

Legislative Summary

Ordinance 24-28

APPROVING A TEXT AMENDMENT TO MODIFY AND ESTABLISH REGULATIONS RELATING TO TREE PRESERVATION AND PROTECTION AND ESTABLISH A TREE PLANTING FUND

Introduction:	November 26, 2024
Purpose:	To approve an amendment to Sections 1-9C-5, 1-11-4, 7-2-6, and 7-2-8, and to Chapter 12-11 to modify and establish regulations relating to tree preservation and protection and to establish a tree planting fund.
Background:	<p>The Village of Morton Grove recognizes the services and functions that trees provide as a collective asset to the Morton Grove community. As the Village of Morton Grove seeks to enhance regulations applying to trees on public and private property to better preserve and protect the urban forest as critical infrastructure, Staff is recommending certain modifications to Chapter 12-11 and numerous related sections to establish a Tree Ordinance to help preserve and protect the Village's tree canopy. The proposed amendment was designed to:</p> <ul style="list-style-type: none">• Include a value statement that recognizes the services and functions trees provide as a collective asset to the Morton Grove community.• Establish a Tree Planting Fund.• Clarify public tree removal procedures and enhance tree protection requirements.• Establish landscape and tree preservation plan requirements, and enhance planting requirements.• Prohibit certain invasive plant species and add species diversity requirements.• Regulate the removal of select trees on select properties (with exemptions provided for certain conditions outside the control of the property owner). <p>At the request of Staff, the Appearance Commission reviewed the proposed amendment at a regularly scheduled meeting on October 1, 2024, and voted unanimously (7-0) to recommend approval of the amendment as presented. The Environment & Natural Resource Commission reviewed the proposed amendment at a regularly scheduled meeting on October 7, 2024, and also voted unanimously (7-0) to recommend approval of the amendment with the addition of a value statement to the new Tree Preservation section. If approved by the Village Board of Trustees, Village staff will provide notice of the new tree preservation and protection regulations by Village website updates and mail (via the water bill) and provide direct guidance as needed.</p>
Programs, Dept's, Groups Affected	Department of Community and Economic Development
Fiscal Impact:	N/A
Source of Funds:	N/A
Workload Impact:	The amendment will be implemented and supervised by staff as part of their normal work activities.
Administrative Recommendation:	Approval as presented
Second Reading:	December 10, 2024
Special Considerations or Requirements:	None

Submitted by – Charles L. Meyer, Village Administrator
Reviewed by – Teresa Hoffman Liston, Corporation Counsel
Reviewed by – Zoe Heidorn, Assistant Village Administrator
Prepared by – Brandon Nolin, Community Development Administrator

ORDINANCE 24-28

APPROVING A TEXT AMENDMENT TO MODIFY AND ESTABLISH REGULATIONS RELATING TO TREE PRESERVATION AND PROTECTION AND ESTABLISH A TREE PLANTING FUND

WHEREAS, the Village of Morton Grove (the Village), located in Cook County, Illinois, is a home rule unit of government under the provisions of Article 7 of the 1970 Constitution of the State of Illinois, can exercise any power and perform any function pertaining to its government affairs, including but not limited to the power to tax and incur debt; and

WHEREAS, the Morton Grove Municipal Code (“Village Code”) establishes certain regulations relating to tree preservation on public property and tree protection during construction on public and private property; and

WHEREAS, the Village continuously reviews and, as it deems necessary, updates existing Municipal Codes to assure they are kept current and relevant; and

WHEREAS, the Village recognizes the services and function that trees provide as a collective asset to the Morton Grove community and seeks to enhance regulations applying to trees on public and private property to better preserve and protect the urban forest as critical infrastructure; and

WHEREAS, pursuant to Section 12-10-2:E of the Village Code, the Appearance Review Commission is provided the authority to review and make recommendations to the Village Board of Trustees regarding amendments to Title 12, Chapter 11, entitled "Landscaping And Trees"; and

WHEREAS, the Village (“Applicant”), filed a complete Text Amendment Application to the Village’s Appearance Review Commission under Case AC 24-XX (“Application”) requesting approval of a Text Amendment to modify and establish regulations relating to tree preservation and protection; and

WHEREAS, Village staff recommends that the Text Amendment includes modifications to Title 1, Article 9C, entitled “Funds,” Title 7, Chapter 2, entitled “Tree Preservation,” and Title 12, Chapter 11, entitled “Landscaping and Trees” to establish a Tree Planting Fund, clarify public tree removal procedures, enhance tree protection requirements, establish landscape and tree preservation plan requirements, prohibit certain invasive plant species, add species diversity requirements, enhance planting requirements, and regulate the removal of select trees on select properties, with exemptions provided for certain conditions outside the control of the property owner, which were made part of the Application; and

WHEREAS, the Morton Grove Appearance Commission held a public hearing relative to the above referenced case on October 1, 2024, and at said public hearing, all concerned parties were given the opportunity to be present and express their views for consideration by the Plan Commission; and

WHEREAS, as a result of said public hearing, the Appearance Commission considered all the evidence and testimony presented to it, discussed the merits of the Application, and made certain recommendations through a report dated September 24, 2024, a copy of which is attached hereto and made a part hereof and marked as “**Exhibit A**”; and

WHEREAS, the Corporate Authorities have considered this matter at a Public Meeting and find the Text Amendment, when evaluated in the context of the whole Village, serves the public good; and

WHEREAS, the Village is desirous of assuring all policies are kept current and relevant.

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

SECTION 1: The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Ordinance, as though fully set forth herein, thereby making the findings as hereinabove set forth.

SECTION 2: Title 1, Article 9C, entitled, “Funds,” is hereby amended to include a new Section 1-9C-5, to read as follows:

1-9C-5: TREE PLANTING PROGRAM FUND:

A. Creation, Management and Administration: There is hereby established the Tree Planting Fund, to be held as a separate fund within the Village. The Village, by and through its Village Administrator, shall be responsible for the day-to-day investment and fiscal maintenance and management of the Tree Planting Fund. The day-to-day fiscal maintenance and management shall be undertaken pursuant to the approved investment policies and practices used by the Village for other similarly held funds.

The Board of Trustees shall manage, make recommendations, and from time to time reevaluate the goals for the Tree Planting Fund, the Tree Planting Fund’s operating budget and projected expenditures and revenue; the Tree Planting Fund’s funding and award policies and priorities; the Tree Planting Fund’s program requirements; the Tree Planting Fund’s procedures for disbursing funds; the monitoring of eligible activities funded by the Tree Planting Fund; and the evaluation of Tree Planting Fund activities.

B. Purpose: The purpose of the Tree Planting Fund is to provide financial resources to maintain and enhance the Village’s tree canopy by funding new plantings on public and private property and Village maintenance activities. The Tree Planting Fund may provide financial support for a

variety of eligible activities that promote tree preservation and protection and educate the public on the care and maintenance of trees.

- C. Sources of Revenue: The Tree Planting Fund may be funded from multiple sources including:
1. Private cash donations from individuals and corporations designated for the Tree Planting Fund.
 2. Payments in lieu of providing replacement trees as required by Section 12-11-7:C.
 3. Funds from federal, state, county, and not-for-profit grant programs designated to fund tree plantings and related activities.
 4. Interest from Tree Planting Fund.
 5. Budget appropriations, development fees, and other funds as designated from time to time by the Board of Trustees.
- D. Authorized Use of Funds:
1. Eligible Activity: Each eligible applicant shall demonstrate that the requested eligible activity will advance and support the purpose of the Tree Planting Fund, as set forth in this section.
 2. Eligible Applicants: The Village may make Tree Planting Fund grants available to developers, not-for-profit organizations, homeowners, housing operators, and units of government for eligible activities based on the priorities set forth in this article and on the eligibility guidelines, program requirements, and process established and maintained by the Village Administrator. The Village Administrator may develop and issue eligibility guidelines, program requirements, and application forms for Tree Planting Fund grants. Eligible applicants may apply to the Village Administrator for Tree Planting Fund awards for eligible activities.
 3. Eligible Activities: The following tree-related activities are the types of activities that may receive grants provided through the Tree Planting Fund:
 - a. Planting trees on publicly-owned property.
 - b. Planting trees on privately-owned property where said plantings will provide sufficient public benefit to justify the expenditure of public funds.
 - c. Preserving and maintaining existing trees.
 - d. Educating the public on the importance of trees as critical infrastructure, tree maintenance and care, and tree planting and pruning best practices.
 - e. Technical assistance to the Village in implementing its tree canopy objectives.
 - f. Administrative costs associated with tree-related programs.
 - g. Any other activity that the Board of Trustees determines would address the urban canopy needs of the community.
 4. Review and Approval of Applications: All complete applications for Tree Planting Fund awards shall be submitted to the Village Administrator. For application requests less than the amount set forth in Section 1-8A-2:B.12, the Village Administrator shall make the final decision to approve or deny the application. For application requests equal to or greater than the amount set forth in Section 1-8A-2:B.12, the Board of Trustees shall make the final decision to approve or deny the application. Applications shall be evaluated based on factors including, but not limited to, availability of funds, impact on the tree canopy, financial feasibility, allocation priorities, and extent of need.
 5. Conditions: As a condition to any Tree Planting Fund award for any eligible activity, the eligible applicant shall first, among other applicable requirements as established from time-to-time by the Village Administrator, execute and record such agreements, conditions, and restrictive covenants, or other similar instruments, as shall be required by the Village Administrator. Among other requirements, the conditions may bind the eligible applicant and the property, if applicable, to the requirements of this article and provide that all awards shall be used in strict compliance with the requirements of this article and the conditions of approval.

SECTION 3: Title 7, Chapter 2, Section 6, entitled “Removal of Trees from Public Property,” is hereby amended as follows:

7-2-6: REMOVAL OF TREES FROM PUBLIC PROPERTY:

No person shall, without the express permission of the director of public works remove a tree from public property. The director of public works may impose conditions for the removal of said tree, and ~~may shall~~ require that any tree removed by permit or otherwise be replaced with a tree or trees of substantially equal size and quality or pay replacement and replanting costs in accordance with the Village’s “Tree Technical Manual.” ~~Any person who violates this section shall pay, to the Village of Morton Grove, in addition to any fine imposed, the reasonable costs for the replacement and replanting of a tree or trees of similar size and quality as that removed.~~

SECTION 4: Title 7, Chapter 2, Section 8, entitled “Tree Protection (Excavation and Construction),” is hereby amended as follows:

7-2-8: TREE PROTECTION (EXCAVATION AND CONSTRUCTION)

To the greatest extent reasonably possible, all trees on public property or any tree located on private property within the vicinity of a building activity area shall be protected with a barrier (fencing) of size, material, and specifications made part of the building permit and approved by the building commissioner. All owners, contractors and/or their agents shall follow the conditions, restrictions and regulations in the Village's "Tree Technical Manual" established to prevent injury caused by construction activities, and/or by the encroachment of construction vehicles, materials, and equipment, to prevent injury to all trees on public property and/or any tree located on private property within the vicinity of a building activity area unless the approved site plan provides for the removal or relocation of the tree. The building commissioner or his designee may suspend any building permit or order a stop to any construction activity on a site unless or until the requirements of this section are met.

SECTION 5: A new Title 12, Chapter 11, Section 1, entitled “Definitions,” is hereby inserted to read as follows and current Title 12, Chapter 11, Sections 1 through 5 are hereby reordered to become Title 12, Chapter 11, Sections 2 through 6:

12-11-1: DEFINITIONS:

COVERED PROPERTY: Properties not exempted by Section 12-11-7.

CRITICAL ROOT ZONE: A circular region measured outward from the tree trunk representing the essential area of the roots that must, when possible, be maintained or protected for the tree's survival. The root zone is one foot (1') of radial distance for every inch of tree DBH.

DIAMETER AT BREAST HEIGHT (DBH): Tree trunk diameter measured in inches at the height of four and one-half feet (4 1/2') aboveground.

DISEASED: A severe disease or pest that is known to cause or is causing the death of a tree.

NUISANCE TREE: The following types of trees:

- Any and all species of Elm Trees that are infected with Dutch Elm Disease;
- Any and all species of Ash Trees that are infected with Emerald Ash Borer;
- Any tree, including its limbs, that constitutes an immediate or imminent hazard to persons, property, or the general public.

PROTECTED TREE: Any tree located within or partially within a Covered Property with a diameter at breast height of twelve inches (12") or greater.

TREE TECHNICAL MANUAL: Document maintained by the director of public works that establishes standards and specifications for trees pursuant to Section 7-2-11.

UNDESIRABLE TREE: A tree that is of a species that is:

- Included in the "Chicago Botanic Garden" list of "Invasive Plants in the Chicago Region," as amended;
- Not well established for the climate of the region;
- Likely to have a high mortality rate for the region;
- Likely to become Diseased; or
- Predisposed to structural deficiencies.

SECTION 6: Title 12, Chapter 11, Section 2 (as reordered), entitled "General Provisions," is hereby amended as follows:

12-11-2: GENERAL PROVISIONS:

A. Review Required:

1. The regulations herein apply to all properties designated below where a building permit is required for construction or reconstruction of floor area or exterior modification, including site improvements. The building commissioner may waive the review requirement provided the project is deemed to have an insignificant impact on the appearance of the property:
 - a. Multiple dwelling developments in excess of two (2) units;
 - b. Business and commercial unit developments;
 - c. Industrial units and developments;
 - d. All planned unit developments and special uses;
 - e. All common, single-family subdivision developments, including streets, rights of way, public areas and other general development features and models to be offered for sale;
 - f. Municipal and other public facilities and lands;
 - g. Construction, reconstruction, and expansion in floor area fronting on a street of one- and two-family residential dwellings, not including detached accessory structures not in a subdivision but which require a building permit for exterior modification.
2. ~~All landscaping-Landscape~~ and tree preservation plans are to be reviewed by the appearance review commission, and an appearance certificate by the commission granted, prior to the issuance of a building permit, ~~except for one- and two-family residential dwellings which require a building permit for exterior modification.~~ For one- and two-family residential dwellings covered under subsection g above, the landscape and tree preservation plan shall be reviewed by the building commissioner ~~and/or his/her~~ designee, and if deemed not to meet the standards of this chapter, will be forwarded to the appearance review commission for their review.
3. Landscape and Tree Preservation Plan Requirements: The requirements of this section shall apply to all landscape and tree preservation plans. However, the building commissioner shall have the authority to waive or modify the technical requirements of the section when in the opinion of the building commissioner the waiver or modification will not adversely impact surrounding properties, will not violate the intent or spirit of this title, and there are special circumstances unique to the property or the development that would create practical difficulties if the technical requirement of this title were imposed.
 - a. Landscape plans shall be prepared by a licensed design professional registered in the State of Illinois, unless for single-family or two-family dwellings, and include:

1. The location and dimensions of all existing and proposed structures, property lines, easements, utilities, parking lots and driveways, roadways and rights-of-way, sidewalks, signs, refuse disposal areas, sidewalks, fences, electrical equipment, recreational facilities, and drainage facilities.
 2. The location, quantity, size and name, both botanical and common, of all proposed plant material including, but not limited to, shade and evergreen trees, shrubs, groundcover, annuals/perennials, and turf.
- b. Tree preservation plans must be prepared by a certified arborist or licensed design professional registered in the State of Illinois, unless for single-family or two-family dwellings, and include:
1. The location, species, DBH and Critical Root Zones of all existing trees on the subject property and adjacent rights-of-way;
 2. Identification of Protected Trees as herein defined, all existing trees to be protected, and existing trees to be removed on the property and adjacent rights-of-way;
 3. The location and type of protective fencing to be placed on the property and adjacent rights-of-way;
 4. 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;
 5. A description of other required tree preservation procedures, such as root and crown pruning;
 6. The location, shape, and spatial arrangement of all temporary and permanent driveways, parking areas, and temporary material storage sites and access ways; and
 7. The location of any new utility services, including water, sanitary sewer, storm sewer, gas, electric, telecommunications or any modification to existing utility services, that may impact existing private or public trees.
- B. Landscaping and Trees Required:
1. All sites shall provide landscaped or sodded areas composed of the following minimum percentage requirements:
 - a. Multi-family residential: Fifty percent (50%) of the required front yard.
 - b. Industrial: Fifteen percent (15%) of the total site.
 - c. Commercial: Five percent (5%) of the total site.
 - d. Within Village ~~streetscape improvement corridors and tax increment financing (TIF) districts improvement areas~~: Eight percent (8%) of total site, the majority of which is to be provided along street right of way.
 - e. Residential subdivisions, single-family, and two-family dwellings: For front yards and side yards abutting a street, sodding and foundation plantings are required. Foundation plantings shall be planted in a landscape bed measuring no less than three feet (3') in depth. Plantings shall provide no less than fifty percent (50%) coverage of the landscape bed, shall be installed across no less than fifty percent (50%) of the length of the facade of the building, not including where driveways and walkways are located, and shall be no less than eighteen inches (18") in height at the time of planting. Required foundation plantings may be waived by the building commissioner where such plantings are not feasible.
 2. One (1) tree shall be planted or preserved on private property per required yard abutting a street unless inadequate space is available, as determined by the building commissioner. Every reasonable effort must be made to retain existing trees in all development.
 3. All parking lots shall be landscaped in accordance with section 12-11-3 of this chapter.
 4. Retention or detention ponds and lakes shall be included under the term "landscaped areas".
 5. The placement of trees in public parkways, areas, or rights of way adjacent to private property is required where they do not exist already. Trees shall have a ~~DBH trunk diameter measured six inches (6") above the ground~~, of not less than two and one-half inches (2 1/2"), and shall be spaced not more than forty feet (40') apart. Surface areas shall be sodded or

contain other harmonious and attractive treatments. ~~Within Village streetscape and TIF designated improvement areas, trees shall have a minimum trunk diameter of four inches (4") at six inches (6") above ground level.~~

C. Landscape Design Standards:

1. Landscape elements included in these criteria are all forms of planting and vegetation, ground forms, rock groupings, water patterns and all visible construction, except buildings and utilitarian structures.
2. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and enhanced. Modification to topography will be permitted where it contributes to good appearance and does not adversely affect adjacent properties.
3. Grades of walks, parking spaces, terraces and other paved areas shall provide an inviting and stable appearance for walking, and if seating is provided, for sitting.
4. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axis.
5. Unity of design shall be achieved by repetition of certain plant varieties and other materials, and by correlation with adjacent developments.
6. Plant material shall be selected for interest in its structure, texture, color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
7. In areas where general planting will not prosper, other materials such as fences, walls and pavings of wood, brick, stone, ornamental gravel, and cobbles ~~may shall~~ be used. Carefully selected plants as noted on the following lists shall be combined with such materials where possible. (Ord. 07-07, 3-26-2007)

SECTION 7: Title 12, Chapter 11, Section 3 (as reordered), entitled “Appropriate Species and Planting Requirements,” is hereby amended as follows:

12-11-3: APPROPRIATE SPECIES AND PLANTING REQUIREMENTS:

- A. Species Selection: Plant material must be selected for its form, texture, color, pattern of growth and suitability to local conditions. The use of invasive species is prohibited. Invasive species shall be those included in the "Chicago Botanic Garden" list of "Invasive Plants in the Chicago Region," as amended.
- B. Tree Species Diversity: Diversity among trees is required to reduce the risk of losing a large population of plants due to disease. If there are fewer than four (4) required trees, they may all be the same species. If there are between five (5) and ten (10) required trees, no more than forty (40) percent can be of one species. If there are more than ten (10) required trees, no more than twenty-five (25) percent can be of one species. This standard applies only to trees being planted and not to existing trees.
- C. Street And Parkway Trees: All trees planted on public rights of way shall be species listed in the Street and Parkway Tree List maintained by the Public Works Department. The director of public works has the authority to determine the species of street and parkway trees.

<u>Botanical Name</u>	<u>Common Name</u>
<u>Acer platanoides</u>	<u>Norway maple (in variety)</u>
<u>Acer rubrum</u>	<u>Red maple</u>
<u>Acer saccharum</u>	<u>Sugar maple</u>
<u>Celtis occidentalis</u>	<u>Hackberry</u>
<u>Fraxinus americana</u>	<u>White ash</u>

<i>Fraxinus pennsylvanica lanceolata</i>	Green ash
<i>Ginkgo biloba</i>	Maidenhair tree (male only)
<i>Gleditsia tricanthos inermis</i>	Thornless honeylocust
<i>Quercus bicolor</i>	Swamp white oak
<i>Quercus rubra</i>	Red oak
<i>Tilia americana</i>	American linden
<i>Tilia cordata</i>	Little leaf linden
<i>Tilia euchlora Redmond</i>	Redmond linden

- D. Required Trees on Private Property: Required trees planted on private property pursuant to Section 12-11-7 may not be of species listed in the Restricted Tree List maintained by the Public Works Department.

Interior Parking Lot Trees:

<u>Botanical Name</u>	<u>Common Name</u>
<i>Acer ginnala</i>	Amur maple
<i>Acer platanoides</i>	Norway maple (in variety)
<i>Acer rubrum</i>	Red maple
<i>Acer saccharum</i>	Sugar maple
<i>Alnus glutinosa</i>	European alder
<i>Amelanchier canadensis</i>	Serviceberry
<i>Betula nigra</i>	River birch
<i>Celtis occidentalis</i>	Hackberry
<i>Cercis canadensis</i>	Redbud
<i>Fraxinus americana</i>	White ash
<i>Fraxinus pennsylvanica lanceolata</i>	Green ash
<i>Ginkgo biloba</i>	Maidenhair tree (male only)
<i>Gleditsia tricanthos inermis</i>	Thornless honeylocust
<i>Malus (in variety)</i>	Flowering crab apple
<i>Pyrus calleryana</i>	Bradford pear
<i>Quercus bicolor</i>	Swamp white oak
<i>Quercus macrocarpa</i>	Burr oak
<i>Quercus rubra</i>	Red oak
<i>Syringa reticulata</i>	Japanese tree lilac
<i>Tilia americana</i>	Americana linden
<i>Tilia cordata</i>	Little leaf linden
<i>Tilia euchlora Redmond</i>	Redmond linden

- E. Tree Size:

1. All shade trees to be planted shall have a minimum ~~DBH trunk diameter~~ of two and one-half inches (2-1/2") ~~at six inches (6") from above ground level with a minimum height of twelve feet (12'). Height may be varied, depending upon tree species.~~
 2. Ornamental trees shall have a minimum height of six feet (6') or ~~DBH trunk diameter~~ of two inches (2").
 3. Evergreen trees shall have a minimum height of five feet (5').
- F. Shrubs: All shrubs to be planted shall be of minimum ~~specified~~ height of twenty-four inches (24") unless otherwise required by this Chapter, and width as indicated below with a minimum of five (5) cones per plant. Evergreen shrubs shall be of size specified.

Botanical Name	Common Name	Height	Width	Spacing-On Center
Aronia brilliantissima	Red chokeberry	2'	2-1/2"	3'
Aronia melanocarpa	Black chokeberry	2'	2-1/2"	3'
Berberis thunbergii	Green barberry	18"	18"	2'
Berberis thunbergii atropurpurea	Red leaf barberry	18"	18"	2'
Chaenomeles japonica	Flowering quince	2'	2-1/2'	2'
Cornus beileyi	Red dogwood	4'	3'	3'
Cornus lutes	Yellow dogwood	4'	3'	3'
Cornus sericea kelseyi	Kelsey dogwood	15"	18"	3'
Cotoneaster acutifolius	Peking cotoneaster	3'	2'	2'
Cotoneaster apiculata	Cranberry cotoneaster	12"	18"	3'
Cotoneaster divaricata	Spreading cotoneaster	3'	3'	3'
Deutzia gracilis rosea	Slender deutzia	15"	18"	2'
Euonymus alatus	Burning bush	3'	2'	4'
Euonymus alatus compactus	Dwarf burning bush	2-1/2'	2-1/2'	3'
Forsythia Arnold dwarf	Arnold dwarf forsythia	2-1/2'	2-1/2'	3'
Forsythia bronzensis	Bronx dwarf forsythia	15"	15"	3'
Forsythia spring glory	Spring glory forsythia	4'	3'	3'
Hydrangea arborescens grandiflora Annabelle	Annabelle hydrangea	18"	18"	3'
Juniperus horizontalis	Andorra juniper	12"	2'	3'
Juniperus pfitzer	Pfitzer juniper	2'	2'	3'
Ligustrum amurense	Amur River privet	4'	2'	2'
Ligustrum regelianum	Regel's privet	2'	2'	3'
Ligustrum vulgare Cheyenne	Cheyenne privet	4'	2'	2'
Lonicera xylosteum claveyi	Claveyi honeysuckle	18"	18"	3'
Philadelphus coronius	Sweet mockorange	4'	3'	3'
Potentilla jaekmani	Jaekmani potentilla	18"	18"	3'
Rhamnus frangula columnaris	Tall hedge buckthorn	4'	2'	2'
Rhus aromatica	Fragrant sumac	18"	18"	3'
Rhus glabra	Smooth sumac	15"	15"	3'
Rhus typhina	Staghorn sumac	15"	15"	3'
Ribes alpinum	Alpine current	18"	18"	2'
Spiraea bumalda Anthony waterer	Spiraea Anthony waterer	18"	18"	2'

Spirea bumalda-froebeli	Froebel-spirea	18"	18"	2'
Spirea bumalda-goldflame	Gold-flame-spirea	18"	18"	2'
Syringa chinensis	Chinese-lilae	4'	3'	3'
Syringa patula-Miss-Kim	Miss-Kim-dwarf-lilae	2'	2'	3'
Taxus cuspidata	Spreading-yew	18"	18"	3'
Taxus media	Intermediate-yew	18"	18"	3'
Thuja occidentalis-woodwardii	Globe-arborvitae	18"	18"	3'
Viburnum dentatum	Arrow-wood	4'	3'	3'
Viburnum-lantana	Wayfaring-tree	4'	3'	3'
Viburnum-opulus	European-highbush	4'	3'	3'
Viburnum-opulus-compacta	Compact-euro-highbush	18"	2'	3'
Viburnum-trilobum	American-cranberry	4'	3'	3'
Viburnum-trilobum-compacta	Compact-amer-cranberry	18"	2'	3'
Weigela-vanecceki	Red-weigela	4'	3'	3'

~~Prohibited Trees And Shrubs: Any tree or shrub which is known to be a fast growing, brittle wood species, or is known to be subject to attack by insects or susceptible to disease is specifically prohibited. This includes, but is not limited to:—~~

~~Boxelder Chinese-elm Cottonwood Poplar Silver maple Willow~~

G. Planting Requirements:

1. All trees shall be furnished balled and burlapped.
2. All shrubs shall be furnished balled and burlapped, or potted.
- ~~3. All tree plantings shall consist of a mixture of species to promote healthy development and long life.~~
4. With the exception of single-family residences, all landscaped areas shall be provided with an underground irrigation system or readily available water supply with at least one outlet within one hundred fifty feet (150') of the plant material or an alternate method to be approved by the appearance review commission.
5. All landscaping shall be installed according to accepted commercial planting procedures.
6. All plantings shall meet or exceed standards contained in "American Standard For Nursery Stock" (ANSI Z60.1 - 1973) as amended.
7. For all privately owned property, landscaping exceeding two feet (2') in height shall not be located within a 45-degree 10-foot by 10-foot sight line triangle at any point where a vehicular access way intersects a driveway, alley, sidewalk, or other vehicular or pedestrian access way. Where a driveway intersects an alley, the dimensions of the 45-degree sight line triangle shall be determined by the distance between the garage and alley, to a maximum of 10 feet. If no garage exists, the 10- foot by 10-foot sight line triangle shall apply.

SECTION 8: Title 12, Chapter 11, Section 4 (as reordered), entitled “Parking Lot Landscaping Requirements,” is hereby amended as follows:

12-11-4: PARKING LOT LANDSCAPING REQUIREMENTS:

- A. General Requirements: All paved ground surface areas that require landscaping shall meet or exceed the following general landscaping requirements:

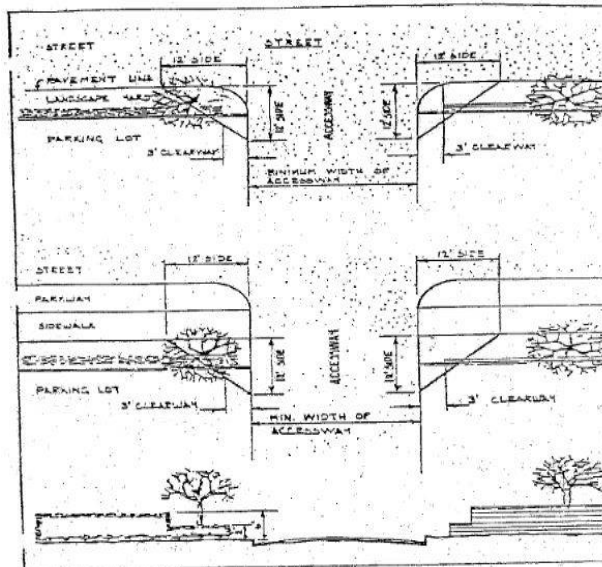
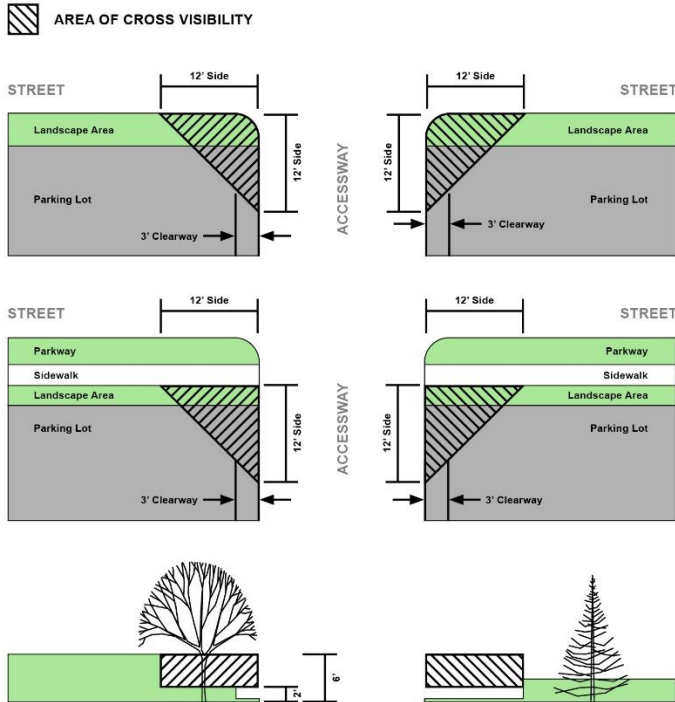
1. Installation: All vehicle parking lots shall be constructed with continuous concrete curbing. Placement of parking curbing shall allow for auto overhangs and sufficient space for interior planting and required perimeter planting areas.
 2. Planting: ~~All planting shall meet or exceed standards contained in "American Standard For Nursery Stock" (ANSI Z60.1—1973). Trees shall have a minimum height of seven feet (7') and a minimum trunk diameter of two and one half inches (2-1/2") measured one foot (1') above grade level immediately after planting. Trees newly planted shall be supported by three (3) shielded guywires to ground or two (2) shielded guywires attached to two (2) stakes five feet (5') tall.~~ Planting areas shall be water permeable areas of not less than thirty-six (36) square feet and a minimum radius of three feet (3') measured in the direction of possible vehicle encroachment from the center of the tree trunk to the near edge of the landscaped area.
 3. Maintenance: All landscaping and trees provided on site and between the property line and the continuous curbing adjacent to street frontages shall be maintained by the property owner in accordance with the standards set forth in section 12-11-67 of this chapter.
- B. Specific Requirements: All paved ground surface areas shall meet the following specific landscaping requirements which shall be considered complementary to the landscaping provisions of any Village of Morton Grove ordinance or resolution.
1. Required Landscaping Adjacent To Public Right Of Way:
 1. Where paved ground surface areas are located adjacent to ~~sidewalks or~~ public streets or sidewalks, landscaping shall be provided between the public street or sidewalk and the paved ground surface area. Said landscaping shall include a landscaped yard at least five feet (5') in width containing a year round dense opaque screen of landscaping three feet (3') in height, or an earth berm at least three feet (3') in height with a maximum slope of three to one (3:1). Screening along public roads shall be maintained at height of three feet (3').
 2. Where paved ground surface areas are located adjacent to public alleys:
 1. Landscaping adjacent to public ~~alleys rights-of-way~~ shall not be required where all the parking spaces are screened from public streets by buildings, affront the alley, and are within thirty feet (30') of the screening building.
 2. For all paved ground surface areas adjacent to alleys not screened by buildings, screening shall be required at five feet (5') in height. Said screen may be comprised of any type of screen listed in section 12-11-4, "Screening", of this chapter. Landscaping shall may be at least ~~three two~~ 3 2 feet (3 2) in height at the time of planting, but must grow to, and be maintained at, five feet (5'). All screens shall be erected a minimum of one foot (1') within the side or rear lot line adjacent to the off street parking and/or loading areas. If space becomes a problem, the screening may be installed on the opposite side of the alley with permission of the affected property owner(s). If the required screening is other than landscaping, the one foot (1') area between the property line and the required screening shall be covered with an impervious surface.
 3. Where access to an alley is provided from an off street parking and/or loading area, the height of the required screening on either side of the accessway shall be thirty inches (30") for a minimum of fifteen feet (15') to provide adequate sight clearance and the width of the interruption in the required screening for the provision of access shall be equal to the width of the drive aisle as required.
 2. Required Landscaping Adjacent To Other Properties: Where paved ground surface areas are adjacent to surrounding properties, landscaping shall be installed to screen paved ground surface area from adjacent properties as provided below. Landscaping is not required if the paved ground surface area is completely screened from surrounding properties by intervening buildings or structures.

1. Where paved ground surface areas are adjacent to properties zoned exclusively for residential land uses, all land between the paved ground surface area and the property line, except accessways, shall be landscaped. Said landscaping shall include a buffer yard at least five feet (5') in width, containing either berm, hedge, maintenance free barrier or combination of the above at least five feet (5') in height, but not more than six feet (6') in height. Where hedge of living plant material is used for a barrier, it shall be thirty inches (30") in height at time of planting and shall attain opacity within twelve (12) months under normal growing conditions. A minimum of one tree shall be planted for each forty (40) linear feet of common lot line or fraction thereof.
2. Where the adjacent property is zoned for nonresidential land uses or where the adjacent property contains a conforming hedge or wall, a minimum of one tree shall be planted for each ~~forty (40) eighty (80)~~ linear feet of common lot line or fraction thereof. Said tree(s) shall be installed in the buffer area adjacent to each of the adjoining properties.
3. Internal Landscaping Regulations:
 1. Parking lots two thousand (2,000) square feet or less are not required to provide interior landscaping.
 2. All planting islands for parking lots shall be a minimum of forty (40) square feet.
 3. All parking areas more than two thousand (2,000) square feet shall have internal landscaping to channelize and define logical areas for pedestrians and vehicular circulation and to provide areas for accumulation of snow. All interior landscaping shall be protected from vehicular encroachment by curbing, wheel stops or guardrail and should be raised above the grade of the parking spaces. Required internal landscaping is as follows:
 1. Parking areas two thousand (2,000) to twenty thousand (20,000) square feet: A minimum of five percent (5%) of the paved area of the parking lot not including buffer landscape areas developed around the parking lot.
 2. Parking areas larger than twenty thousand (20,000) square feet: A minimum of seven percent (7%) of the paved area of the parking lot not including buffer landscape areas developed around the parking lot. Where practical, each separate landscaped area shall contain at least one tree, and a tree shall be planted for each one hundred (100) square feet of interior landscaping. For double-row landscape islands, two (2) trees shall be required. Landscaping dividing strips with or without walkways shall be used to subdivide parking areas into parking bays. Each parking bay shall have a maximum of twenty (20) spaces in an uninterrupted row.
 4. Other paved ground surface areas exceeding five thousand (5,000) square feet such as playgrounds, courtyards, etc., shall have two (2) square feet of interior landscaping for each one hundred (100) square feet of paving. Each separate landscaped area shall contain at least one tree, and a tree shall be planted for each one hundred (100) square feet of interior landscaping.
 5. Mixed usage of areas where a paved ground surface area is used for several functions, such as a parking lot and a playground or playing field, etc.: The landscaping requirements for parking lots will be applied to the amount of surface area used for automobile parking, even if it is used for recreation as well. Landscaping requirements for open space and recreational use will be applied to any surface area used for recreation and not parking.
- C. Sight Distances For Landscaping Adjacent To Accessways:
 1. Intersection Visibility: Where an accessway intersects a public right of way, or a public right of way intersects another public right of way, landscaping shall be used to define the intersection; provided, however, all landscaping within the areas of cross visibility as described below (subsection C2 of this section) shall be maintained at a level between two

(2) and six feet (6') from grade. Trees shall have limbs and foliage trimmed in such a manner that no limbs or foliage extend into the cross visibility, provided they are so located so as not to create a traffic hazard. Landscaping, except grass and ground cover, shall not be located closer than three feet (3') from the edge of any accessway pavement.

2. Area Of Cross Visibility: The property located at the intersection of an accessway and a public road or sidewalk forms a triangle with sides twelve feet (12') along the accessway and twelve feet (12') along the public road or sidewalk. This area is measured from a point in line with the smallest width of the accessway and the public road pavement line or the public sidewalk pavement line nearest the parking lot. The third side of the triangle is formed by connecting the ends of two (2) 12-foot sides.

SIGHT DISTANCE FOR CROSS VISIBILITY



[REMOVE GRAPHIC]

~~*SIGHT DISTANCE FOR CROSS VISIBILITY*~~

- D. Existing Developed Areas: All property with existing paved ground surface areas on the effective date of this title shall not be required to conform to provisions of this chapter unless exterior reconstruction, exterior expansion or exterior improvements on the property requiring a building permit are undertaken.
1. No structure shall be required to be altered or moved, except during reconstruction, to meet the provisions of this chapter.
 2. When reconstructing, no existing parking area twenty thousand (20,000) square feet or less shall be required to lose more than one out of twenty (20) parking spaces or three percent (3%) of the parking areas, whichever is greater.
 3. No parking area greater than twenty thousand (20,000) square feet shall be required to lose for landscaping purposes more than one and one-half (1 1/2) out of twenty (20) parking spaces or five percent (5%) of the parking area, whichever is greater.
 - ~~a. It shall be necessary to provide fencing and/or a masonry wall along all public rights of way to be approved by the appearance review commission.~~
 - 4b. It shall not be necessary for any parking area to be reduced below the minimum standards set forth in any other Village of Morton Grove ordinance in order to meet the provisions of this section.

SECTION 9: Title 12, Chapter 11, Section 6 (as reordered), entitled “Tree Preservation,” is hereby amended to read as follows:

The Village recognizes the services and functions that trees provide as a collective asset to the Morton Grove community and seeks to enhance regulations applying to trees on public and private property to better preserve and protect the urban forest as critical infrastructure.
The preservation and utilization of a property's natural trees and shrubbery are hereby encouraged. All trees which are to be preserved shall comply with title 7, chapter 2, "Tree Preservation", of this code.

SECTION 10: A new Title 12, Chapter 11, Section 7, entitled “Trees on Private Property,” is hereby inserted to read as follows and the current Title 12, Chapter 11, Section 6 is hereby reordered to become Title 12, Chapter 11, Section 8:

12-11-7: TREES ON PRIVATE PROPERTY:

- A. Exempt Properties. The requirements of this section shall not apply to municipal and other public facilities and lands and zoning lots in the R-1 Single Family Residence, R-2 Single Family Residence, or R-3 General Residence Districts with an existing single-family or two-family home having less than 21,780 square feet (0.5 acres) of land area unless controlled by or to be controlled by a planned unit development, special use permit, or subdivision ordinance within twenty-four (24) months. Properties not exempted by this section shall hereinafter be referred to as “Covered Property.”
- B. Permit Required. A tree removal permit is required for the removal of any tree located within or partially within a Covered Property with a diameter at breast height of twelve inches (12”) or greater, hereinafter referred to as a “Protected Tree.”
- C. Protected Tree Replacement.

Unless otherwise provided by this section, tree replacement or a fee-in-lieu shall be required for the removal as follows:

<u>Replacement Tree(s)</u>	<u>1 (one) Replacement Tree per Protected Tree(s) being removed must be planted on a privately owned property</u>
<u>Fee-In-Lieu</u>	<u>Fee per Protected Tree(s) as provided for in Section 1-11-4.</u>

- a. Replacement and fee-in-lieu requirements shall not apply to the removal of a Protected Tree if one of the following conditions is met, adequate documents verifying the condition are provided by the owner to the Village, and the condition is verified in writing by the building commissioner:
 - i. Nuisance trees
 - ii. Diseased or poor condition trees
 - iii. Undesirable trees
 - iv. Utility work
 - v. Emergencies
 - vi. Demonstrated hardship subject to approval of the Village Administrator
- b. Replacement trees shall have a minimum diameter at breast height of two and one-half inches (2 1/2") for shade trees and six feet (6') in height for evergreen trees.
- D. Replacement trees shall be planted prior to (i) close-out of the site development or building permit, (ii) issuance of any certificate of occupancy, or (iii) within twelve (12) months of permit issuance, whichever is earlier. The required fee-in-lieu will be collected as part of the permit fee and held in escrow for up to twelve (12) months. If the required plantings have not occurred by that time, the fee-in-lieu will be retained and deposited to the Tree Planting Fund.
- c. Replacement trees shall be maintained in good condition for a minimum of five (5) years from the date of planting. If the tree is removed for any reason except utility work, safety hazard, emergency, or demonstrated hardship within five (5) years after planting, it must be replaced with a qualifying replacement tree in the same location or at an approved alternative location within six (6) months from the date of removal.
- E. Penalties. Any person violating any of the provisions of this chapter shall be fined in accordance with title 1, chapter 4 of this code. Each day that a violation is permitted to exist shall constitute a separate offense. Additionally, the requirements for tree replacement and fee-in-lieu payment shall double for the removal of each Protected Tree without a tree removal permit.

SECTION 11: Title 12, Chapter 11, Section 8 (as reordered), entitled "Maintenance," is hereby amended to read as follows:

12-11-8: MAINTENANCE:

- A. The owner of a property shall be responsible for the maintenance of all landscaping and trees in good condition so as to present a neat, healthy and orderly appearance, free of refuse and debris, so it conforms to standards established within this code and any approved landscape plan and tree preservation plan for the property. This includes, but is not limited to, maintaining the landscaping and trees at the appropriate height and the replacement of dead or damaged plants and trees. Necessary replacement shall be made within the time period not to exceed one hundred twenty (120) days after notification by the Village of Morton Grove of a violation of this chapter.
- B. All planting areas shall be kept free of weeds or plant growth that are noxious, detrimental to the public health or are unsightly. This shall include planting areas within the property and within rights of way.

SECTION 12: Title 1, Chapter 11, Section 4 entitled “FEES FOR SPECIFIC PERMITS, LICENSES, CERTIFICATES, AND SERVICES” of the Municipal Code of the Village of Morton Grove is hereby amended as follows:

1-11-4: FEES FOR SPECIFIC PERMITS, LICENSES, CERTIFICATES, AND SERVICES:

A. A row pertaining Title 12, Chapter 11, Section 7C (as reordered) has been added to the fee schedule as follows:

<u>12-11-7C</u>	<u>Protected Tree Removal Fee</u>	<u>\$300.00</u>	<u>Each</u>
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SECTION 13: The terms and conditions of this ordinance shall be severable and if any section, term, provision, or condition is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remaining sections, terms, provisions, and conditions shall remain in full force and effect.

SECTION 14: Except as to code amendments set forth in this ordinance, all chapters and sections of the Morton Grove Village Code shall remain in full force and effect.

SECTION 15: This ordinance shall be effective from and after its adoption, approval, and publication as provided by law.

PASSED this ____ day of _____ 2024.

Trustee Khan _____
Trustee Minx _____
Trustee Shiba _____
Trustee Thill _____
Trustee Travis _____
Trustee Witko _____

ATTESTED by me this ____ day of _____ 2024.

Daniel DiMaria, Village President
Village of Morton Grove
Cook County, Illinois

ATTESTED and FILED in my office this _____ day of _____ 2024.

Eileen Scanlon-Harford, Village Clerk
Village of Morton Grove
Cook County, Illinois

EXHIBIT A

Appearance Commission Report for AC 24-XX

Dated _____

To: Chairperson Pietron and Members of the Appearance Commission

From: Brandon Nolin, AICP, Community Development Administrator
Anne Ryder Kirchner, Planner/Zoning Administrator

Date: September 24, 2024

Re: Appearance Commission Case AC 24-13
The Village of Morton Grove Environment & Natural Resources Commission requests approval of a Text Amendment to Sections 1-9C-5, 1-11-4, 7-2-6, 7-2-8, 7-11-1 through 4, 12-11-8, and creation of a new Section 12-11-7, to modify and establish regulations relating to tree preservation and protection and to establish a tree planting fund.

STAFF REPORT

Introduction

The Village of Morton Grove (“applicant”) is proposing amendments to Chapter 12-11 and numerous related sections to establish a Tree Ordinance to help preserve and protect the Village’s tree canopy. Staff is seeking the Appearance Commission’s review and recommendation of approval of the proposed amendment prior to consideration by the Village Board of Trustees. The proposed amendment has been provided in **Attachment A** with proposed additions in red text and deletions are ~~red-strikethrough-text~~.

The revisions establish a Tree Planting Fund, clarify public tree removal procedures, enhance tree protection requirements, establish landscape and tree preservation plan requirements, prohibit certain invasive plant species, add species diversity requirements, enhance planting requirements, and regulate the removal of select trees on select properties (with exemptions provided for certain conditions outside the control of the property owner). The following summarizes the purpose of each section of the Tree Ordinance in general terms.

1-9C-5: TREE PLANTING PROGRAM FUND

- Establishes a Tree Planting Fund including numerous sources of revenue and eligible uses.

7-2-6: REMOVAL OF TREES FROM PUBLIC PROPERTY

- Replaces language related to fines and penalties with a reference to fines established in the new Tree Ordinance and the “Tree Technical Manual” which is maintained outside of this ordinance.

7-2-8: TREE PROTECTION (EXCAVATION AND CONSTRUCTION)

- Ensures that tree protection and preservation plans are made part of building permit process

12-11-1: DEFINITIONS

- Establishes a variety of terms referenced in the Tree Ordinance that are not otherwise defined in the Village Code.

12-11-2: GENERAL PROVISIONS

- Establishes that construction or reconstruction of floor area or exterior modification, including site improvements, trigger compliance with landscape and tree preservation plan requirements.
- Requires that landscape plans and tree preservation plans must be prepared by licensed design professionals.
- Establishes requirements for foundation plantings not previously provided for in Village Code.
- Requires tree planting or preservation on yards abutting streets.

12-11-3: APPROPRIATE SPECIES AND PLANTING REQUIREMENTS

- Establishes guidelines for tree species diversity
- Provides an outside reference to species lists maintained outside of the Village Code.
- Revised tree size standards at planting to utilize diameter at breast height measurements.
- Establishes sight line triangle standard for vehicular intersections.

12-11-4: PARKING LOT LANDSCAPING REQUIREMENTS

- Increases the frequency of tree plantings required for property lines to forty (40) feet.
- Establishes an explicit requirement of two (2) trees per double-row landscape island.
- Replaces a graphic defining sight line triangles with a similar graphic that is easier to read.
- Removed an outdated standard requiring fencing or masonry walls along public rights of way that conflicts with other fence location standards.

12-11-7: TREES ON PRIVATE PROPERTY

- Establishes exemptions from the Tree Ordinance for R-1, R-2, and R-3 residential zoning lots less than a half-acre.
- Establishes the parameters for tree replacement and penalties for violations to the Tree Ordinance.

12-11-8: MAINTENANCE

- Ensures that landscape plans and tree preservation plans are included in site maintenance requirements.

1-11-4: FEES FOR SPECIFIC PERMITS, LICENSES, CERTIFICATES, AND SERVICES

- Establishes a fee of \$300 for the removal of a protected tree

Recommendation

If the Appearance Commission makes a motion to approve Case AC 24-13, staff recommends the following motion:

Motion to approve Case AC 24-13, a request by the Village of Morton Grove Environment & Natural Resources Commission for approval of a Text Amendment to Sections 1-9C-5, 1-11-4, 7-2-6, 7-2-8, 7-11-1 through 4, 12-11-8, and creation of a new Section 12-11-7, to modify and establish regulations relating to tree preservation and protection and to establish a tree planting fund, as presented in the staff report for Case AC 24-13 dated September 24, 2024 [or as modified by recommendation of the Appearance Commission].

Attached A
Draft Tree Ordinance

ORDINANCE 24-XX

APPROVING A TEXT AMENDMENT TO MODIFY AND ESTABLISH REGULATIONS RELATING TO TREE PRESERVATION AND PROTECTION AND ESTABLISH A TREE PLANTING FUND

WHEREAS, the Village of Morton Grove (the Village), located in Cook County, Illinois, is a home rule unit of government under the provisions of Article 7 of the 1970 Constitution of the State of Illinois, can exercise any power and perform any function pertaining to its government affairs, including but not limited to the power to tax and incur debt; and

WHEREAS, the Morton Grove Municipal Code (“Village Code”) establishes certain regulations relating to tree preservation on public property and tree protection during construction on public and private property; and

WHEREAS, the Village continuously reviews and, as it deems necessary, updates existing Municipal Codes to assure they are kept current and relevant; and

WHEREAS, the Village recognizes the services and function that trees provide as a collective asset to the Morton Grove community and seeks to enhance regulations applying to trees on public and private property to better preserve and protect the urban forest as critical infrastructure; and

WHEREAS, pursuant to Section 12-10-2:E of the Village Code, the Appearance Review Commission is provided the authority to review and make recommendations to the Village Board of Trustees regarding amendments to Title 12, Chapter 11, entitled "Landscaping And Trees"; and

WHEREAS, the Village (“Applicant”), filed a complete Text Amendment Application to the Village’s Appearance Review Commission under Case AC 24-XX (“Application”) requesting approval of a Text Amendment to modify and establish regulations relating to tree preservation and protection; and

WHEREAS, Village staff recommends that the Text Amendment includes modifications to Title 1, Article 9C, entitled “Funds,” Title 7, Chapter 2, entitled “Tree Preservation,” and Title 12, Chapter 11, entitled “Landscaping and Trees” to establish a Tree Planting Fund, clarify public tree removal procedures, enhance tree protection requirements, establish landscape and tree preservation plan requirements, prohibit certain invasive plant species, add species diversity requirements, enhance planting requirements, and regulate the removal of select trees on select properties, with exemptions provided for certain conditions outside the control of the property owner, which were made part of the Application; and

WHEREAS, the Morton Grove Appearance Commission held a public hearing relative to the above referenced case on _____, 2024, and at said public hearing, all concerned parties were given the opportunity to be present and express their views for consideration by the Plan Commission; and

WHEREAS, as a result of said public hearing, the Appearance Commission considered all the evidence and testimony presented to it, discussed the merits of the Application, and made certain recommendations through a report dated _____, 2024, a copy of which is attached hereto and made a part hereof and marked as “**Exhibit A**”; and

WHEREAS, the Corporate Authorities have considered this matter at a Public Meeting and find the Text Amendment, when evaluated in the context of the whole Village, serves the public good; and

WHEREAS, the Village is desirous of assuring all policies are kept current and relevant.

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

SECTION 1: The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Ordinance, as though fully set forth herein, thereby making the findings as hereinabove set forth.

SECTION 2: SECTION 2: Title 1, Article 9C, entitled, “Funds,” is hereby amended to include a new Section 1-9C-5, to read as follows:

1-9C-5: TREE PLANTING PROGRAM FUND:

A. Creation, Management and Administration: There is hereby established the Tree Planting Fund, to be held as a separate fund within the Village. The Village, by and through its Village Administrator, shall be responsible for the day-to-day investment and fiscal maintenance and management of the Tree Planting Fund. The day-to-day fiscal maintenance and management shall be undertaken pursuant to the approved investment policies and practices used by the Village for other similarly held funds.

The Board of Trustees shall manage, make recommendations, and from time to time reevaluate the goals for the Tree Planting Fund, the Tree Planting Fund’s operating budget and projected expenditures and revenue; the Tree Planting Fund’s funding and award policies and priorities; the Tree Planting Fund’s program requirements; the Tree Planting Fund’s procedures for disbursing funds; the monitoring of eligible activities funded by the Tree Planting Fund; and the evaluation of Tree Planting Fund activities.

B. Purpose: The purpose of the Tree Planting Fund is to provide financial resources to maintain and enhance the Village’s tree canopy by funding new plantings on public and private property and Village maintenance activities. The Tree Planting Fund may provide financial support for a variety

of eligible activities that promote tree preservation and protection and educate the public on the care and maintenance of trees.

- C. Sources of Revenue: The Tree Planting Fund may be funded from multiple sources including:
1. Private cash donations from individuals and corporations designated for the Tree Planting Fund.
 2. Payments in lieu of providing replacement trees as required by Section 12-11-7:C.
 3. Funds from federal, state, county, and not-for-profit grant programs designated to fund tree plantings and related activities.
 4. Interest from Tree Planting Fund.
 5. Budget appropriations, development fees, and other funds as designated from time to time by the Board of Trustees.
- D. Authorized Use of Funds:
1. Eligible Activity: Each eligible applicant shall demonstrate that the requested eligible activity will advance and support the purpose of the Tree Planting Fund, as set forth in this section.
 2. Eligible Applicants: The Village may make Tree Planting Fund grants available to developers, not-for-profit organizations, homeowners, housing operators, and units of government for eligible activities based on the priorities set forth in this article and on the eligibility guidelines, program requirements, and process established and maintained by the Village Administrator. The Village Administrator may develop and issue eligibility guidelines, program requirements, and application forms for Tree Planting Fund grants. Eligible applicants may apply to the Village Administrator for Tree Planting Fund awards for eligible activities.
 3. Eligible Activities: The following tree-related activities are the types of activities that may receive grants provided through the Tree Planting Fund:
 - a. Planting trees on publicly-owned property.
 - b. Planting trees on privately-owned property where said plantings will provide sufficient public benefit to justify the expenditure of public funds.
 - c. Preserving and maintaining existing trees.
 - d. Educating the public on the importance of trees as critical infrastructure, tree maintenance and care, and tree planting and pruning best practices.
 - e. Technical assistance to the Village in implementing its tree canopy objectives.
 - f. Administrative costs associated with tree-related programs.
 - g. Any other activity that the Board of Trustees determines would address the urban canopy needs of the community.
 4. Review and Approval of Applications: All complete applications for Tree Planting Fund awards shall be submitted to the Village Administrator. For application requests less than the amount set forth in Section 1-8A-2:B.12, the Village Administrator shall make the final decision to approve or deny the application. For application requests equal to or greater than the amount set forth in Section 1-8A-2:B.12, the Board of Trustees shall make the final decision to approve or deny the application. Applications shall be evaluated based on factors including, but not limited to, availability of funds, impact on the tree canopy, financial feasibility, allocation priorities, and extent of need.
 5. Conditions: As a condition to any Tree Planting Fund award for any eligible activity, the eligible applicant shall first, among other applicable requirements as established from time-to-time by the Village Administrator, execute and record such agreements, conditions, and restrictive covenants, or other similar instruments, as shall be required by the Village Administrator. Among other requirements, the conditions may bind the eligible applicant and the property, if applicable, to the requirements of this article and provide that all awards shall be used in strict compliance with the requirements of this article and the conditions of approval.

SECTION 3: Title 7, Chapter 2, Section 6, entitled “Removal of Trees from Public Property,” is hereby amended as follows:

7-2-6: REMOVAL OF TREES FROM PUBLIC PROPERTY:

No person shall, without the express permission of the director of public works remove a tree from public property. The director of public works may impose conditions for the removal of said tree, and ~~may shall~~ require that any tree removed by permit or otherwise be replaced with a tree or trees of substantially equal size and quality or pay replacement and replanting costs in accordance with the Village’s “Tree Technical Manual.” ~~Any person who violates this section shall pay, to the Village of Morton Grove, in addition to any fine imposed, the reasonable costs for the replacement and replanting of a tree or trees of similar size and quality as that removed.~~

SECTION 4: Title 7, Chapter 2, Section 8, entitled “Tree Protection (Excavation and Construction),” is hereby amended as follows:

7-2-8: TREE PROTECTION (EXCAVATION AND CONSTRUCTION)

To the greatest extent reasonably possible, all trees on public property or any tree located on private property within the vicinity of a building activity area shall be protected with a barrier (fencing) of size, material, and specifications made part of the building permit and approved by the building commissioner. All owners, contractors and/or their agents shall follow the conditions, restrictions and regulations in the Village's "Tree Technical Manual" established to prevent injury caused by construction activities, and/or by the encroachment of construction vehicles, materials, and equipment, to prevent injury to all trees on public property and/or any tree located on private property within the vicinity of a building activity area unless the approved site plan provides for the removal or relocation of the tree. The building commissioner or his designee may suspend any building permit or order a stop to any construction activity on a site unless or until the requirements of this section are met.

SECTION 5: A new Title 12, Chapter 11, Section 1, entitled “Definitions,” is hereby inserted to read as follows and current Title 12, Chapter 11, Sections 1 through 6 are hereby reordered to become Title 12, Chapter 11, Sections 2 through 7:

12-11-1: DEFINITIONS:

COVERED PROPERTY: Properties not exempted by Section 12-11-7.

CRITICAL ROOT ZONE: A circular region measured outward from the tree trunk representing the essential area of the roots that must, when possible, be maintained or protected for the tree's survival. The root zone is one foot (1') of radial distance for every inch of tree DBH.

DIAMETER AT BREAST HEIGHT (DBH): Tree trunk diameter measured in inches at the height of four and one-half feet (4 1/2') aboveground.

DISEASED: A severe disease or pest that is known to cause or is causing the death of a tree.

NUISANCE TREE: The following types of trees:

- Any and all species of Elm Trees that are infected with Dutch Elm Disease;
- Any and all species of Ash Trees that are infected with Emerald Ash Borer;
- Any tree, including its limbs, that constitutes an immediate or imminent hazard to persons, property, or the general public.

PROTECTED TREE: Any tree located within or partially within a Covered Property with a diameter at breast height of twelve inches (12") or greater.

TREE TECHNICAL MANUAL: Document maintained by the director of public works that establishes standards and specifications for trees pursuant to Section 7-2-11.

UNDESIRABLE TREE: A tree that is of a species that is:

- Included in the "Chicago Botanic Garden" list of "Invasive Plants in the Chicago Region," as amended;
- Not well established for the climate of the region;
- Likely to have a high mortality rate for the region;
- Likely to become Diseased; or
- Predisposed to structural deficiencies.

SECTION 6: Title 12, Chapter 11, Section 2 (as reordered), entitled "General Provisions," is hereby amended as follows:

12-11-2: GENERAL PROVISIONS:

A. Review Required:

1. The regulations herein apply to all properties designated below where a building permit is required for construction or reconstruction of floor area or exterior modification, including site improvements. The building commissioner may waive the review requirement provided the project is deemed to have an insignificant impact on the appearance of the property:
 - a. Multiple dwelling developments in excess of two (2) units;
 - b. Business and commercial unit developments;
 - c. Industrial units and developments;
 - d. All planned unit developments and special uses;
 - e. All common, single-family subdivision developments, including streets, rights of way, public areas and other general development features and models to be offered for sale;
 - f. Municipal and other public facilities and lands;
 - g. Construction, reconstruction, and expansion in floor area fronting on a street of one- and two-family residential dwellings, not including detached accessory structures not in a subdivision but which require a building permit for exterior modification.
2. ~~All landscaping Landscape~~ and tree preservation plans are to be reviewed by the appearance review commission, and an appearance certificate by the commission granted, prior to the issuance of a building permit, ~~except for one- and two-family residential dwellings which require a building permit for exterior modification.~~ For one- and two-family residential dwellings covered under subsection g above, the landscape and tree preservation plan shall be reviewed by the building commissioner ~~and~~ or his/her designee, and if deemed not to meet the standards of this chapter, will be forwarded to the appearance review commission for their review.
3. Landscape and Tree Preservation Plan Requirements: The requirements of this section shall apply to all landscape and tree preservation plans. However, the building commissioner shall have the authority to waive or modify the technical requirements of the section when in the opinion of the building commissioner the waiver or modification will not adversely impact surrounding properties, will not violate the intent or spirit of this title, and there are special circumstances unique to the property or the development that would create practical difficulties if the technical requirement of this title were imposed.
 - a. Landscape plans shall be prepared by a licensed design professional registered in the State of Illinois, unless for single-family or two-family dwellings, and include:

1. The location and dimensions of all existing and proposed structures, property lines, easements, utilities, parking lots and driveways, roadways and rights-of-way, sidewalks, signs, refuse disposal areas, sidewalks, fences, electrical equipment, recreational facilities, and drainage facilities.
 2. The location, quantity, size and name, both botanical and common, of all proposed plant material including, but not limited to, shade and evergreen trees, shrubs, groundcover, annuals/perennials, and turf.
- b. Tree preservation plans must be prepared by a certified arborist or licensed design professional registered in the State of Illinois, unless for single-family or two-family dwellings, and include:
1. The location, species, DBH and Critical Root Zones of all existing trees on the subject property and adjacent rights-of-way;
 2. Identification of Protected Trees as herein defined, all existing trees to be protected, and existing trees to be removed on the property and adjacent rights-of-way;
 3. The location and type of protective fencing to be placed on the property and adjacent rights-of-way;
 4. 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;
 5. A description of other required tree preservation procedures, such as root and crown pruning;
 6. The location, shape, and spatial arrangement of all temporary and permanent driveways, parking areas, and temporary material storage sites and access ways; and
 7. The location of any new utility services, including water, sanitary sewer, storm sewer, gas, electric, telecommunications or any modification to existing utility services, that may impact existing private or public trees.
- B. Landscaping and Trees Required:
1. All sites shall provide landscaped or sodded areas composed of the following minimum percentage requirements:
 - a. Multi-family residential: Fifty percent (50%) of the required front yard.
 - b. Industrial: Fifteen percent (15%) of the total site.
 - c. Commercial: Five percent (5%) of the total site.
 - d. Within Village ~~streetscape improvement corridors and tax increment financing (TIF) districts improvement areas~~: Eight percent (8%) of total site, the majority of which is to be provided along street right of way.
 - e. Residential subdivisions, single-family, and two-family dwellings: For front yards and side yards abutting a street, sodding and foundation plantings are required. Foundation plantings shall be planted in a landscape bed measuring no less than three feet (3') in depth. Plantings shall provide no less than fifty percent (50%) coverage of the landscape bed, shall be installed across no less than fifty percent (50%) of the length of the facade of the building, not including where driveways and walkways are located, and shall be no less than eighteen inches (18") in height at the time of planting. Required foundation plantings may be waived by the building commissioner where such plantings are not feasible.
 2. One (1) tree shall be planted or preserved on private property per required yard abutting a street unless inadequate space is available, as determined by the building commissioner. Every reasonable effort must be made to retain existing trees in all development.
 3. All parking lots shall be landscaped in accordance with section 12-11-3 of this chapter.
 4. Retention or detention ponds and lakes shall be included under the term "landscaped areas".
 5. The placement of trees in public parkways, areas, or rights of way adjacent to private property is required where they do not exist already. Trees shall have a DBH trunk diameter measured six inches (6") above the ground, of not less than two and one-half inches (2 1/2"), and shall be spaced not more than forty feet (40') apart. Surface areas shall be sodded or contain other

harmonious and attractive treatments. ~~Within Village streetscape and TIF designated improvement areas, trees shall have a minimum trunk diameter of four inches (4") at six inches (6") above ground level.~~

C. Landscape Design Standards:

1. Landscape elements included in these criteria are all forms of planting and vegetation, ground forms, rock groupings, water patterns and all visible construction, except buildings and utilitarian structures.
2. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and enhanced. Modification to topography will be permitted where it contributes to good appearance and does not adversely affect adjacent properties.
3. Grades of walks, parking spaces, terraces and other paved areas shall provide an inviting and stable appearance for walking, and if seating is provided, for sitting.
4. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axis.
5. Unity of design shall be achieved by repetition of certain plant varieties and other materials, and by correlation with adjacent developments.
6. Plant material shall be selected for interest in its structure, texture, color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
7. In areas where general planting will not prosper, other materials such as fences, walls and pavings of wood, brick, stone, ornamental gravel, and cobbles ~~may shall~~ be used. Carefully selected plants as noted on the following lists shall be combined with such materials where possible. (Ord. 07-07, 3-26-2007)

SECTION 7: Title 12, Chapter 11, Section 3 (as reordered), entitled “Appropriate Species and Planting Requirements,” is hereby amended as follows:

12-11-3: APPROPRIATE SPECIES AND PLANTING REQUIREMENTS:

- A. Species Selection: Plant material must be selected for its form, texture, color, pattern of growth and suitability to local conditions. The use of invasive species is prohibited. Invasive species shall be those included in the "Chicago Botanic Garden" list of "Invasive Plants in the Chicago Region," as amended.
- B. Tree Species Diversity: Diversity among trees is required to reduce the risk of losing a large population of plants due to disease. If there are fewer than four (4) required trees, they may all be the same species. If there are between five (5) and ten (10) required trees, no more than forty (40) percent can be of one species. If there are more than ten (10) required trees, no more than twenty-five (25) percent can be of one species. This standard applies only to trees being planted and not to existing trees.
- C. Street And Parkway Trees: All trees planted on public rights of way shall be species listed in the Street and Parkway Tree List maintained by the Public Works Department. The director of public works has the authority to determine the species of street and parkway trees.

<u>Botanical Name</u>	<u>Common Name</u>
<u>Acer platanoides</u>	<u>Norway maple (in variety)</u>
<u>Acer rubrum</u>	<u>Red maple</u>
<u>Acer saccharum</u>	<u>Sugar maple</u>
<u>Celtis occidentalis</u>	<u>Hackberry</u>
<u>Fraxinus americana</u>	<u>White ash</u>

<i>Fraxinus pennsylvanica lanceolata</i>	Green ash
<i>Ginkgo biloba</i>	Maidenhair tree (male only)
<i>Gleditsia trianthos inermis</i>	Thornless honeylocust
<i>Quercus bicolor</i>	Swamp white oak
<i>Quercus rubra</i>	Red oak
<i>Tilia americana</i>	American linden
<i>Tilia cordata</i>	Little leaf linden
<i>Tilia euchlora Redmond</i>	Redmond linden

D. Required Trees on Private Property: Required trees planted on private property pursuant to Section 12-11-7 may not be of species listed in the Restricted Tree List maintained by the Public Works Department.

Interior Parking Lot Trees:

<u>Botanical Name</u>	<u>Common Name</u>
<i>Acer ginnala</i>	Amur maple
<i>Acer platanoides</i>	Norway maple (in variety)
<i>Acer rubrum</i>	Red maple
<i>Acer saccharum</i>	Sugar maple
<i>Alnus glutinosa</i>	European alder
<i>Amelanchier canadensis</i>	Serviceberry
<i>Betula nigra</i>	River birch
<i>Celtis occidentalis</i>	Hackberry
<i>Cercis canadensis</i>	Redbud
<i>Fraxinus americana</i>	White ash
<i>Fraxinus pennsylvanica lanceolata</i>	Green ash
<i>Ginkgo biloba</i>	Maidenhair tree (male only)
<i>Gleditsia trianthos inermis</i>	Thornless honeylocust
<i>Malus (in variety)</i>	Flowering crab apple
<i>Pyrus calleryana</i>	Bradford pear
<i>Quercus bicolor</i>	Swamp white oak
<i>Quercus macrocarpa</i>	Burr oak
<i>Quercus rubra</i>	Red oak
<i>Syringa reticulata</i>	Japanese tree lilac
<i>Tilia americana</i>	Americana linden
<i>Tilia cordata</i>	Little leaf linden
<i>Tilia euchlora Redmond</i>	Redmond linden

E. Tree Size:

1. All shade trees to be planted shall have a minimum ~~DBH trunk diameter~~ of two and one-half inches (2-1/2") ~~at six inches (6") from above ground level with a minimum height of twelve feet (12'). Height may be varied, depending upon tree species.~~
 2. Ornamental trees shall have a minimum height of six feet (6') or ~~DBH trunk diameter~~ of two inches (2").
 3. Evergreen trees shall have a minimum height of five feet (5').
- F. Shrubs: All shrubs to be planted shall be of minimum ~~specified~~ height of twenty-four inches (24") unless otherwise required by this Chapter, and width as indicated below with a minimum of five (5) cones per plant. Evergreen shrubs shall be of size specified.

Botanical Name	Common Name	Height	Width	Spacing-On Center
Aronia brilliantissima	Red chokeberry	2'	2-1/2"	3'
Aronia melanocarpa	Black chokeberry	2'	2-1/2"	3'
Berberis thunbergii	Green barberry	18"	18"	2'
Berberis thunbergii atropurpurea	Red leaf barberry	18"	18"	2'
Chaenomeles japonica	Flowering quince	2'	2-1/2'	2'
Cornus beileyi	Red dogwood	4'	3'	3'
Cornus lutes	Yellow dogwood	4'	3'	3'
Cornus sericea kelseyi	Kelsey dogwood	15"	18"	3'
Cotoneaster acutifolius	Peking cotoneaster	3'	2'	2'
Cotoneaster apiculata	Cranberry cotoneaster	12"	18"	3'
Cotoneaster divaricata	Spreading cotoneaster	3'	3'	3'
Deutzia gracilis rosea	Slender deutzia	15"	18"	2'
Euonymus alatus	Burning bush	3'	2'	4'
Euonymus alatus compactus	Dwarf burning bush	2-1/2'	2-1/2'	3'
Forsythia Arnold dwarf	Arnold dwarf forsythia	2-1/2'	2-1/2'	3'
Forsythia bronzensis	Bronx dwarf forsythia	15"	15"	3'
Forsythia spring glory	Spring glory forsythia	4'	3'	3'
Hydrangea arborescens grandiflora Annabelle	Annabelle hydrangea	18"	18"	3'
Juniperus horizontalis	Andorra juniper	12"	2'	3'
Juniperus pfitzer	Pfitzer juniper	2'	2'	3'
Ligustrum amurense	Amur River privet	4'	2'	2'
Ligustrum regelianum	Regel's privet	2'	2'	3'
Ligustrum vulgare Cheyenne	Cheyenne privet	4'	2'	2'
Lonicera xylosteum claveyi	Claveyi honeysuckle	18"	18"	3'
Philadelphus coronarius	Sweet mockorange	4'	3'	3'
Potentilla jaekmani	Jaekmani potentilla	18"	18"	3'
Rhamnus frangula columnaris	Tall hedge buckthorn	4'	2'	2'
Rhus aromatica	Fragrant sumac	18"	18"	3'
Rhus glabra	Smooth sumac	15"	15"	3'
Rhus typhina	Staghorn sumac	15"	15"	3'
Ribes alpinum	Alpine current	18"	18"	2'
Spiraea bumalda Anthony waterer	Spiraea Anthony waterer	18"	18"	2'

Spirea bumalda-froebeli	Froebel-spirea	18"	18"	2'
Spirea bumalda-goldflame	Gold-flame-spirea	18"	18"	2'
Syringa chinensis	Chinese-lilae	4'	3'	3'
Syringa patula-Miss-Kim	Miss-Kim-dwarf-lilae	2'	2'	3'
Taxus cuspidata	Spreading-yew	18"	18"	3'
Taxus media	Intermediate-yew	18"	18"	3'
Thuja occidentalis-woodwardii	Globe-arborvitae	18"	18"	3'
Viburnum dentatum	Arrow-wood	4'	3'	3'
Viburnum-lantana	Wayfaring-tree	4'	3'	3'
Viburnum-opulus	European-highbush	4'	3'	3'
Viburnum-opulus-compacta	Compact-euro-highbush	18"	2'	3'
Viburnum-trilobum	American-cranberry	4'	3'	3'
Viburnum-trilobum-compacta	Compact-amer-cranberry	18"	2'	3'
Weigela-vanecceki	Red-weigela	4'	3'	3'

~~Prohibited Trees And Shrubs: Any tree or shrub which is known to be a fast growing, brittle wood species, or is known to be subject to attack by insects or susceptible to disease is specifically prohibited. This includes, but is not limited to: _____~~

~~Boxelder Chinese-elm Cottonwood Poplar Silver maple Willow~~

G. Planting Requirements:

1. All trees shall be furnished balled and burlapped.
2. All shrubs shall be furnished balled and burlapped, or potted.
- ~~3. All tree plantings shall consist of a mixture of species to promote healthy development and long life.~~
4. With the exception of single-family residences, all landscaped areas shall be provided with an underground irrigation system or readily available water supply with at least one outlet within one hundred fifty feet (150') of the plant material or an alternate method to be approved by the appearance review commission.
5. All landscaping shall be installed according to accepted commercial planting procedures.
6. All plantings shall meet or exceed standards contained in "American Standard For Nursery Stock" (ANSI Z60.1 - 1973) as amended.
7. For all privately owned property, landscaping exceeding two feet (2') in height shall not be located within a 45-degree 10-foot by 10-foot sight line triangle at any point where a vehicular access way intersects a driveway, alley, sidewalk, or other vehicular or pedestrian access way. Where a driveway intersects an alley, the dimensions of the 45-degree sight line triangle shall be determined by the distance between the garage and alley, to a maximum of 10 feet. If no garage exists, the 10- foot by 10-foot sight line triangle shall apply.

SECTION 8: Title 12, Chapter 11, Section 4 (as reordered), entitled "Parking Lot Landscaping Requirements," is hereby amended as follows:

12-11-4: PARKING LOT LANDSCAPING REQUIREMENTS:

- A. General Requirements: All paved ground surface areas that require landscaping shall meet or exceed the following general landscaping requirements:

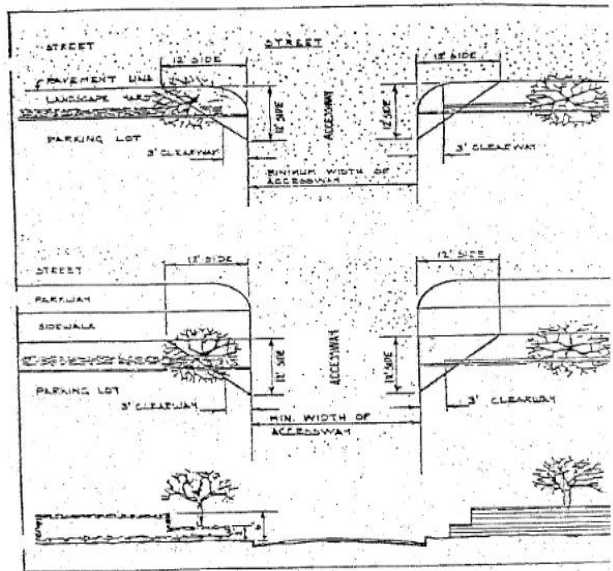
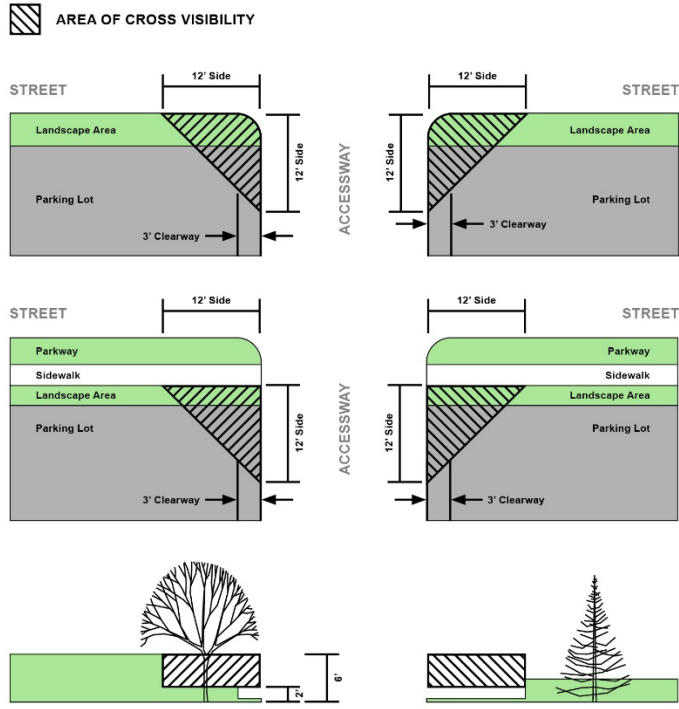
1. Installation: All vehicle parking lots shall be constructed with continuous concrete curbing. Placement of parking curbing shall allow for auto overhangs and sufficient space for interior planting and required perimeter planting areas.
 2. Planting: ~~All planting shall meet or exceed standards contained in "American Standard For Nursery Stock" (ANSI Z60.1—1973). Trees shall have a minimum height of seven feet (7') and a minimum trunk diameter of two and one-half inches (2-1/2") measured one foot (1') above grade level immediately after planting. Trees newly planted shall be supported by three (3) shielded guywires to ground or two (2) shielded guywires attached to two (2) stakes five feet (5') tall.~~ Planting areas shall be water permeable areas of not less than thirty-six (36) square feet and a minimum radius of three feet (3') measured in the direction of possible vehicle encroachment from the center of the tree trunk to the near edge of the landscaped area.
 3. Maintenance: All landscaping and trees provided on site and between the property line and the continuous curbing adjacent to street frontages shall be maintained by the property owner in accordance with the standards set forth in section 12-11-~~67~~ of this chapter.
- B. Specific Requirements: All paved ground surface areas shall meet the following specific landscaping requirements which shall be considered complementary to the landscaping provisions of any Village of Morton Grove ordinance or resolution.
1. Required Landscaping Adjacent To Public Right Of Way:
 1. Where paved ground surface areas are located adjacent to ~~sidewalks or~~ public streets or sidewalks, landscaping shall be provided between the public street or sidewalk and the paved ground surface area. Said landscaping shall include a landscaped yard at least five feet (5') in width containing a year round dense opaque screen of landscaping three feet (3') in height, or an earth berm at least three feet (3') in height with a maximum slope of three to one (3:1). Screening along public roads shall be maintained at height of three feet (3').
 2. Where paved ground surface areas are located adjacent to public alleys:
 1. Landscaping adjacent to public ~~alleys rights of way~~ shall not be required where all the parking spaces are screened from public streets by buildings, affront the alley, and are within thirty feet (30') of the screening building.
 2. For all paved ground surface areas adjacent to alleys not screened by buildings, screening shall be required at five feet (5') in height. Said screen may be comprised of any type of screen listed in section 12-11-4, "Screening", of this chapter. Landscaping ~~shall may~~ be at least ~~three two~~ feet (~~3 2'~~) in height at the time of planting, but must grow to, and be maintained at, five feet (5'). All screens shall be erected a minimum of one foot (1') within the side or rear lot line adjacent to the off street parking and/or loading areas. If space becomes a problem, the screening may be installed on the opposite side of the alley with permission of the affected property owner(s). If the required screening is other than landscaping, the one foot (1') area between the property line and the required screening shall be covered with an impervious surface.
 3. Where access to an alley is provided from an off street parking and/or loading area, the height of the required screening on either side of the accessway shall be thirty inches (30") for a minimum of fifteen feet (15') to provide adequate sight clearance and the width of the interruption in the required screening for the provision of access shall be equal to the width of the drive aisle as required.
 2. Required Landscaping Adjacent To Other Properties: Where paved ground surface areas are adjacent to surrounding properties, landscaping shall be installed to screen paved ground surface area from adjacent properties as provided below. Landscaping is not required if the paved ground surface area is completely screened from surrounding properties by intervening buildings or structures.

1. Where paved ground surface areas are adjacent to properties zoned exclusively for residential land uses, all land between the paved ground surface area and the property line, except accessways, shall be landscaped. Said landscaping shall include a buffer yard at least five feet (5') in width, containing either berm, hedge, maintenance free barrier or combination of the above at least five feet (5') in height, but not more than six feet (6') in height. Where hedge of living plant material is used for a barrier, it shall be thirty inches (30") in height at time of planting and shall attain opacity within twelve (12) months under normal growing conditions. A minimum of one tree shall be planted for each forty (40) linear feet of common lot line or fraction thereof.
2. Where the adjacent property is zoned for nonresidential land uses or where the adjacent property contains a conforming hedge or wall, a minimum of one tree shall be planted for each ~~forty (40) eighty (80)~~ linear feet of common lot line or fraction thereof. Said tree(s) shall be installed in the buffer area adjacent to each of the adjoining properties.
3. Internal Landscaping Regulations:
 1. Parking lots two thousand (2,000) square feet or less are not required to provide interior landscaping.
 2. All planting islands for parking lots shall be a minimum of forty (40) square feet.
 3. All parking areas more than two thousand (2,000) square feet shall have internal landscaping to channelize and define logical areas for pedestrians and vehicular circulation and to provide areas for accumulation of snow. All interior landscaping shall be protected from vehicular encroachment by curbing, wheel stops or guardrail and should be raised above the grade of the parking spaces. Required internal landscaping is as follows:
 1. Parking areas two thousand (2,000) to twenty thousand (20,000) square feet: A minimum of five percent (5%) of the paved area of the parking lot not including buffer landscape areas developed around the parking lot.
 2. Parking areas larger than twenty thousand (20,000) square feet: A minimum of seven percent (7%) of the paved area of the parking lot not including buffer landscape areas developed around the parking lot. Where practical, each separate landscaped area shall contain at least one tree, and a tree shall be planted for each one hundred (100) square feet of interior landscaping. For double-row landscape islands, two (2) trees shall be required. Landscaping dividing strips with or without walkways shall be used to subdivide parking areas into parking bays. Each parking bay shall have a maximum of twenty (20) spaces in an uninterrupted row.
 4. Other paved ground surface areas exceeding five thousand (5,000) square feet such as playgrounds, courtyards, etc., shall have two (2) square feet of interior landscaping for each one hundred (100) square feet of paving. Each separate landscaped area shall contain at least one tree, and a tree shall be planted for each one hundred (100) square feet of interior landscaping.
 5. Mixed usage of areas where a paved ground surface area is used for several functions, such as a parking lot and a playground or playing field, etc.: The landscaping requirements for parking lots will be applied to the amount of surface area used for automobile parking, even if it is used for recreation as well. Landscaping requirements for open space and recreational use will be applied to any surface area used for recreation and not parking.
- C. Sight Distances For Landscaping Adjacent To Accessways:
 1. Intersection Visibility: Where an accessway intersects a public right of way, or a public right of way intersects another public right of way, landscaping shall be used to define the intersection; provided, however, all landscaping within the areas of cross visibility as described below (subsection C2 of this section) shall be maintained at a level between two (2) and six feet (6') from grade. Trees shall have limbs and foliage trimmed in such a manner that

no limbs or foliage extend into the cross visibility, provided they are so located so as not to create a traffic hazard. Landscaping, except grass and ground cover, shall not be located closer than three feet (3') from the edge of any accessway pavement.

2. Area Of Cross Visibility: The property located at the intersection of an accessway and a public road or sidewalk forms a triangle with sides twelve feet (12') along the accessway and twelve feet (12') along the public road or sidewalk. This area is measured from a point in line with the smallest width of the accessway and the public road pavement line or the public sidewalk pavement line nearest the parking lot. The third side of the triangle is formed by connecting the ends of two (2) 12-foot sides.

SIGHT DISTANCE FOR CROSS VISIBILITY



[REMOVE GRAPHIC]

SIGHT DISTANCE FOR CROSS VISIBILITY

- D. Existing Developed Areas: All property with existing paved ground surface areas on the effective date of this title shall not be required to conform to provisions of this chapter unless exterior reconstruction, exterior expansion or exterior improvements on the property requiring a building permit are undertaken.
1. No structure shall be required to be altered or moved, except during reconstruction, to meet the provisions of this chapter.
 2. When reconstructing, no existing parking area twenty thousand (20,000) square feet or less shall be required to lose more than one out of twenty (20) parking spaces or three percent (3%) of the parking areas, whichever is greater.
 3. No parking area greater than twenty thousand (20,000) square feet shall be required to lose for landscaping purposes more than one and one-half (1 1/2) out of twenty (20) parking spaces or five percent (5%) of the parking area, whichever is greater.
 - ~~a. It shall be necessary to provide fencing and/or a masonry wall along all public rights of way to be approved by the appearance review commission.~~
 - 4b. It shall not be necessary for any parking area to be reduced below the minimum standards set forth in any other Village of Morton Grove ordinance in order to meet the provisions of this section.

SECTION 9: A new Title 12, Chapter 11, Section 7, entitled “Trees on Private Property,” is hereby inserted to read as follows and the current Title 12, Chapter 11, Section 7 is hereby reordered to become Title 12, Chapter 11, Section 8:

12-11-7: TREES ON PRIVATE PROPERTY:

- A. Exempt Properties. The requirements of this section shall not apply to municipal and other public facilities and lands and zoning lots in the R-1 Single Family Residence, R-2 Single Family Residence, or R-3 General Residence Districts with an existing single-family or two-family home having less than 21,780 square feet (0.5 acres) of land area unless controlled by or to be controlled by a planned unit development, special use permit, or subdivision ordinance within twenty-four (24) months. Properties not exempted by this section shall hereinafter be referred to as “Covered Property.”
- B. Permit Required. A tree removal permit is required for the removal of any tree located within or partially within a Covered Property with a diameter at breast height of twelve inches (12”) or greater, hereinafter referred to as a “Protected Tree.”
- C. Protected Tree Replacement.
Unless otherwise provided by this section, tree replacement or a fee-in-lieu shall be required for the removal as follows:

<u>Replacement Tree(s)</u>	<u>1 (one) Replacement Tree per Protected Tree(s) being removed must be planted on a privately owned property</u>
<u>Fee-In-Lieu</u>	<u>Fee per Protected Tree(s) as provided for in Section 1-11-4.</u>

- a. Replacement and fee-in-lieu requirements shall not apply to the removal of a Protected Tree if one of the following conditions is met, adequate documents verifying the condition are provided by the owner to the Village, and the condition is verified in writing by the building commissioner:
 - i. Nuisance trees

- ii. Diseased or poor condition trees
 - iii. Undesirable trees
 - iv. Utility work
 - v. Emergencies
 - vi. Demonstrated hardship subject to approval of the Village Administrator
- b. Replacement trees shall have a minimum diameter at breast height of two and one-half inches (2 1/2") for shade trees and six feet (6') in height for evergreen trees.
- D. Replacement trees shall be planted prior to (i) close-out of the site development or building permit, (ii) issuance of any certificate of occupancy, or (iii) within twelve (12) months of permit issuance, whichever is earlier. The required fee-in-lieu will be collected as part of the permit fee and held in escrow for up to twelve (12) months. If the required plantings have not occurred by that time, the fee-in-lieu will be retained and deposited to the Tree Planting Fund.
- c. Replacement trees shall be maintained in good condition for a minimum of five (5) years from the date of planting. If the tree is removed for any reason except utility work, safety hazard, emergency, or demonstrated hardship within five (5) years after planting, it must be replaced with a qualifying replacement tree in the same location or at an approved alternative location within six (6) months from the date of removal.
- E. Penalties. Any person violating any of the provisions of this chapter shall be fined in accordance with title 1, chapter 4 of this code. Each day that a violation is permitted to exist shall constitute a separate offense. Additionally, the requirements for tree replacement and fee-in-lieu payment shall double for the removal of each Protected Tree without a tree removal permit.

SECTION 10: Title 12, Chapter 11, Section 8 (as reordered), entitled "Maintenance," is hereby amended to read as follows:

12-11-8: MAINTENANCE:

- A. The owner of a property shall be responsible for the maintenance of all landscaping and trees in good condition so as to present a neat, healthy and orderly appearance, free of refuse and debris, so it conforms to standards established within this code and any approved landscape plan and tree preservation plan for the property. This includes, but is not limited to, maintaining the landscaping and trees at the appropriate height and the replacement of dead or damaged plants and trees. Necessary replacement shall be made within the time period not to exceed one hundred twenty (120) days after notification by the Village of Morton Grove of a violation of this chapter.
- B. All planting areas shall be kept free of weeds or plant growth that are noxious, detrimental to the public health or are unsightly. This shall include planting areas within the property and within rights of way.

SECTION 11: Title 1, Chapter 11, Section 4 entitled "FEES FOR SPECIFIC PERMITS, LICENSES, CERTIFICATES, AND SERVICES" of the Municipal Code of the Village of Morton Grove is hereby amended as follows:

1-11-4: FEES FOR SPECIFIC PERMITS, LICENSES, CERTIFICATES, AND SERVICES:

- A. A row pertaining Title 12, Chapter 11, Section 7C (as reordered) has been added to the fee schedule as follows:

<u>12-11-7C</u>	<u>Protected Tree Removal Fee</u>	<u>\$300.00</u>	<u>Each</u>
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SECTION 12: The terms and conditions of this ordinance shall be severable and if any section, term, provision, or condition is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remaining sections, terms, provisions, and conditions shall remain in full force and effect.

SECTION 13: Except as to code amendments set forth in this ordinance, all chapters and sections of the Morton Grove Village Code shall remain in full force and effect.

SECTION 14: This ordinance shall be effective from and after its adoption, approval, and publication as provided by law.