THE CITY OF
LAKE FOREST
CHARTERED 1861

Tree Preservation and Landscaping Ordinance

Table of Contents

Article 1 – Purposes and Definitions	**Page 3 – 4**
Article II – General Provisions	**Page 4 – 10**
Article III – Subdivisions and Planned Developments	**Page 10 – 11**
Article IV – Special Use Permits, Variances	**Page 11 – 12**
Article V – Property That is the Subject of a Development Petition	**Page 12 – 13**
Article VI – Construction Activity	**Page 14 – 15**
Article VII – Landscape Plans	**Page 15 – 19**
Article VIII – Street Trees	**Page 19**
Article IX – Contagious or Threatening Diseases and Infestations	**Page 19 - 21**

Chapter 42

Tree Preservation and Landscaping

ARTICLE I – PURPOSES AND DEFINITIONS

Section 42-1 PURPOSES

The purpose of this ordinance is to preserve trees on both public and private property and, in the event that tree removal is necessary, to ensure that appropriate replacement trees are planted. The ordinance is also intended to minimize erosion and stormwater runoff, provide buffers between neighboring properties, preserve historic streetscapes, minimize the visual and environmental impacts of paved surfaces and buildings, and ensure landscaping in conjunction with new development and redevelopment in a manner that preserves native vegetation. This ordinance is intended to balance the property rights of individual property owners with those of the overall health, safety and welfare interests of the Community.

Section 42-2 DEFINITIONS

Applicant – An owner, occupant, or a representative of an owner or occupant of a lot, parcel or tract of land for which an application has been filed for a subdivision, Special Use Permit, or any activity requiring the issuance of grading, building, utility or demolition permits.

Bluff – All property on the Lake side of the table land beginning at a point where the slope of the land first exceeds ten percent and continuing to the Lake.

Building Activity Area – The portion of a property within which development activity, including grading, excavating, storage of materials, construction access, and construction of both main buildings and accessory structures, including pools and tennis courts, may occur.

Conservation Area (Easement) – An area within which all existing vegetation shall be preserved for the purpose of retaining the natural character of the area and providing screening from adjacent uses or a public or private street. No plant material shall be removed from or planted in a Conservation Area without a permit from the City authorizing removal or planting. Conservation Areas may be established as part of the subdivision process or through the issuance of a Special Use Permit. No solid fences may be located in a Conservation Area. (Also referred to as Preservation Areas on some subdivision plats.)

Cutting - Felling or removal of a tree, or any procedure that results in the death or substantial destruction of a tree. Cutting does not include normal pruning or trimming of trees consistent with this Chapter.

Diameter Breast Height (DBH) – The diameter of a tree measured at 54 inches above the ground.

Critical Root Zone – An area on the ground extending out from the trunk of the tree in all directions a distance of one foot for every inch DBH.

Inch for Inch Replacement – The planting of one or more trees in place of trees that have been removed. The new tree, or trees, shall equal, in total DBH inches, the DBH of the tree or trees removed.

Heritage Tree – Any tree having a 25" or larger DBH.

No Disturbance Area – An area, identified on a plat of subdivision or approved development plan around one or more trees within which all construction, grading, installation of utilities and all other land altering activity is prohibited. No Disturbance Areas may be established as part of the subdivision process or through the issuance of a Special Use Permit.

Property that is the subject of a development petition – Any property for which an application has been filed for subdivision, Special Use Permit, or any activity requiring the issuance of any grading, building, utility or demolition permit.

Protected Area – Any areas in which tree protection measures are required pursuant to this Chapter, including without limitation any Bluff, Conservation Area, Heritage Tree, No Disturbance Area, Ravine, Streetscape Preservation Area, or Tree Preservation Area.

Ravine -- All property beginning at a point where the slope of the land first exceeds ten percent and continuing to the bottom of the ravine.

Remove or Removal - The act of causing a tree to be cut down or to die through damaging, poisoning or other direct or indirect action.

Street Tree – Tree located in the public right-of-way and maintained by the City.

Streetscape Preservation Areas – The portion of a property located in the front and corner side yards, as defined by the Zoning Code.

Tree Preservation Areas – Areas identified on a plat of subdivision, or on a site plan attached to the ordinance granting a Special Use Permit, within which trees are to be preserved. This differs from a Conservation Easement in that removal of undergrowth is permitted.

ARTICLE II GENERAL PROVISIONS

Section 42-3 PLANTING---It shall be unlawful to plant any tree or bush in the public right-of-way, or on other City owned property without prior written approval of the Director of Public Works, or in the case of a Conservation

Area, the Director of Community Development. Any plantings authorized within the public right-of-way or on other public property shall be documented by an approved landscape plan, and a hold harmless agreement, in a form acceptable to the City Attorney, shall be on file with the City prior to planting. It shall be unlawful to plant any tree under utility wires that is anticipated to grow to a height that will interfere with the wire.

Section 42-4 **REMOVAL** – A permit authorizing removal must be obtained from the Director of Community Development prior to the following activities, except for items f and g below, in which case, a permit for removal must be obtained from the Director of Public Works.

a. Removal of trees or vegetation from a Conservation Easement. In addition, removal of dead, diseased, or noxious materials from these areas shall only occur with prior written approval.
b. Removal of trees from a tree preservation or no disturbance area.
c. Removal of a heritage tree.
d. Removal of trees or vegetation on any property that is the subject of a development petition prior to issuance of a permit.
e. Removal of trees 10" DBH or larger within the streetscape preservation area.
f. Removal of trees or shrubs from any ravine or bluff or the topping of trees in any ravine or bluff.
g. Removal of trees or shrubs from a public right-of-way or other public property.

Any tree removal on private property shall not encroach upon, or damage any trees located in protected areas, on neighboring properties or in the City right-of-way. Any permit authorizing removal may be subject to such conditions that the Director may deem necessary or appropriate to minimize damage to other trees or vegetation on a site, including installation of protective fencing.

Applications for a tree removal permit shall be made on forms authorized by the Directors of Public Works and Community Development, and no permit shall be issued except pursuant to an application containing all required information including, where applicable, a tree protection, landscaping, or tree replacement plan.

Section 42-5 **PERMITS AUTHORIZING REMOVAL** -- Permits authorizing removal pursuant to Section 42-4 may be issued by the Director of Community Development or Public Works under the following conditions.

a. The tree is dead or dying.
b. The tree is diseased.
c. The removal of the tree is consistent with established good forestry practices.

d. Refusal to allow removal of the tree would deny the applicant all reasonable and economically viable uses of the property.
e. If none of the above criteria are satisfied, the Director of Community Development or Public Works may authorize removal if it is mitigated by "replacement trees in lieu of preservation" consisting of a double inch for inch replacement of the tree to be removed, unless good forestry practices or an approved landscaping plan warrant a lesser replacement, which in no case shall be less than an inch for inch replacement of the tree to be removed. The replacement trees may be required on the property from which the tree was removed, or on adjacent properties or rights-of-way as determined to be necessary by the Director to mitigate the loss of the tree of trees in a protected area.

Section 42-6 **APPLICATION OF REQUIREMENTS REGARDING DISEASED AND INFESTED TREES** – Nothing in this Chapter shall be construed to prohibit the removal of trees or parts thereof which have been identified as being infected with contagious, threatening diseases or infested with pests either of which threaten the health and vitality of the City's urban forest. Such trees and infected or infested materials shall be removed and disposed of in accordance with the provisions of Article IX of this Chapter.

Section 42-7 **REMOVAL, PARTIAL -- NON-EMERGENCY TREE TRIMMING, PRUNING** --- All tree pruning conducted by for profit tree services within the corporate boundaries of The City of Lake Forest shall be done in a manner that is consistent with the guidelines set forth by the

International Society of Arboriculture, in their publication entitled "Tree Pruning Guidelines, 1995," or as hereafter amended for the purpose of protecting the health of trees and property values.

42-7.1 Non-emergency Pruning Non-emergency pruning of all tree species shall be permitted year round except as follows:

All species of Elms and Oaks shall not be pruned from April 1st through November 1st. (amended 8/07/06)

42-7.2 Utility Companies Prior to conducting any non-emergency tree pruning, all utility companies shall notify the Director of Public Works, and adjacent property owners, in writing, no less than 7 days prior to the start of any work. In protected areas and areas not within the utility franchise authority, the utility company must obtain written approval from the Director of Public Works prior to the start of any pruning, to ensure that the pruning plan is consistent with applicable City regulations.

Section 42-8 **INJURY**---It shall be unlawful to intentionally injure any tree on public right-of-way or on other public property or trees on private property in a protected area as defined by this Chapter.

Section 42-9 **DANGEROUS TREES** ---Any tree on private property which overhangs any sidewalk, street, or other public property in such a way as to impede or interfere with traffic, and any tree or limb which has become likely to fall on or across any public right-of-way or public property, shall be trimmed or removed by the owner of the property on which the tree grows so that the obstruction or danger is removed. If a determination is made by the Director of Public Works that a tree poses an immediate threat to life or limb, the Director of Public Works may order the removal of the portion of the tree posing the immediate threat.

Section 42-10 **WIRES**---It shall be unlawful to attach any wire or rope to any tree in any public right-or-way, parkway, or on other public property without the prior written approval of the Director of Public Works.

42-10.1 Clearance from Trees -- Any person or company given the right to maintain poles and wires in the public rights-of-way and on publicly owned property, shall, in the absence of a provision in the franchise agreement concerning the subject, keep

such wires and poles free from, and away from, all trees. In addition, all such trees shall be kept properly trimmed in a manner that is consistent with City regulations, subject to the approval of the Director of Public Works, so that no injury shall be done to either the poles and wires, or the trees, by their contact.

Section 42-11 **EXCAVATIONS**---Excavations in streets or on other publicly owned property shall occur in a manner that minimizes injury to any tree. In cases where the excavation may impact the roots or any other part of a tree, prior written approval from the Director of Public Works is required before excavation may begin to ensure that appropriate steps are taken to minimize or mitigate the effect of such impact.

Section 42-12 **VIOLATIONS; REQUIRED CORRECTIONS**

42-12.1 Tree Removal – Removal of any tree in violation of this Chapter shall be punishable by a fine of not more than $750 per violation, with every inch of the tree measured at DBH being a separate violation. The diameter of any trees that are removed prior to the issuance of a permit shall be determined by the diameter of the stump where cut at 6 inches from surrounding ground level. In the case where a stump has been removed, the diameter of the tree shall be determined by the Director of Community Development or Public Works based on a prior tree survey or an aerial photo. In addition to the applicable fine, each tree removed, or determined by the Director to be irreparably

damaged, shall be replaced consistent with Section 42-12.2 of this Chapter.

42-12.2 Replacement. In issuing a permit authorizing the removal of a tree pursuant to Section 42.4 or in establishing the replacement requirement for a tree as required by Section 42-12.1, the size of each replacement tree shall be no less than 3 inches DBH at the time of planting. The location and the species of the replacement tree shall be approved by the Director of Community Development or the Director of Public Works. The Director may waive or reduce the requirement for planting a replacement tree, or trees, if such action is consistent with the purposes of this Chapter.

42-12.3 Removal of Vegetation in Protected Areas – Removal of vegetation in Conservation Areas, on bluffs or ravines, in the public right-of-way and in other areas protected by this Chapter shall be punishable by a fine of not more than $750 per violation, with every 100 square feet of land area cleared or fraction thereof being a separate violation. A replacement landscape plan shall be submitted for approval within 30 days of the violation. The landscape plan shall be designed to restore the area to its previous planting density with native vegetation. In addition to the fine, a cash bond shall be posted with the City to ensure replanting of the area in a manner consistent with the vegetation removed subject to the approval of the Director of Public Works or Community Development as specified in Section 42-4 of this Chapter. The amount of the cash bond shall be 100% of the cost of replanting. Replanting shall occur within a time frame as established by the Director and interim measures shall be required by the Director to prevent storm water run off and erosion.

42-12.4 Tree Trimming and Pruning – Trimming or pruning of any tree by for profit tree services or utility companies in violation of this Chapter shall be punishable by a fine of not more than $500 per violation with each tree trimmed or pruned being a separate violation. In the event that the trimming or pruning is determined by the Director of Community Development or Public Works to likely cause the death of the tree or shrub, the provisions of Section 42-12.1 shall be applicable in lieu of this Section.

42-12.5 Tree or Vegetation Removal -- Stop Work Order The Director of Community Development or the Director of Public Works, or their designees, shall have the authority to stop work at a site if unauthorized tree or vegetation removal is occurring. Once a Stop Work Order is issued, work shall not commence until (a) the necessary permits have been issued, (b) any applicable fine has been paid, and (c) the requirements of Sections 42-12.1 thru 42-12.3 have been satisfied. Violations of a Stop Work Order shall result in a fine of $500.00 for every activity in violation of the Stop Work Order, and

any violation of a Stop Work Order shall subject the offending person to arrest.

42-12.6 Tree Fencing Violation -- Removal or partial removal of, or failure to maintain in a full upright position, any required protective tree fencing, except in accordance with a tree removal permit or an approved tree protection plan, shall constitute a violation of this Chapter that is subject to a fine of not more than $500.00 for each day that the violation continues.

The Director of Community Development shall have the authority to stop work at a site if a violation of the tree fencing requirement is found to exist. Once a Stop Work Order is issued, work shall not commence until the fencing has been re-installed and approved by the Director of Community Development and all applicable fines have been paid.

42-12.7 Tree Fencing Violation – Repeated Offenses. In the case of a repeated violation of the tree fencing requirement, in addition to all applicable fines, erection of a chain link fence may be required before work is allowed to commence on the site.

42-12.8 Storage of Soil, Fill Material, Construction Materials and Equipment. Storage of any materials or equipment within the areas protected by tree preservation fencing or within 10' of any tree identified for preservation on the site plan, is prohibited and shall be subject to a fine of not more than $500.00 for each day that the violation continues.

The Director of Community Development shall have the authority to stop work at a site if materials or equipment are found to violate this provision. Once a Stop Work Order is issued, work shall not commence until the materials and equipment are removed from the protected area, any protective fencing has been re-installed and approved by the Director of Community Development, and all applicable fines are paid.

42-12.9 Fines for All Other Violations. Any other violation of this Chapter shall be subject to a fine of not more than $750.00 for each day that the violation continues. In the event that the fines set forth in Section 42-12.1 or 42-12.3 are determined to be inapplicable or invalid, then a minimum fine of $750.00 shall be assessed each day that the violation continues without correction as provided in Section 42-12.

Section 42-13 **APPEALS** -- Appeals from any administrative decision made under this Chapter may be taken by the applicant or by any other person adversely affected by the decision, to the Zoning Board of Appeals consistent with the procedures in Section 46-21(E) of the City of Lake Forest Zoning Code.

Sections 42-14 thru 42-20 RESERVED FOR FUTURE USE

ARTICLE III

SUBDIVISIONS AND PLANNED DEVELOPMENTS

Section 42-21 **APPROVAL** -- In recommending final approval of a subdivision or planned development, the Plan Commission shall forward conditions of approval to the City Council that further the stated purpose of this Chapter. The conditions may include, but are not limited to, the establishment of Conservation Areas, No Disturbance Areas and tree preservation areas, and requirements for Street Tree and Landscape Plans.

Section 42-22 **REQUIRED MATERIALS, TENTATIVE APPROVAL** -- All subdivision applications shall include the following materials in a form acceptable to the City and as further detailed in the subdivision application materials available from the Community Development Department.

42-22.1 Tree Survey-- The survey shall include information on all existing trees 8" DBH or larger and clusters of 6 or more trees of at least 4" DBH. Information shall include the location, size, species and condition of each tree. Each tree shown on the survey shall be tagged on the site.

42-22.2 Site Plan of Proposed Improvements – One or more site plans shall be submitted overlaying the locations of existing trees with proposed road rights-of-way, utility easements, utility stubs, building pads, retention ponds, drainage swales and proposed grading and fill areas. The amount of grading or filling proposed in each area shall be specified on the plans.

Section 42-23 **REQUIRED MATERIALS, FINAL** – The following materials shall be submitted prior to final consideration of the plan by the Plan Commission. Any of the requirements may be waived by the Director of Community Development if it is determined that they are not applicable based on the materials submitted for tentative approval.

42–23.1 Plan of Conservation Areas, Tree Preservation Protection Areas and No Disturbance Areas – The final plan or plat of subdivision shall reflect all conservation, tree preservation, no disturbance and landscape areas as approved by the Plan Commission and City Council.

42-23.2 Building Envelope – The final plan or plat of subdivision shall reflect building envelopes that minimize impacts on trees identified for protection on the subdivision plat and by this Chapter.

42–23.3 Street Tree Plan – A plan for the planting of trees along both private and public streets shall be submitted consistent with the street tree regulations in Section 42-61 of this Chapter.

42–23.4 Landscape Plan – A landscape plan for the entrance to the subdivision, streetscapes, ponds, drainage swales, berms, common areas or other areas as required by tentative approval. The landscape plan shall be consistent with the provisions in Section 42-50 thru 42-60 of this Chapter and shall be designed based on the City of Lake Forest Landscape Guidelines and Approved Planting List as they may be established by the City Manager or the Manager's designees from time-to-time.

Section 42-24 ACCEPTANCE OF PLANT MATERIALS AND MAINTENANCE GUARANTEE – City acceptance of plant materials and the posting of a 5 year financial guarantee shall occur in a manner consistent with the provisions of the Subdivision Chapter of the Lake Forest Code.

Sections 42-25 thru 42-27 RESERVED FOR FUTURE USE

ARTICLE IV
SPECIAL USE PERMITS, VARIANCES

Section 42-28 APPROVAL -- In recommending approval of a Special Use Permit or a variance, the Plan Commission or Zoning Board of Appeals shall include conditions of approval that further the stated purpose of this Chapter. The conditions may include, but are not limited to, the establishment of Conservation Areas, No Disturbance Areas and tree preservation areas, and requirements for Street Tree and Landscape Plans.

Section 42-29 REQUIRED MATERIALS -- All applications for Special Use Permits and variances shall include the following materials in a form acceptable to the City and as further detailed in the Special Use Permit and variance application materials available from the Community Development Department. Any of the requirements may be waived if it is determined by the Director of Community Development that the proposed development does not impact trees or create a need for additional landscape screening.

42-29.1 Tree Survey-- The survey shall include information on all existing trees 8" DBH or larger and clusters of 6 or more trees or at least 4" DBH. Information shall include the location, size, species and condition of each tree. Each tree shown on the survey shall be tagged on the site.

42-29.2 Site Plan of Proposed Improvements – One or more site plans shall be submitted overlaying the locations of existing trees with proposed road rights-of-way, utility easements, utility stubs, building pads, retention ponds, drainage swales and proposed grading and fill areas. The amount of grading or filling proposed in each area shall be specified on the plans.

42–29.3 Plan of Conservation Areas, Tree Preservation Areas and No Disturbance Areas – The site plan shall reflect all conservation, tree preservation, no disturbance and landscape areas.

42–29.4 Street Tree Plan – A plan for the planting of trees along both private and public streets shall be submitted consistent with the street tree regulations in Section 42-62 of this Chapter.

42–29.5 Landscape Plan – A landscape plan shall be submitted to provide for screening of the development from the streetscape and from adjacent development and uses. In addition, the plan shall provide for screening of buildings, mechanical equipment and parking areas. The landscape plan shall also provide for landscaping of the entrance to the development, the streetscape, ponds,

drainage swales, berms or common areas. The landscape plan shall be consistent with the provisions in Sections 42- 50 thru 42-60 of this Chapter and designed based on the City of Lake Forest Landscape Guidelines and Approved Planting List as they may be established by the City Manager or the Manager's designees from time-to-time.

Sections 42-30 thru 42-31 RESERVED FOR FUTURE USE

ARTICLE V
PROPERTY THAT IS THE SUBJECT OF A DEVELOPMENT PETITION

Section 42-32 APPROVAL - In approving a development petition, the Building Review Board, the Historic Preservation Commission or the Zoning Board of Appeals may establish conditions of approval that further the stated purpose of this Chapter.

Section 42-33 ISSUANCE OF A PERMIT – Prior to the issuance of a building permit for any grading, building, utility or demolition activity, plans shall be submitted to the City for approval to ensure preservation of trees and vegetation in accordance with this Chapter.

Section 42-34 APPLICATIONS -- All applications for development shall include the following information in a form acceptable to the City and as further detailed in the permit application materials available from the City. Any of the requirements may be waived by the Director of Community Development if the existing trees and vegetation on the site are not subject

to the provisions of the City's Tree Preservation Ordinance due to size, species or condition.

42–34.1 Site Plan of Proposed Improvements A plan shall be submitted showing the property lines, zoning setbacks, utility and access easements, conservation easements, utility stubs, preservation and no disturbance areas established by the plat of subdivision or a previously approved development plan, the location of all proposed buildings including any roof overhangs, all patios, terraces, tennis courts, swimming pools and other accessory structures. All existing trees 8" DBH or larger and all clusters of 6 or more trees of at least 4" DBH shall be reflected on the plan.

42-34.2 Grading Plan A plan shall be submitted showing the existing elevation of the site and the location and amount of all proposed grading and fill. All existing trees 8" DBH or larger and all clusters of 6 or more trees of at least 4" DBH shall be reflected on the plan.

42-34.3 Location of Utilities A plan shall be submitted showing the proposed location of all utilities. All existing trees 8" DBH or larger and all clusters of 6 or more trees of at least 4" DBH shall be reflected on the plan. Utilities shall be located in the driveway areas to minimize the impact on the trees on the site. Alternative locations for utilities may be approved by the Director of Community Development if found to be consistent with the purpose of this Chapter.

42-34.4 Tree Survey-- The survey shall include information on all existing trees 8" DBH or larger and clusters of 6 or more trees at least 4" DBH. Information shall include the location, size, species and condition of each tree. Each tree shown on the survey shall be tagged on the site.

Section 42-35 BUILDING ACTIVITY AREA -- The building activity area shall be determined based on review of the materials submitted by the applicant and a site visit by City staff. The building activity area shall minimize impact on trees. It is the intent that the Building Activity Area will conform to the setbacks applicable in the zoning district. However, due to the presence of one or more trees deemed by size or condition to be worthy of preservation, a variance from a required setback may be considered by the Zoning Board of Appeals. The fees for a variance request may be waived by the Director of Community Development.

Sections 42-36 thru 42-39 RESERVED FOR FUTURE USE

ARTICLE VI
CONSTRUCTION ACTIVITY

Section 42-40 TREE PROTECTION FENCING

42-40.1 Location Prior to the issuance of any grading, utility, building or demolition permits, tree protection fencing shall be erected on the site consistent with the approved site plan and generally at a point not to exceed 20 feet beyond the foundation walls of all buildings and five feet from the edge of hardscape surfaces. The fence, once erected, on the site, shall remain in place, in a full upright position, until all construction activity on the site is completed, the site is ready for the final landscape grading, and removal of the fence has been approved by the Director of Community Development.

42-40.2 Type Tree protection fencing shall be wood, plastic or chain link fencing. The fence shall be 4' in height with steel supporting posts 8'to 10' on center. The posts shall be driven into the ground to hold the fence in an upright position throughout construction on the site. Based on the review of the site plan, a chain link fence may be required by the Director of Community Development in situations where construction activity must occur in areas that close to trees or areas to be preserved.

Section 42-41 LOCATION OF UTILITIES -- A series of wood stakes, extending no less than 3' above the ground, shall be used to identify the path of each utility. A ribbon will be attached to the top of the stake using colors consistent with J.U.L.I.E. guidelines.

42-41.1 **Augering** The auguring of utilities shall be required and specified on the approved fencing plan where utility locations have the potential to materially damage trees 8" DBH or larger or clusters of 6 or more trees at least 4" DBH.

Section 42-42 SITE INSPECTIONS AND APPROVALS – TREE FENCING AND UTILITY LOCATIONS –At any time that an inspection occurs and tree protection fencing is not properly installed or utilities are not properly located and staked, a re-inspection fee of $500.00 will be assessed for each follow-up inspection until the site is adequately fenced and the utilities are properly located and staked.

Section 42-43 SITE CLEARING -- Following review and approval of the site plan and fencing, and the issuance of a demolition or building permit, the lot may be cleared of trees within the approved construction and driveway areas. The removal shall occur by use of manual saws, chain saws and stump grinders only. No other equipment shall be used for removal of trees without the prior written approval of the Director of Community Development.

Section 42-44 EXCAVATION -- If there is insufficient cleared area on the site, as determined by the Director of Community Development, to store the soil from excavation until it is needed for back filling without impacting trees identified for protection, the soil shall be temporarily removed from the construction site until the backfilling is to occur.

Section 42-45 FINISHED GRADE -- Fill materials used to establish finished grade in accordance with the approved grading plan shall be top quality black soil. Fill materials shall not be permitted around the trunk of a tree. To this end, a tree well equal to or larger than greater than the critical root zone of the tree to protect the tree from fill materials. Adequate drainage shall be provided in each tree well to prevent the collection of water.

Sections 42-46 thru 42-49 RESERVED FOR FUTURE USE

ARTICLE VII
LANDSCAPE PLANS

Section 42-50 REQUIRED – A landscape plan shall be required for all development activity as specified in this Section including, but not limited to, subdivisions, commercial buildings, multi-family residential developments, new and replacement single family residences and duplex residences. Replacement residences are those that are constructed after approval of demolition or partial demolition by the Building Review Board or Historic Preservation Commission.

Landscaping in addition to the minimum requirements specified herein may apply when required by a Board or Commission, for property that is the subject of a development petition.

The requirement for a landscape plan may be waived by the Director of Community Development if a landscape plan is, 1) not required as a condition of approval by a Board or Commission, and 2) if it is demonstrated by the applicant that the existing vegetation on site shall provide adequate screening for the development in a manner consistent with the purposes of this Chapter.

Section 42-51 APPLICATION -- Landscape plans shall be consistent with the following standards, shall be submitted in a form acceptable to the City, and shall be in conformance with the City of Lake Forest Landscape Guidelines and Approved Planting List, as may be established by the City Manager or the Manager's designees from time-to-time.

42-51.1 Plan -- The plan shall be drawn at a scale 1 inch = 50 foot scale or larger and shall accurately show property lines and zoning setback lines.

42-51.2 Public Right-of-Way -- Private landscaping shall not encroach on to the City right-of-way.

42-51.3 Elements of Plan -- The landscape plan shall show all existing trees of at least 8 inches at diameter breast height and clusters of 6 or more trees of at least 4 inches at diameter breast height, proposed grading and filling, existing natural features on the site including, but not limited to ravines, bluffs and wetlands. In addition, the plan shall show all proposed building foot prints and all hardscape surfaces. The plan shall identify the species, varieties, size at time of planting and quantity of plant materials. The plan shall identify any existing trees or vegetation proposed for removal.

Section 42-52 LANDSCAPE STANDARDS, RESIDENTIAL – Landscape plans for new or replacement residential buildings shall be reviewed by the Director of Community Development based on the minimum criteria in this Section and where applicable, conditions of approval established by the Board or Commission through the development approval. The plans shall be consistent with the City of Lake Forest Landscape Guidelines and Plant List, as may be established by the City Manager or the Manager's designees from time-to-time and must satisfy the following minimum criteria.

42-52.1 Minimum Criteria

1. In the front yard, 2 shrubs, with a minimum height of 36"at the time of planting, must be planted for every 10 linear feet of foundation along the portion of the building facing a public or private street. The linear foot measurement shall be determined by rounding up or down to the nearest ten.

2. In the corner side yard, 2 shrubs, with a minimum height of 36" at the time of planting, must be planted for every 10 linear feet of foundation along the portion of the building facing a public or private street. The linear foot measurement shall be determined by rounding up or down to the nearest ten.

3. In addition to the above, two of the following must also be satisfied.
   - 3.1 Two 3" shade trees must be planted on the site for each 100 linear feet of foundation, or portion thereof, along the front and corner side yards.
   - 3.2 Three 3" under story or ornamental trees must be planted on the site for each 100 linear feet of foundation, or portion thereof, along the front and corner side yards.
   - 3.3 Three 6'-8' evergreens must be planted on the site for each 100 linear feet of foundation, or portion thereof, along the front and side yards.

4. Planting beds around the perimeter of the building must be covered with ground cover or mulch.

42-52.2 Ability to Waive Requirement for Landscape Plan

The Director of Community Development may waive the minimum landscape requirement and the requirement for a landscape plan if the petitioner demonstrates that one or more of the following conditions are satisfied.

1. Sufficient mature trees and vegetation exist on the site in a manner that meets the intent of the ordinance.
2. Installing plant material would compromise the health, vitality, or ecology of the existing vegetation on the site, or on neighboring sites.
3. Significant open space or vistas would be negatively impacted by the installation of the required plants.

Section 42-53 **LANDSCAPE STANDARDS, NON-RESIDENTIAL** – Landscape plans for non-residential buildings shall be subject to review and approval by the Building Review Board or Historic Preservation Commission in conjunction with review of the building. The following minimum standards shall be met, unless expressly waived by the Building Review Board or the Historic Preservation Commission.

a) At least 50% of the open space on the site shall be landscaped. The required open space ratios and setback requirements for various zoning districts consistent with the provisions of Chapter 46 of the City Code.
b) At least one tree shall be planted for every 500 square feet of the area required to be landscaped. One-third of the trees shall be evergreens of a minimum of six feet in height, one third of the trees shall be ornamental a minimum of three inch caliper or six feet in height, and one third of the trees shall be shade trees, a minimum of three inch DBH.
c) One shrub shall be planted for every 50 square feet of the area required to be landscaped. For shrubs that mature at less than five feet in height, minimum installation size shall be two feet tall. For shrubs that mature taller than five feet in height, minimum installation size shall be three feet tall.
d) Foundation plantings of a minimum width of 6 feet shall be provided on all sides of the main residence except where sidewalks, driveways or other hardscape abuts the structure. Foundation plantings shall be comprised of a combination of shade trees, ornamental trees, evergreens, shrubs, ground cover and flowers.
e) The landscape plan shall be consistent with the City of Lake Forest Landscape Guidelines and Approved Planting List, as may be established by the City Manager or the Manager's designees from time-to-time.

Section 42-54 **LANDSCAPE STANDARDS, PARKING LOTS** -- All parking lots of 5 or more spaces shall provide landscaping in accordance with the provisions of this Section. In addition, all parking lots of more than 3 spaces and adjoining property in a Residence, General Residence, or

Office Districts shall also satisfy the requirements in Chapter 46 of the

City Code, unless expressly waived by an authorized board or commission of the City in conjunction with the approval of a development petition for the site.

42-54.1 Interior Landscaping – Parking lots of 5 or more spaces shall be landscaped consistent with the following standards.

a) A planting island of at least 120 square feet in area, and at least seven feet in width, shall be provided for every 10 parking spaces or a continuous landscape strip at least seven feet in width between parking rows shall be provided and a landscape island of at least 120 square feet shall be provided at the end of each row of parking stalls.
b) All landscaped islands shall be crowned to allow for positive drainage.
c) One shade tree shall be provided for every 120 square feet of landscape island or one shade tree shall be provided for every 40 linear feet of a continuous landscape strip.
d) Shade trees shall comprise at least 60% of the landscape material. Ornamental trees, shrubbery, hedges and other plant materials may be used to supplement trees.

42-54.2 Perimeter Landscaping – Parking lots adjacent to public or private streets shall meet the following standards.

a) A solid screen of plantings, a minimum of three feet in height, shall be provided. If shrubs are used, at least 50% shall be evergreens.
b) All landscaped islands shall be crowned to allow for positive drainage.
c) At least one tree shall be provided for every 40 linear feet of parking lot adjacent to a public or private street. The trees shall be planted between the parking lot and the street. One-third of these trees shall be shade trees at least three inches in diameter; one-third ornamental at least three inches in diameter; and, one-third evergreen at least eight feet tall. These trees are in addition to parkway trees required by Sections 42-61 thru Sections 46-64 of this Chapter.

Section 42-55 **LANDSCAPE STANDARDS, RIGHT-OF-WAY** -- In conjunction with a subdivision, development or re-development of a property, the publicly owned right-of-way shall be restored consistent with the following standard.

a) Graded and sodded. The unpaved portion public right-of-way abutting a parcel shall be fine graded and sodded as set forth in The City of Lake Forest subdivision control ordinance.
b) Street trees. Street trees shall be replaced or planted consistent with Article VIII of this Chapter.

Section 42-56 **LANDSCAPE STANDARDS, FENCES**—Fences shall be screened from adjacent rights-of-way consistent with the requirements in Section 46-10E(3) of the Zoning Code.

Section 42-57 CERTIFICATE OF OCCUPANCY, REQUIRED LANDSCAPE PLAN-- A final Certificate of Occupancy shall be issued only upon the completion of plantings in accordance with the approved landscape plan as determined by the Director of Community Development.

42-57.1 Conditional Occupancy Permit. A Conditional Occupancy Permit may be issued in the reasonable discretion of the Director of Community Development in the event that due to the time of year, planting cannot occur provided, however, that a Cash Bond equal to 100% of the cost of the landscaping is posted to ensure installation of the approved landscaping during the next available planting season. A Conditional Occupancy Permit may also be issued when City inspection of the landscaping does not occur within 5 business days of a request for a final landscape inspection.

Sections 42-58 thru 42-60 RESERVED FOR FUTURE USE

ARTICLE VIII
STREET TREES

Section 42-61 STREET TREE PLANS, GENERAL – A Street Tree Plan and street tree plantings are required as part of a subdivision, Special Use Permit or non-residential and multi-family development. The following minimum standards shall be met, unless expressly waived as part of the development approval process.

42-61.1—Size and Spacing -- Trees and shrubs shall be planted according to the following spacing requirements.

Trees

- Small Trees - which have an ultimate height of 20 to 30 feet or a 15 to 25 foot spread shall be planted 15 feet to 20 feet on center.
- Medium Trees - which have an ultimate height of 30 to 50 feet or a 30 to 40 foot spread shall be planted 25 to 30 feet on center.
- Large Trees - which have an ultimate height greater than 50 feet or over a 40 foot spread shall be planted 35 feet to 40 feet on center.

Bushes

- Small Shrubs – minimum 24 inches high, 3 feet on center.
- Large Shrubs – minimum 36 inches high, 3 feet on center.

Sections 42-62 thru 42-64 RESERVED FOR FUTURE USE

ARTICLE IX
CONTAGIOUS OR THREATENING DISEASES AND INFESTATIONS

Section 42-65 **TREES AFFECTED WITH CONTAGIOUS OR THREATENING DISEASES OR INFESTATIONS DECLARED TO BE PUBLIC NUISANCES**---All species and varieties of Elm trees infected with the fungus known as the Dutch Elm Disease and trees infected with Oak Wilt as determined by laboratory analysis conducted by or under the direction of the City Forester and trees infested with Asian Longhorn Beetle or other diseases or infestations that threaten the urban forest are hereby declared to be a public nuisance.

Section 42-66 **BREEDING PLACES OF ELM BARK BEETLES DECLARED TO BE PUBLIC NUISANCES**---All species and varieties of Elm trees that are dead or substantially dead, and all dead Elmwood to which the bark is still attached are hereby declared to be public nuisances.

Section 42-67 **UNLAWFUL TO MAINTAIN PUBLIC NUISANCES**---It shall be unlawful for any owner or occupant of any lot or parcel of land in The City of Lake Forest, Lake County, Illinois, to permit or maintain on any such lot or parcel of land, a public nuisance as set out in Section 42-65 and 42-66 above and it shall be the duty of any such owner or occupant to promptly remove any such tree so identified by the City and dispose of it either by chipping, burning or burying it. Trees less than 5% infected may be treated in an effort to save the tree with the permission from the Director of Public Works.

Section 42-68 **ENFORCEMENT OF ARTICLE**---In order to carry out the purpose of this ordinance and to implement the enforcement thereof, the Director of Public Works is hereby authorized and empowered to enter upon any lot or parcel of land in The City of Lake Forest at all reasonable hours for the purpose of inspecting any trees or stored wood situated thereon and the Director of Public Works, may remove such specimens from any such tree as are required for the purposes of the laboratory analysis referred to in Section 42- 65 of this Chapter. It shall be unlawful for any person, firm or corporation to take any action to prevent the Director of Public Works

from entering onto any lot or parcel of land in The City of Lake Forest for the purpose of such inspection, or to interfere with the Director of Public Works in the performance of any duties provided under the provisions of this article.

Section 42-69 **DUTY OF OWNER TO REMOVE DISEASED TREE OR BREEDING PLACE AFTER NOTICE**---If it is determined that any tree is a public nuisance as provided in Sections 42-65 or 42-66, the Director of Public Works shall serve or cause to be served upon the owner and occupant of the lot or parcel of land on which such tree or stored wood is located, a written notice requiring such owner to comply with the

provisions of this Chapter. If the owner or occupant upon whom such notice is served, fails, neglects or refuses to remove and destroy the public nuisance within 30 days after service of such notice, the Director of Public Works, may proceed to remove and dispose of such tree or stored wood and assess the cost thereof against the owner or occupant of such lot or parcel of land, and the amount of such cost shall be paid by such owner to The City of Lake Forest.

Section 42-70 **NOTICE TO OWNER**---Service of notice to an owner or occupant shall be served by personal service or by Certified mail, return receipt requested. For purposes of this Article, an "owner" shall be the person to whom the tax bill for the general taxes for the last preceding year on the lot or parcel on which the diseased or infected tree is located was sent.

Section 42-71 **CITY MAY ABATE NUISANCE AND ASSESS THE COST TO THE OWNER**---Provided that notice to an owner is sent in accordance with Section 42-70, any costs incurred by the City in the abatement of a public nuisance pursuant to this article may be assessed against the record owner of the subject property, and the City may place a lien upon such property for those costs in the manner provided by law.

Section 42-72 **NUISANCE ON CITY PROPERTY**---Any tree or stored wood, on property owned by The City of Lake Forest which is a public nuisance as provided by Section 42-65 or 42-66 of this Chapter shall promptly be removed and disposed of under the supervision of the Director of Public Works, at the expense of the City.

Section 42-73 **PENALTY FOR NON-COMPLIANCE**---Any person, firm or Corporation violating any provision of this Article by failing, neglecting or refusing to comply with the provisions of any notice herein provided for, within 30 days after the service thereof, or, who shall resist or obstruct the Director of Public Works, in carrying out the provisions of this

chapter, shall be guilty of a misdemeanor punishable by a fine of not less than $50 nor more than $750 for each offense. Each day that a violation continues shall be deemed a separate offense.

Sections 42-74 Through 42-75 **RESERVED FOR FUTURE USE.**

AN ORDINANCE

AMENDING CHAPTER 26, "OFFENSES", OF THE CITY CODE OF LAKE FOREST, 1971, AS AMENDED, REGARDING NOISE CONTROL

BE IT ENACTED by the City Council of The City of Lake Forest, Lake County, Illinois:

Section 1: The Section 26-7-3 of Chapter 26, "Offenses" of the City Code of Lake Forest, 1971, As Amended, is hereby amended to read as follows:

It shall be unlawful to cause or make loud noise through the operation of lawn maintenance equipment, including, but not limited to lawn mowers, tractors, and gasoline-powered leaf blower equipment before 7:30 a.m. on weekdays, 8:00 a.m. on Saturdays, and 10:00 a.m. on Sundays and holidays, and after 7:30 p.m. on all days, except as authorized by the City Manager. This restriction shall not apply to golf course maintenance operations.

Section 2: Delete The Section 26-7-4 of Chapter 26, "Offenses" of the City Code of Lake Forest, 1971, As Amended, was the following:

It shall be unlawful to cause or make loud noise through the operation of gasoline-powered leaf blower equipment before 8:00 a.m. on weekdays, 9:00 a.m. on Saturdays and 10:00 a.m. on Sundays and holiday and after 6:00 p.m. on all days, except as authorized by the City Manager. This restriction shall not apply to golf course maintenance operations.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4: This ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 15th day of March, 2001

Elizabeth A. Mayuez
City Clerk Deputy

APPROVED this 15th day of March, 2001

Mayor

ATTEST:

Elizabeth A. Mayuez
City Clerk Deputy