

§ 150.166 TREE PROTECTION PLAN.

(A) Plan required. A tree protection plan shall be submitted with all building permit applications pursuant to which construction activity will occur, regardless of whether a tree is located on the lot on which the construction activity is proposed, unless an exception is granted pursuant to division (F) below. Such plan shall be submitted contemporaneously with a building permit application, and in no event shall a building permit be issued without such a plan being submitted and approved.

(B) Contents of tree protection plan. The tree protection plan shall be a site plan, with a scale no less than one inch equals ten feet, on a topographic map if deemed necessary by the Village Manager.

(1) All tree protection plans shall accurately show the following:

(a) The existing and proposed shrubs and landscaping on the lot other than trees;

(b) The location, species, DBH, general condition, and proposed disposition of existing trees that are located on (i) the lot; (ii) the properties within 15 feet of the lot lines; (iii) and adjacent rights-of-way;

(c) The location and type of protective fencing to be placed on the lot and adjacent rights-of-way;

(d) The location of critical root zone areas and the types and locations of protection to be provided to minimize damage to tree roots in such areas, such as wood chips and exterior plywood;

(e) A description of the tree preservation procedures required by §§ 150.155 through 150.167 of this code, such as root pruning, crown pruning, and the like;

(f) The location, shape, and spatial arrangement of all temporary and permanent driveways, parking areas, and temporary material storage sites and access ways; and

(g) The location of any new utility services, including water, sanitary sewer, storm sewer, gas, electric, telephone, and cable television or any modifications to existing utility services, that may impact existing private or public trees.

(2) If a grading plan is required by some other provisions of this code, the tree protection plan shall also depict the existing and proposed grading of the development area, showing elevations with contour lines at one-foot intervals.

(3) The Village Manager may require the applicant to provide any additional information the Village Manager deems necessary to determine whether the tree protection plan complies with the requirements and the stated policy and purpose of this chapter.

(C) Tree protection procedures prior to construction. New construction can lead to tree loss or loss of vigor if root damage or encroachment occurs. In order to protect tree root zones and

maximize available space for tree roots, the following procedures shall be adhered to during the project planning and design period:

(1) Planning and design. Project and development plans should be developed so that areas of demolition and construction activity are situated so as to avoid, to the greatest extent possible, damage to or removal of any protected tree or heritage tree. Consideration shall be given to the use of various building methods that minimize tree disturbance, including, but not limited to:

- (a) Cantilever construction in order to minimize foundation excavations;
- (b) Minimizing grade changes or designing grades in such a way as to minimize root damage or compaction; and
- (c) Use of materials other than concrete or asphalt for patios, driveways, sidewalks or other surfaces, in order to allow maximum air and water penetration to tree roots.

(D) Tree protection procedures during construction. Prior to issuance of a building permit, the Village Manager, or his or her designee, shall determine tree preservation procedures for trees on the property and on any adjacent private or public property within 15 feet of lot lines. The tree preservation procedures shall include, but are not limited to, the requirements set forth in the following paragraphs.

(1) Protective fencing. In areas where vehicular traffic and material storage is not necessary, protective fencing shall be installed around trees and critical root areas. The protective fencing and the areas it encloses shall be subject to the following standards:

- (a) The owner and the owner's general contractor shall be jointly responsible for requesting an inspection of the protective fencing required by the tree protection plan, and no other construction activity shall be permitted unless and until the Village Manager, or his or her designee, has inspected and approved the protective fencing;
- (b) The protective fencing shall not be moved or removed without the prior inspection and approval of the Village Manager, or his or her designee;
- (c) All protective fencing shall be wire mesh or welded wire fencing four feet high with steel or wooden posts installed and spaced no more than eight feet apart and securely anchored;
- (d) The protective fencing shall extend to the drip line of the tree, but in no case shall fencing be less than a radius of ten feet from protected trees and no less than 15 feet from heritage trees; and
- (e) Protective fencing must be properly maintained in an erect position at all times, as approved by the Village Manager, or his or her designee. During construction and until completion, the area within the fencing shall be a no-use area, in which all construction activities such as the movement and placement of equipment or material, and the storage of spoils, is prohibited; provided that nothing herein shall relieve the owner of the responsibility to keep the construction site, including the no-use area, free from litter and overgrowth.

(2) Protection of tree limbs, tree trunks and critical root zones. Tree limbs, tree trunks and critical root zones shall be protected in areas where vehicular traffic, material storage or construction activity may occur. Examples of such protection include, but are not limited to the following:

(a) Tree branch pruning by a certified arborist to minimize damage prior to construction activity caused by heavy equipment, vehicular traffic, or construction activity;

(b) Root pruning by a certified arborist prior to excavation activities, with the root pruning at a depth of 18 to 24 inches below grade and located 12 inches behind the excavation line;

(c) Bridging to minimize compaction of tree roots in critical root zones, which shall consist of, but not limited to, applying eight inches of wood chips in the critical root zone or covering the critical root zone with sheets of exterior plywood that is at least three-quarters-inch thick; and

(d) Protecting tree trunks with wood planks, which shall: (i) measure two feet by four feet, two feet by six feet, or one foot by six feet; (ii) be erected vertically and continuously around the tree trunk; and (iii) be fastened in place with metal wires or banding.

(3) Underground utilities. Where the only available route for underground utilities runs through a critical root zone, all such utilities shall be installed by auguring rather than by open trench methods.

(a) Commencement of auguring shall begin at a distance from the tree's base of at least one foot for every one inch of DBH, up to a maximum distance of 20 feet from the tree's base. The same minimum distance shall apply to the auguring exit.

(b) The auguring shall be done at least 24 inches below the soil surface.

(4) The owner and the owner's general contractor shall be jointly responsible for requesting an inspection of underground utility work, and no other construction activity shall be permitted unless and until the Village Manager has inspected and approved such work.

(5) Grade changes within the drip line of a tree, such as filling or lowering, are prohibited unless approved by the Village Manager.

(6) In addition to complying with the various yard setback requirements of Chapter 153 of this code, all buildings and other structures shall be located on a lot or parcel of land so as to minimize damage to and/or removal of protected trees and heritage trees.

(E) Tree protection procedures following construction. In order to maximize the long-term survivability and growth of protected trees and heritage trees on a construction site, the Village Manager may require post-construction measures to be undertaken on a construction site prior to final inspection or closeout of a building permit. The measures to be taken may include, but are not limited to, the following:

(1) Root aeration to remediate soil compaction around the root systems of protected trees and heritage trees. This work may only be performed by a certified arborist.

(2) Fertilization, to provide existing protected trees and heritage trees with nutrients and trace elements to promote healthy growth. Fertilization may be accomplished by root injection feeding, spraying, or topical application, and shall not apply to newly planted trees.

(3) Pruning or trimming of protected trees and heritage trees in accordance with national standards to promote healthy growth and remove diseased or dead branches. Pruning undertaken pursuant to this section shall be performed by a certified arborist or under the direction of the Village Manager.

(4) Mulching, to provide a protective, moisture-retaining layer around the base of a tree, to help assure healthy growth.

(5) Any additional measures deemed necessary by the Village Manager to assure the continued health of protected trees and heritage trees on the property.

(F) Exceptions. The Village Manager, or his or her designee, may waive any requirement of this section in the event that the Village Manager, or his or her designee, determines that the construction activity is minimal in nature and will not, or is not reasonably likely to, cause impact on, damage to, or removal of, a protected tree or heritage tree.

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