

ORDINANCE NO. O-17-003

AN ORDINANCE AMENDING THE TREE PRESERVATION AND REMOVAL REGULATIONS IN ARTICLE VI, SECTION 17.606.B OF THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 17 OF THE CITY OF WOOD DALE MUNICIPAL CODE

WHEREAS, the City of Wood Dale is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City of Wood Dale is authorized and empowered, under the Municipal Code and the Code of Ordinances of the City of Wood Dale, to regulate properties located within the municipal boundaries of the City; and

WHEREAS, in furtherance of this authorization, the City of Wood Dale has adopted a the Unified Development Ordinance, which sets forth provisions regarding land use and improvement regulations, requirements and procedures in the City of Wood Dale, including landscaping and tree preservation; and

WHEREAS, in seeking to balance the intent of the tree preservation and removal requirements with the impact on property owners, Wiegel Tool Works, Inc. proposed Text Amendments to Article VI, Section 17.606.B, of the Unified Development Ordinance, Chapter 17 of the City of Wood Dale Municipal Code; and

WHEREAS, on December 19, 2016, the Community Development Commission held a public hearing on the proposed Text Amendments under Case No. 2016-CDC-14, following the necessary publication of a legal notice pursuant thereto as required by law, and based on the facts presented at the hearing, voted to recommend approval of the proposed Text Amendments to the Unified Development Ordinance, as set forth herein; and

WHEREAS, the proposed Text Amendments, as recommended for approval by the Community Development Commission has been considered by the Planning, Zoning and Building Committee of the City Council of the City of Wood Dale, which has also recommended approval of the Text Amendments; and

WHEREAS, the City Council of the City of Wood Dale has reviewed the matter herein and has determined that the same is in the best interests of the City of Wood Dale.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOOD DALE, DUPAGE COUNTY, ILLINOIS, as follows:

SECTION ONE: The recitals set forth above are incorporated herein and made a part hereof.

SECTION TWO: That Chapter 17, Article VI, Section 17.606.B, Tree Preservation and Removal Regulations, is hereby amended as redlined in the attached Exhibit "A".

SECTION THREE: That all sections of Article VI of Chapter 17 not amended by this ordinance shall remain in full force in effect, as set forth in the Municipal Code.

SECTION FOUR: That all ordinances or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION FIVE: That the City Clerk of the City of Wood Dale is hereby directed to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

SECTION SIX: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this 19th day of January, 2017

AYES: Aldermen Catalano, JAKAB, Messina, Sorrentino, Susmarski, E. Wesley
R. Wesley, and Woods

NAYS: None

ABSENT: None

APPROVED 19th day of January, 2017

SIGNED: Annunziato Pulice
Annunziato Pulice, Mayor

ATTEST: Shirley J. Siebert
Shirley J. Siebert, City Clerk

Published in pamphlet form January 19th, 2017.

EXHIBIT A

ARTICLE VI, SECTION 17.606.B - TREE PRESERVATION AND REMOVAL
REGULATIONS

Sec. 17.606. Landscaping And Tree Preservation.

B. Tree Preservation And Removal Regulations: It shall be unlawful for any person to remove or cause the removal of any tree having a caliper of six inches (6") or greater in the city of Wood Dale without having first obtained approval from the city of a tree preservation and removal plan as described herein. Nothing in this subsection shall apply to tree removal by an owner of a lot having a single-family, two-family or duplex dwelling located thereon.

1. Tree Preservation And Removal Plan Required: A tree preservation and removal plan shall be required for any parcel of land involving the construction of any new building(s) or structure(s) or other site improvements, or the removal of a tree having a caliper of six inches (6") or greater. All tree preservation and removal plans shall include or have attached thereto the following information:

- a. A tree survey.
- b. The location of those trees to be removed and preserved and the methods which are to be used to remove and preserve such trees during site development and/or tree removal procedures.
- c. A written statement indicating the reason for removal of the tree(s). A report from a licensed Illinois arborist may be requested by the development administrator if deemed appropriate.
- d. A general description of the tree(s) to be removed.
- e. Details, specifications and/or technical information of materials or procedures to be used to preserve and protect trees.

2. General Tree Preservation And Removal Standards And Criteria:

- a. Existing Trees: Every reasonable effort shall be made to retain existing trees on the aforementioned tree survey through the integration of those trees into the site plan and landscape plan for a proposed development. Provided, however, that there shall be no requirement to retain any tree that is: infested; incurably diseased; has been weakened by age, storm, fire, or other injury; or the removal of which is consistent with established good forestry practices.
- b. Grading And Construction Equipment: Grading and construction equipment shall be forbidden from encroaching within the drip line of a tree.
- c. Material Detrimental To Trees: Crushed limestone hydrocarbons and other material detrimental to trees shall not be stored or dumped within the drip line of any tree nor at any higher location where drainage toward the tree could conceivably affect the health of the tree.
- d. Toxic Chemicals And Other Injurious Substances: Toxic chemicals, gasoline, oil and other injurious substances shall not be stored or allowed to seep, drain or empty within one hundred feet (100') of the drip line of protected trees.
- e. Snow Fencing: Snow fencing shall be temporarily installed at the periphery of the tree's drip line.
- f. Tree Trunks And Branches: Tree trunks and branches shall be protected when construction must occur within a tree drip line.

- g. Grade Changes: No grade changes shall be allowed under drip line of any trees designated for preservation.
 - h. Attaching Materials To Trees Prohibited: No ropes, signs, wires, unprotected electrical installation or other device or material shall be secured or fastened around or through a parkway tree.
 - i. Root Pruning/Thinning: To improve the survival rate of tree, root pruning and/or thinning should be performed in accordance with the "Arboricultural Specifications Manual".
 - j. Underground Utility Lines: In the event that underground utility lines are proposed within five feet (5') of the trunk of a tree, then augering of the utility line should be considered and may be required by the city.
 - k. Tree Replacement Required: Any tree intended to be removed or unintentionally removed or damaged during construction on the lot shall be replaced in the manner herein prescribed.
- (1) In the event that a tree is designated for removal during the construction process, such tree shall be replaced with new trees in accordance with the following schedule:

<u>Caliper Of Tree To Be Removed</u>	<u>Number Of Replacement Trees</u>
30 inches or greater	5
13 - 29 inches	4
8 - 12 inches	3
6 - 7 inches	2

Except that when a tree designated for removal is one of the following species each such tree shall be replaced with one replacement tree from the list of species provided in subsection B2k(4) of this section:

- Black locust (*Robinea pseudoacacia*)
- Box elder (*Acer negundo*)
- Buckthorn (*Rhamnus cathartica*)
- Chinese elm (*Ulmus parviflora*)
- Chokecherry (*Prunus virginiana*)
- Cottonwood (*Populus deltoides*)
- Goldenchain tree (*Laburnum anagyroides*)
- Laurel willow (*Salix pentandra*)
- Mulberry (*Morus sp.*)

Osage orange (*Maclura pomifera*)

Russian olive (*Elaeagnus angustifolia*)

Siberian Elm (*Ulmus pumila*)

Tree of heaven (*Ailanthus altissima*)

Weeping willow (*Salix baylonica*)

Any other diseased or otherwise nuisance tree as determined by the City

(2) In the event that a tree designated for preservation is destroyed, damaged, or removed during the construction process, such tree shall be replaced with new trees in accordance with the following schedule:

<u>Caliper Of Tree To Be Removed</u>	<u>Number Of Replacement Trees</u>
30 inches or greater	10
13 - 29 inches	8
8 - 12 inches	6
6 - 7 inches	4

(3) All replacement trees shall have a minimum caliper of two and one-half inches (2.5").

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

American beech

European beech

Ginkgo

Hackberry

Horse chestnut

Linden

Maidenhair tree

Maple (excluding silver maple and other similar softwood species)

Oak

Purple leaf beech

Thornless honey locust (cultivars)

Tulip tree

- (5) The landscape plan shall identify each replacement tree as a replacement tree and indicate its location, species, and size. No replacement trees shall be used to satisfy the requirements for tree planting in public right of way or in parking lots.
 - (6) Removal of trees designated for preservation shall be allowed only by amending the landscape plan.
 - (7) Tree preservation and replacement required by this section shall be a condition to the issuance of a certificate of occupancy for any improvements constructed on a zoning lot in the city.
 - (8) If it is impractical to plant the required number of replacement trees on the same zoning lot due to space limitations or the density of existing trees, the city shall require the owner to plant said tree(s) at its discretion on other public property, excluding rights of way.
3. Guidelines For Reviewing Tree Removal Plans: The city of Wood Dale shall approve removal of a tree if one or more of the following conditions are present:
- a. It is necessary to remove a tree that poses a safety hazard to pedestrian or vehicular traffic or threatens to cause disruption of public safety.
 - b. It is necessary to remove a tree which poses a safety hazard to structures.
 - c. It is necessary to remove a tree which is diseased or has been weakened by age, storm, fire or other injury.
 - d. It is necessary to observe good forestry practice, i.e., the number of healthy trees a given parcel of land will support.
4. Tree Removal Permit: When tree removal is occasioned by any development or land use requiring the submission of a landscape plan, tree preservation and removal plan, site plan, or subdivision plan, said plan shall, upon approval by the city, constitute a tree removal permit.
5. Failure To Comply: If, in the opinion of the development administrator, the necessary precautions as specified in the tree preservation and removal plan were not undertaken before or maintained during construction, the land development permit for the parcel shall not be issued or, if previously issued, shall be revoked until such time as these precautions have been satisfied.