizing the removal of trees may be issued by the City Forester in accordance with, but not necessarily limited to, the following conditions:

- A. The tree is dead, dying, diseased, or within the Buffer Zone.
- B. The tree is damaged or injured to the extent that it is likely to die or become hazardous within three (3) years.
- C. Removal of the tree is consistent with good forestry practices in consideration of the species, location, condition, age, safety, and historic/aesthetic value of the tree to be removed.
- D. Removal of the tree will enhance the health of one or more trees, of greater relative value, within the immediate vicinity of the tree to be removed.
- E. Reasonable efforts have been undertaken in the architectural layout and design of the proposed development or improvement to minimize tree damage and/or removal.

15-18-6 PROTECTED TREE REMOVAL

A. At Risk Protected Trees

Upon proper application, the City Forester shall inspect and issue a permit for the removal of any At Risk Protected Tree.

B. Healthy Protected Trees

1. Removal of trees due to New Construction of One Single Family Residence, an Addition to Such a Residence; or an Unattached Amenity Serving One Single Family Residence.
 - a. A Healthy Protected Tree in any area falling within the footprint of a principal structure (including the Buffer Zone), garage, or driveway may be removed but shall be replaced as set forth in Section 15-18-08.
 - b. No Healthy Protected Tree may be removed for the placement of an Unattached Amenity or for expansion or relocation of a front or side yard driveway or sidewalk.
 - c. The City Forester, in consultation with the Department of Community Development and Preservation, may require the reduction in size, relocation or other modification of any attached deck, new driveway, patio or porch that would require the removal of a Healthy Protected Tree.

2. Removal of trees for a non-residential development, a residential development that involves two or more principal structures or any multifamily development.

a. No Healthy Protected Tree may be removed unless it is within a building footprint, or Buffer Zone.

b. All Healthy Protected Trees that are removed shall be replaced according to Section 15-8-08.

c. The City Council may approve exceptions to this Paragraph pursuant to approval of a Subdivision Plan, Planned Unit Development or Special Use. Any such exception must include a specific finding that the alternative will be in furtherance of the City's policies as a Tree City.

C. Other City Landscaping Requirements

To the extent that this Article imposes greater planting requirements than any other regulations of the City, this Article shall control.

D. Escrow

1. If tree replacement is required by this Chapter, then as a condition of the tree removal permit, the applicant shall place into escrow with the City an amount of money equal to tree replacement value, as determined by the City Forester. The money shall be returned once the new tree(s) is planted or deposited to the tree bank if no tree has been planted after a period of one year. The City Forester shall maintain a current schedule of the cost (including planting expenses) for replacement of trees.

2. If it is determined that practices which violate any portion of the City Code have resulted in tree damage, then the City may require that an escrow payment, equal to the replacement value of the damaged tree(s) (See §15-18-08). The City Forester shall determine the period for which the cash bond shall be held (not to exceed 36 months). That period shall be reasonably related to the amount of time that is necessary to determine the health of the damaged tree(s). The bond shall be held for the purpose of assuring that all remedial actions required by the City to restore the health of the tree(s) are taken, and/or for the purpose of assuring the appropriate tree replacement should any damaged trees die or show noticeable signs of decline as determined by a certified arborist.

15-18-7 TREE REMOVAL PERMIT APPLICATION PROCEDURE

A. Tree Removal Permit Application when a Building or Site Work Permit is Being Sought

When a building or site work permit is being sought, a tree removal permit application shall be submitted which includes three (3) copies of a legible Tree Preservation Plan, drawn to scale of 1 inch equals 20 feet, and indicating the following information for the entire site:

1. A tree survey indicating location, size, and species of all Protected Trees on site. All trees requiring a tree removal permit must be specifically labeled on the survey.

2. All tree protection measures to be taken to minimize damage to trees. At a minimum, all fencing shall go to the dripline or to the excavation limits. Excavation limits falling within the dripline shall be subject to the approval of the City Forester.

3. Location, shape and spatial arrangement of all existing and proposed buildings, walls, impervious surfaces, improvements and structures.

4. Location, shape and spatial arrangement of all driveways, construction access roads, and construction material/debris storage areas.
5. Existing and proposed utility services including gas, electric, telephone, cable TV, water and sewer.
6. Existing and proposed elevations with contour lines at 1 foot intervals.
7. Setbacks, yard requirements, easements and conservancy areas.

B. Tree Removal Permit when No Building or Site Work Permit is Being Sought

The applicant seeking a Tree Removal Permit shall provide the City with a completed permit application that includes the following information:

1. First and last name, address and telephone number of applicant.
2. General location and size (DBH) of tree(s) for which permit is sought.
3. Reason why applicant seeks removal of tree(s).

C. Review of Tree Removal Permit Application

The City Forester shall review the tree removal permit application. This review may include an inspection of the site and/or meetings with the applicant. The City Forester shall render a decision on the tree removal permit request within ten (10) working days of the receipt of a properly filed request.

D. Appeals

Any appeal of the denial of a Tree Removal Permit shall be heard by the City's Tree Commission. Appeals must be filed, in writing with the City Forester, within ten (10) days of denial of the Tree Removal Permit. Appeals will be heard within thirty (30) days of such filing.

15-18-8 TREE REPLACEMENT REQUIREMENTS

Any Healthy Protected Tree that is removed, and requires replacement by this Chapter shall be replaced with single stem trees from Appendix A. The minimum size of any replacement tree shall be two (2") inch DBH; the maximum size shall be four (4") inch DBH. The number of replacement inches is determined on the following basis:

- DBH of 1-10 inches: No replacement trees required.
- DBH of greater than 10 inches to 20 inches: 1 replacement tree required.
- DBH of greater than 20 inches to 30 inches: 2 replacement trees required (Min. of 1 tree planted back on site).
- DBH of greater than 30 inches to 40 inches: 3 replacement trees required (Min. of 1 tree planted back on site).
- DBH of 40 inches or larger: 4 replacement trees (Min. of 2 trees planted back on site).
- At Risk Protected Trees that are removed do not require tree replacement.

If the City Forester determines that it would not be consistent with best arboricultural practice to plant replacement trees on the parcel from which trees were removed, then an amount of money equal to the value of the replacement trees shall be deposited into a tree bank replacement fund. This fund may only be used for the planting of trees on public property.

15-18-9 PERMIT ISSUANCE

A. Issuance. The City Forester shall issue a tree removal permit upon approval of compliance with the requirements described in this Chapter and payment of any required fees and escrows.

B. Time Limitations. A permit shall expire if the work authorized by the permit is not commenced within one (1) year from the date of the permit or if such work, when commenced, is suspended or abandoned at any time for a period of six (6) months. If a permit expires, a new permit must be obtained before work may be resumed.

15-18-10 TREE PROTECTION DURING CONSTRUCTION

Where any construction activity is taking place, the following preservation methods and standards must be followed:

A. No construction activity, movement and/or placement of equipment, vehicles, material, spoils excess soil, additional fill, liquids, or construction debris shall be placed within the protected root zone or at any elevation above the root zone.

B. Crushed limestone and other materials detrimental to trees shall not be dumped within the protected root zone of any tree nor at any location above the root zone where drainage toward the tree could reasonably be expected to affect the health of the tree.

C. Appropriate protective fencing shall be temporarily installed at the periphery of the tree's root zone/dripline. All fencing must be secured to metal posts driven into the ground no further than 10' apart. The entire parkway must be fenced and maintained for the period of the construction whether trees are present or not. Either the existing drive or the proposed drive may remain open.

D. No attachments, signs, fences, or wires, other than approved for bracing, guying, or wrapping shall be attached to trees during the construction period.

E. Other measures, including but not limited to, construction pruning and root pruning may be required upon the written demand of the City Forester.

F. Unless otherwise authorized by the City Forester, no soil is to be removed or added within the root zone area of any tree.

G. All Protected Trees within twelve (12') feet of the building footprint shall be evaluated by the City Forester to determine the effect of the construction on the trees' long-term survivability and safety. Protection or removal may be required accordingly.

The general contractor shall be responsible for the construction, erection, and maintenance of temporary fencing in accordance with the conditions of the building permit around tree preservation areas. Violation will result in the stoppage of all work until corrections have been made to the satisfaction of the City Forester.

15-18-11 EMERGENCIES

In the event of emergency conditions requiring the immediate cutting or removal of a tree or trees protected by this Chapter in order to avoid danger or hazard to persons or property, an emergency

permit will be issued by the City Forester without formal application. If City Hall is closed when the emergency arises, the Police Department shall be contacted for approval before any action is taken.

15-18-12 PENALTY

1. Any person, who removes or substantially destroys a tree(s) without a City tree removal permit, in violation of Section 15-18-3, shall be fined a minimum of Five Hundred Dollars (\$500.00) per inch of tree DBH.

2. Any person who violates any other provision of this Chapter shall be fined not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Two Thousand Five Hundred Dollars (\$2,500.00) for each violation.

3. Where applicable, each day that a violation exists shall constitute a separate offense.

4. The payment of a fine shall not relieve any violator of this Chapter from tree replacement requirements.

15-18-13 TREE PRESERVATION COMMISSION

There is hereby created a Tree Preservation Commission whose duties shall be to periodically evaluate the effectiveness of this Chapter 18 and to hear appeals from the denial of tree removal permits. The Commission shall consist of five members, appointed by the Mayor with the advice and consent of the aldermen. The terms of Commission members shall be for four years, except that two of the five initial appointees shall be appointed to terms of two years. The Mayor shall designate the Chairman of the Commission.

Appendix A

Common Name	Scientific Name
Black Maple	<i>Acer nigrum</i>
Red Maple	<i>Acer rubrum</i>
Sugar Maple	<i>Acer saccharum</i>
Ohio Buckeye	<i>Aesculus glabra</i>
Common Horsechestnut	<i>Aesculus hippocastanum</i>
Red Buckeye	<i>Aesculus pavia</i>
European Black Alder	<i>Alnus Glutinosa</i>
River Birch	<i>Betula nigra</i>
American Hornbeam	<i>Carpinus caroliniana</i>
Bitternut Hickory	<i>Carya cordiformis</i>
Shagbark Hickory	<i>Carya ovate</i>
Catalpa	<i>Catalpa Speciosa</i>
Hackberry	<i>Celtis occidentalis</i>
Katsura	<i>Cercidiphyllum Japonica</i>
Yellowwood	<i>Cladrastis kentukea</i>
American Beech	<i>Fagus grandifolia</i>
Ginkgo	<i>Ginkgo Biloba</i>
Thornless Honeylocust	<i>Gleditsia triacanthos</i>
Kentucky Coffeetree	<i>Gymnocladus dioica</i>
Butternut	<i>Juglans cenera</i>
Black Walnut	<i>Juglans nigra</i>
Larch	<i>Larix Americana</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Tulip Tree	<i>Liriodendron tulipifera</i>
Dawn Redwood	<i>Metasequoia Glyptostreboides</i>
Black Tupelo	<i>Nyssa sylvatica</i>
American Hophornbeam	<i>Ostrya virginiana</i>
Sycamore	<i>Plantanus Occidentalis</i>
London Plane Tree	<i>Plantanus X Acerfolia</i>
Sawtooth Oak	<i>Quercus Acutissima</i>
White Oak	<i>Quercus alba</i>
Swamp White Oak	<i>Quercus bicolor</i>
Scarlet Oak	<i>Quercus coccinea</i>
Hill's Oak	<i>Quercus ellipsoidalis</i>
Shingle Oak	<i>Quercus imbricaria</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinkapin Oak	<i>Quercus muehlenbergii</i>
Chestnut Oak	<i>Quercus prinus</i>
Red Oak	<i>Quercus rubra</i>
English Oak	<i>Quercus robur</i>
Schumard Oak	<i>Quercus shumardii</i>
Black Oak	<i>Quercus velutina</i>
Bald Cypress	<i>Taxodium Distichum</i>
Linden	<i>Tilia americana</i>
American Elm	<i>Ulmus Americana</i>
Japanese Zelkova	<i>Zelkova Serrata</i>