

**Item #1:**

**Ord. Amending Village Code Re: Tree Replacement Fee In Lieu**

**VILLAGE OF LONG GROVE**

**ORDINANCE NO. 2016-O-\_\_**

**AN ORDINANCE AMENDING SECTION 4-10-3 OF THE VILLAGE CODE  
TO PROVIDE AN ALTERNATIVE COMPLIANCE OPTION FOR  
REPLACING A PROTECTED TREE**

Adopted by the  
President and Board of Trustees  
of  
the Village of Long Grove  
this \_\_<sup>th</sup> day of April, 2016

Published in pamphlet form by direction  
and authority of the Village of Long Grove,  
Lake County, Illinois  
this \_\_<sup>th</sup> day of April, 2016

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**ORDINANCE NO. 2016-\_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 4-10-3 OF THE VILLAGE CODE  
TO PROVIDE AN ALTERNATIVE COMPLIANCE OPTION FOR  
REPLACING A PROTECTED TREE**

**WHEREAS**, the Long Grove Village Code provides for the protection, preservation, planting, and regulation of trees, including certain protected trees; and

**WHEREAS**, the Code generally provides that, if a protected tree is removed or destroyed, then it must be replaced by the person who removed or destroyed the protected tree; and

**WHEREAS**, under certain circumstances, it is not practical to replace a protected tree that has been removed or destroyed; and

**WHEREAS**, in response to such circumstances, the Village has accommodated property owners by allowing them to pay a fee in lieu of replacing a tree; and

**WHEREAS**, the President and Board of Trustees of the Village of Long Grove (the "***Village Board***") desire to ratify and codify such accommodation as an alternative means of achieving compliance with the tree replacement requirements of the Village Code; and

**WHEREAS**, the Village Board has determined that it is in the best interests of the Village and its residents to authorize the payment of a fee in lieu of replacing a protected tree that has been removed or destroyed when such replacement is impractical;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, LAKE COUNTY, ILLINOIS AS FOLLOWS:**

**SECTION ONE: Recitals.** The foregoing recitals are by this reference incorporated into and made a part of this Ordinance as if fully set forth.

**SECTION TWO: Amendment to Section 4-10-3.** Subsection (E)(8), entitled "Tree Protection," of Section 4-10-3, entitled "Administration and Enforcement" of the Long Grove Village Code shall be and is hereby amended to read as follows:

8. Tree Protection:

(a) During construction, the TPP must be followed to prevent the destruction or damaging of protected trees. Protected trees which are destroyed or receive major damage must be replaced by trees of equal dbh in the aggregate, as determined by the village manager and village arborist, ~~except when clearly impractical.~~

**(b) The village manager may waive the requirement that a protected tree that has been destroyed or received major damage be replaced if such replacement would:**

- (i) result in the unreasonable crowding of trees; or**
- (ii) adversely impact the viability of existing nearby trees; or**
- (iii) not otherwise be consistent with the current standards generally observed by professionals in the forestry, landscaping, and landscape architecture professions, as determined by the village manager or the manager's designee.**

**Upon a determination by the village manager that an applicant has demonstrated one or more of the above, in lieu of providing replacement trees at the required replacement rate, the TPP may be modified to require the applicant to (a) replace the trees at the highest practical replacement rate under the circumstances and (b) pay a tree replacement mitigation fee assessed at the amount of \$150.00 for each one inch caliper of replacement trees that are not being planted on the property at the full replacement rate that would otherwise be applicable. All tree replacement mitigation fees collected by the Village shall be used to promote the purposes of either planting trees in the Village or performing forestry maintenance activities to eliminate or otherwise control diseased trees, damaged trees, trees that are inappropriate or injurious to other trees in the local ecology, or trees that result in overcrowding of trees to the detriment of other healthy trees. Any use of tree replacement mitigation fees for any purpose other than tree replacement must first be expressly approved by the Village Board.**

**(c) (b)** During construction, unless otherwise authorized by the TPP, a fence shall be erected and maintained so that no excess soil, additional fill, equipment, liquids, or construction debris shall be placed within the minimum root zone of any protected tree, unless the addition of excess soil or fill is required in order to comply with either the flood criteria requirements and/or federal flood regulations in high flood hazard location.

**(d) (c)** No attachments or wires other than those of a protective or nondamaging nature shall be attached to any protected trees during construction.

**(e) (d)** Unless otherwise authorized by a TPP, no soil is to be removed from within the minimum root zone of any protected tree.

**(f)** (e) All protected trees which are planted or transplanted pursuant to this chapter shall be maintained alive and healthy on the site. Any of such trees which die within two (2) planting seasons shall be promptly replaced by the permittee.

**SECTION THREE: Ratification.** The Village Board hereby:

- (a) Ratifies any prior use of a tree replacement mitigation fee in lieu of planting trees;
- (b) Recognizes any payments in lieu of actual replanting of trees as an alternative to strict compliance with the replacement requirements under the Village Code; and
- (c) Approves any collection of such fees in lieu as an alternative to fines or penalties that would otherwise have accrued from the failure to comply strictly with the tree replacement requirements heretofore set forth in the Village Code,

even if the use of such “fee in lieu” would not have fully satisfied the standards set forth in the Village Code prior to the adoption of this Ordinance or the standards established in this Ordinance.

**SECTION FOUR: Effective Date.** This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this 26th day of April, 2016.

AYES:

NAYS:

ABSENT:

APPROVED this 26th day of April, 2016.

\_\_\_\_\_  
Angela Underwood, Village President

ATTEST:

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Heidi Locker-Scheer, Village Clerk