

Chapter 21  
**LANDSCAPING CODE**

- 21.01 Purpose
- 21.02 Responsibility for Compliance
- 21.03 Landscaping Plan
- 21.04 Review of Landscaping Plan
- 21.05 Criteria for Approval of Landscaping Plan
- 21.06 Security to Ensure Completion of Required Landscaping
- 21.07 Vegetated Perimeter Screening (Bufferyard) Requirements
- 21.08 Location of Bufferyard
- 21.09 Reduced Bufferyard Requirements for Irregularly Shaped Parcels
- 21.10 Bufferyard Specifications
- 21.11 Fences, Walls, Berms and Hedges
- 21.12 Use of Bufferyards
- 21.13 Ownership of Bufferyards
- 21.14 No Development Within the Required Buffer
- 21.15 Easements
- 21.16 Interior Lot Landscaping
- 21.17 Public Rights of Way Standards
- 21.18 Parking Lot Landscaping
- 21.19 Installation Standards
- 21.20 Tree Preservation, Removal and Replacement Standards
- 21.21 Maintenance Standards
- 21.22 Preservation Standards
- 21.23 Village Tree Commission and Official Tree Program
- 21.24 Village Tree Care Policy
- 21.25 Utility Safety Pruning
- 21.26 Penalty

**21.01 PURPOSE**

The purpose of this Chapter 21 is to establish high standards of landscaping and buffering for all public and private properties within the Village.

**21.02 RESPONSIBILITY FOR COMPLIANCE**

A. All new residential and nonresidential construction shall comply with the standards provided in this Chapter 21.

B. All additions or alterations to existing structures that exceed 50 percent of the value of the existing structure shall comply with all the standards set forth in this Chapter 21.

C. Where a vacant parcel is being developed adjacent to another vacant parcel, then the first parcel to be developed shall provide one half of the required perimeter screening based on the most intense land use permitted on the adjacent parcel.

D. Where a vacant parcel is being developed adjacent to an existing land use, then the developer shall provide the required perimeter screening.

#### 21.03 **LANDSCAPING PLAN** *Amended, 2014-24, 2001-60*

A. General: A building permit application shall be filed by the owner of the property on which the construction or alteration is to occur, or an agent, lessee or contract purchaser specifically authorized by the owner to do so.

B. Preparation: The building permit application must include three sets of landscaping plans prepared by a landscape architect/designer. The use of a landscape architect for preparation of landscaping plans for accessory structures only (e.g., decks, swimming pools) is not required. The landscaping plan shall include the elements listed in Section 21.03-C herein.

C. Landscaping Plan Elements:

1. Developer's and landscaper's name, address and telephone number;
2. Location of the site and name of the development and/or purchaser/resident of the homesite, as applicable;
3. Location, quantity, size and type of proposed landscaping on a site plan, showing its relation to other site features such as utilities and easements;
4. Elevation and drawings of any solid screen proposed;
5. Planting time schedule;
6. Trees, shrubs and any other significant vegetation proposed for removal;
7. All proposed building footprints;
8. Parking area and/or driveway, location and paving materials;
9. Sidewalk and pedestrian way, location and paving materials;
10. Scale and North arrow;
11. Any other information that may be needed to show compliance with this Chapter 21;

12. Have attached a written statement from the landscape architect describing the environmental effect of the landscaping on the subdivision and surrounding area. Included therein shall be a statement setting forth the goals of the plan, reasons why specific plant materials have been selected and the time required for the plan to produce the desired environmental effect. The statement shall also explain how the plan will deal with any special environmental conditions existing on the site or to be created by the development;
13. Be drawn at a scale not smaller than one inch equals 10 feet. Reduced copies may be required by the Village; and
14. Identify all existing trees 6 inches in diameter or larger, as measured 12 inches above the ground (pursuant to the provisions of Section 21.20 herein), all natural features, general vegetation and hedgerows as applicable, all existing and proposed public rights-of-way and easements, and all proposed landscaping on the site, including such details as the species, varieties, size, quantity, quality, and condition of plant material, indicating those trees shown on the plan that are proposed to be removed or transplanted.
15. Landscaping plans and their associated grading plans must harmonize with the approved engineering plan for the subdivision so as to not interfere with proper drainage on the lot, nor negatively impact stormwater drainage on adjacent properties.

D. Native and Natural Landscaping: Whether for new construction or existing development, landscaping that includes or is proposed to include native or natural planting areas shall be subject to the following regulations.

1. In addition to the general requirements of Sections 21.03-C and 21.05 herein, a landscape plan with native and natural landscaping shall contain the following documentation:
  - a. A site plan for the proposed or existing planting or an existing native natural area.
  - b. A list of plant species that are in or are to be in the site.
  - c. A certification of involvement in a particular program, or a statement of sources of technical assistance or expertise.
  - d. A written proposal of maintenance or of visual screening of such plantings.

2. Conditions: The types of conditions or exceptions that may be considered by the Village which would allow uncontrolled plant growth include, but are not limited to the following:
  - a. Native Plantings: The use of native plant species for aesthetic and/or wildlife reasons.
  - b. Wildlife Plantings: The use of native and/or introduced plant species to attract and aid wildlife.
  - c. Erosion Control: To offset and control any soil loss problems both occurring or predicted.
  - d. Soil Fertility Building: The enrichment and eventual stabilization of soil fertility through the use of various plant species.
  - e. Governmental Programs: Any federal, state or local programs which require the unimpaired growth of plants during majority or all of the growing season.
  - f. Educational Programs: Any areas designated for educational studies.
  - g. Cultivation: Any plant species or group of plant species native or introduced and grown for consumption, pleasure or business reasons.
  - h. Biological Control: The planting of a particular plant species or group of species which will effectively out compete and replace a noxious or troublesome weed species without additional soil disturbance of the site.
  - i. Parks and Open Space: Any and all public parks and open space lands under the jurisdiction of federal, state and local agencies, including private conservation/preservation organizations.
  - j. Wooded Areas: All areas that are predominantly woods.
  - k. Adjacency to Existing Natural Areas: The use of native plant species as a transition to or to help protect species in an existing adjacent natural area, such as prairies, fens, wetlands or similar environments.
3. Location: Native and natural landscaping areas shall be confined to rear yards only unless specific justification can be satisfactorily made for placement elsewhere on the lot. Native and natural landscaping shall not occupy the entirety or majority of the landscaping on a lot.

#### 21.04 **REVIEW OF LANDSCAPING PLAN** 2014-24

The Architect shall review all landscaping plans through the architectural review process established in Chapter 36 of this Code. The Architect shall act as an advisory body, making recommendations, to the Village Board on landscaping plans related to general subdivision landscaping, single-family attached residential developments and non-residential developments.

#### 21.05 **CRITERIA FOR APPROVAL OF LANDSCAPING PLANS** 2014-24

Landscaping plan approval is subject to the landscaping plan conforming to the relevant criteria set forth herein.

1. Where contributing to beauty and utility of a property, natural or existing topographic patterns should be preserved and developed. Modification of topography may be appropriate where it contributes to good appearance.
2. Grades of walks, parking spaces, terraces and other paved areas should provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
3. Landscape treatment should be provided to enhance architectural features, improve vistas and provide shade.
4. Plant material should 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 should be used.
5. In locations where susceptible to injury by pedestrians or motor traffic, plants should be protected by appropriate curbs, tree guards or other devices.
6. Parking areas and traffic ways should be enhanced with landscaped spaces containing trees or tree groupings; shrubs should be used only where they will not obscure vision and will not require excessive maintenance. All plantings must be installed in such a fashion so as to not block visibility triangles at corners or otherwise negatively affect pedestrian or driver safety.
7. In areas where general plantings will not prosper, other materials (such as fences {where permitted by zoning regulations}, walls and pavings or brick, stone, gravel and cobbles) should be used. Carefully selected plants should be combined with such materials where possible, and natural planting materials should be encouraged.
8. Exterior lighting, when used, should enhance the building design and the adjoining landscape. Lighting standards and fixtures should be of a design and size compatible with the building and adjacent areas. Lighting should be restrained in design and excessive brightness and brilliant colors should be avoided. Any lighting needed to illuminate an off street parking area shall be so arranged as to reflect the light away from adjoining properties.

**21.06 SECURITY TO ENSURE COMPLETION OF REQUIRED LANDSCAPING** *Amended, 2014-24, 2006-16, 2002-24*

A. All landscaping shall be completed in accordance with the approved landscaping plan prior to issuance of a certificate of occupancy. If the landscaping cannot be installed or completed a cash deposit equal to 110 percent of the cost of completion shall be filed with the Village. The cost of completing the landscaping plan may be determined by a professional landscaper and submitted in writing to the Building Department. In the event the cost exceeds \$5,000.00, an irrevocable letter of credit shall be filed with the Village in lieu of the cash deposit. The letter of credit shall be in a form approved by the Finance Director. Such cash deposit or letter of credit is the responsibility of the party who received approval of the plan from the Architect.

B. The Village may issue a temporary certificate of occupancy if the cash deposit or letter of credit has been filed with the Village.

C. Except as provided herein, the landscape work guaranteed by the cash deposit or letter of credit shall be completed within four months from the date of the temporary occupancy. In the event a temporary occupancy permit is issued in November, December, January, February, March or April, landscape work shall be completed before the end of June. In the event the Village has restricted the use of outside water pursuant to Section 23.12 of this Code, landscape work shall be completed within three months after the restriction has been removed.

D. If the landscape work is completed within the required time period the total amount of the cash deposit shall be returned or the letter of credit released to the party who posted it with the Village.

E. In the event the landscape plan has not been installed within the required time period, the Village may use the cash deposit or letter of credit to have the work completed. Failure to comply with the requirements of this Section 21.06 shall constitute a violation of this Code and subject to a penalty of \$750, which shall be paid prior to the release of a full certificate of occupancy.

**21.07 VEGETATED PERIMETER SCREENING (BUFFERYARD) REQUIREMENTS**

A. The development shall be required to provide open space and natural barriers around the perimeter of a proposed land use in order to separate and screen the proposed use from adjacent development, vacant land or roads.

B. Bufferyard requirements supplement the minimum setbacks required in a given zoning district by imposing vegetation protection, landscaping and fencing or screening requirements. The width, amount of vegetation and other features of a bufferyard will vary depending on the nature of adjacent development, vacant land or road.

## 21.08 LOCATION OF BUFFERYARD

The buffers required by this Chapter 21 shall be located along the entire perimeter of a lot or parcel, except at approved entrances or exits to the property or in required sight triangles. Bufferyards shall extend to the lot line, parcel boundary line or right of way line, except where easements, covenants or natural features may require the bufferyard to be set back from the property line.

## 21.09 REDUCED BUFFERYARD REQUIREMENTS FOR IRREGULARLY-SHAPED PARCELS

When a parcel contains a “panhandle” or other narrow shape, the bufferyard requirements may be reduced along the irregular portion of the parcel perimeter.

## 21.10 BUFFERYARD SPECIFICATIONS

A. The bufferyard illustration, which is Exhibit A of this Chapter 21, graphically indicates the width and number of plants required per 100 linear feet. To determine the total number of plants required, the length of each side of the property requiring a buffer shall be divided by 100 and multiplied by the number of plants shown in the illustration. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting. If the calculations required by this specification yield a fractional number, that number shall be rounded up to the next highest whole number.

B. The arrangement of plants in the bufferyard shall be determined by the developer’s or owner’s landscape architect/designer.

C. Existing trees and vegetation within a required buffer, which meet these requirements, may be counted toward the total bufferyard plant material requirements. If existing trees and plants do not fully meet the standard for the type of buffer required, additional vegetation shall be planted. Other existing site features within the required buffer area which do not otherwise function to meet the standards for the required buffer shall be screened from the view of other properties or removed, as determined during review and approval of the site plan or major special use.

## 21.11 FENCES, WALLS, BERMS AND HEDGES *2014-24*

Fences, walls, berms and/or hedges may be required to supplement required plant materials if the Architect determines that additional screening is necessary to shield a proposed land use from adjacent uses, consistent with fence regulations in the Lakewood Zoning Code. Fences, walls or berms may be used to replace one half of the required buffer yards with the approval of the Architect. If required, fences, walls, berms or hedges shall be constructed in accordance with the following specifications:

1. Fences, walls and hedge rows shall be not less than four feet in height nor more than six feet in height around the perimeter of a non-residential property.

2. Fences and/or walls for all non-residential development shall be made of natural materials, such as wooden fences, brick or masonry walls, or a combination of such materials.
3. Hedges shall consist of densely-planted evergreens or deciduous shrubs.
4. Earth berms shall not be less than three feet in height and shall be covered with grass or other living vegetative ground cover.

#### **21.12 USE OF BUFFERYARDS**

A bufferyard may be used for passive recreation or for utility or drainage easements, provided that the utility requirements and the bufferyard requirements are compatible.

#### **21.13 OWNERSHIP OF BUFFERYARDS**

Bufferyards may remain in the ownership of the owner of the lot, or may be subjected to deed restrictions and subsequently conveyed to a homeowners' association, provided that any such conveyance adequately guarantees the protection and maintenance of the bufferyards for the purposes of this Chapter 21.

#### **21.14 NO DEVELOPMENT WITHIN THE REQUIRED BUFFER**

The required buffer shall not contain any development, impervious surfaces or site features that do not function to meet the standards of this chapter. No grading, development or land disturbing activities shall occur within the buffer unless approved by the Village Board at the time of site plan review.

#### **21.15 EASEMENTS**

Nothing shall be planted or installed within an underground or overhead utility easement or a drainage easement without prior written consent of the Village.

#### **21.16 INTERIOR LOT LANDSCAPING** *Amended, 2001-60*

Except for parking lot interiors provided for in Section 21.18 herein, the following interior lot landscaping standards apply to single-family detached dwellings and to all other types of single-family attached and non-residential developments:

1. Areas of the lot not covered by structures or pavement shall be planted with live landscaping.
2. Decorative stone, brick or pavement may be used for edging planting beds but may not cover more than 20 percent of the landscaped area.
3. Foundation plantings must be provided on all sides of a dwelling. Foundation plantings shall be planted along the front and side walls of non-residential buildings and along the rear walls



of non-residential buildings wherever feasible.

4. Shade (canopy) trees should be located on the south side of buildings wherever feasible to block summer sun.
5. Plantings shall be clustered along long walls and fences to soften the visual effect of the horizontal lines.
6. Building foundations shall be landscaped in such a manner so as to provide massings of natural colors and shapes to offset the mass of the building and to provide visual relief to the straight lines of building architecture, parking lots and other man-made features.
7. The precise location of all plantings shall be shown on the landscaping plan. The plantings shall be far enough away from the foundation and pavement to allow roots to spread and mature growth to occur. Plantings may be clustered along the building wall.
8. Only small shrubs and flowers may be planted in raised containers.
9. Courtyards, berms and other landscaping features may be allowed if shown and approved in the landscaping plan.
10. A minimum 10-foot wide landscaped area shall front not less than 75 percent of the side of all buildings which face dedicated streets or major interior access lanes.
11. A minimum of two shade trees are required per dwelling unit for single-family attached residential developments (in addition to the tree requirements in paragraph 1 of Section 21.17 herein), one shade tree per 7,500 square feet of lot area for commercial/office developments, and one shade tree per 15,000 square feet of lot area for industrial developments.
12. All single-family detached properties shall be required to provide shade trees in the front and rear yards at the rate of one shade tree per 5,000 square feet of lot area or portion thereof (for example, a 22,000 square foot lot requires five such trees). In addition, one other tree of an oak, hickory or walnut species must be planted. Golf course lots are further required to provide two additional shade trees, in the yard abutting the course.
13. Landscaping must be included with additions and accessory structures. The amount, type, size and location of such landscaping is determined based on the specific site plan and circumstances.
14. Exhibit B herein contains a listing of plants have been selected to complement and best represent the Village. These plants can be found throughout the community. It is desired that individual property owners continue with this type of planting to add to the ambiance of the Village. Other varieties, not listed, have been eliminated due to their susceptibility to salt damage, lack of longevity, lack of drought tolerance or the need for high levels of maintenance. The landscape plan may, however, propose other varieties, provided that the designer

includes an attestation that the proposed variety of species is of equivalent quality and hardiness to those which are listed.

#### 21.17 PUBLIC RIGHTS OF WAY STANDARDS

All uses which require site plan review or special use approval shall install and maintain trees along any public right of way which abuts the perimeter of the property.

1. The public rights of way shall be maintained as grass or low groundcover, except where covered by driveway pavement, trees or shrubs. A minimum of one street (canopy) tree per 40 feet of frontage is required for all developments. These trees may be arranged and planted in natural looking groupings.
2. The use of stone, rock or gravel is prohibited in all rights of way.
3. Other than trees, no landscaping which grows taller than three feet, shall be permitted.
4. No trees or other landscaping taller than two feet shall be located within six feet of fire hydrants or buffalo boxes.
5. Street (canopy) trees shall be planted so as not to interfere with overhead wires or traffic or pedestrian safety.
6. Street (canopy) trees shall consist of shorter, ornamental type trees if overhead utilities exist or if the street is subject to widening in the future. Otherwise, taller, shade-type trees are required. A mixture of trees is recommended and shall be planted whenever feasible.
7. Coniferous trees are not recommended for usage as street trees.
8. On corner lots no plantings shall exceed a height of three feet above the grade of street within 12 feet of the lot lines which are adjacent to streets.

#### 21.18 PARKING LOT LANDSCAPING *2014-24*

In addition to the interior lot landscaping required hereinabove, the following standards shall apply to parking lots:

1. Design Standards: The design of the landscaped areas, the selection of plant materials and the vehicular use area shall meet the following standards:
  - A. All open automobile parking areas shall have parking lot landscaping that is evenly placed throughout the lot.
  - B. All parking lot areas shall be screened from the view of adjacent properties and streets by a mixture of evergreen and deciduous plantings that will attain a height of

eight feet within three years. An earthen berm or low wall/fence may also be utilized. The use of trees, shrubs and groundcovers are encouraged in parking area islands and along the borders of parking areas.

- C. Each canopy tree shall be provided with at least 300 square feet of pervious ground for root growth. This dimension shall be measured from the insides of the curbs.
  - D. The size of the planting area and the size of plant material at maturity shall allow for a three foot bumper overhang from the face of the curb.
  - E. All impervious paving shall be at least 10 feet from the trunks of large trees, unless otherwise approved by the Architect, or where the placement of any paving would require the removal of an existing large tree to meet this requirement or where there is not enough space on the site to accommodate both the tree and the pavement.
  - F. Curbs shall be provided between vehicular use areas and landscaped areas.
  - G. Parking lots shall be graded so that landscape islands do not impound water, unless surface impoundment is required as a method of on-site detention or retention of storm water.
  - H. At least 15 percent of the parking lot shall be covered by landscaping.
2. Existing Vegetation: Existing healthy, well-formed canopy trees may be counted toward the requirements of this Chapter 21.
3. Parking Lot Island Standards:
- A. Each island shall be at least 200 square feet and at least 10 feet wide. Larger islands are encouraged, however, especially where canopy trees are provided.
  - B. Each island shall include at least one tree (minimum 2½-inch diameter) and five shrubs per 200 square feet of island green area.
  - C. Landscaping on each island shall be located so as not to cause a traffic hazard.
  - D. The islands shall be located at the end of each row of parking stalls or as otherwise approved in the landscaping plan.
  - E. Evergreen trees may be used in islands of at least 400 square feet.

## 21.19 INSTALLATION STANDARDS

- A. Basic vegetation size minimum standards shall include the following:

1. Evergreen or deciduous shrubs: minimum 18 inches high;
2. Shade (canopy) trees: minimum 3 inches in diameter, measured 12 inches above the ground (except the required oak, hickory or walnut species pursuant to paragraph 12 in Section 21.16 herein, which are not required to have a minimum caliper, but which must be at least six feet tall).
3. Ornamental trees: minimum five feet in height. Clump forms are recommended and encouraged.
4. Coniferous (evergreen) trees: minimum five feet in height.

B. All other specifications shall conform with the *American Standards for Nursery Stock*, published by the American Association of Nurserymen for that type of tree or shrub at the time of installation.

C. All plant material shall be installed free of disease and in a manner that ensures the availability of sufficient soil and water to sustain healthy growth.

D. All plant material shall be planted with a minimum of six inches of organic soil and mulched to a depth of three inches.

E. All plant material shall be planted in a manner which is not intrusive to utilities or pavement.

F. All earth berm locations shall be reviewed by the Village Engineer to determine how the berms shall relate to overall site drainage and public utilities.

**21.20 TREE PRESERVATION, REMOVAL AND REPLACEMENT STANDARDS** *Amended, 2017-34, 2014-24, 2007-28*

A. Purpose: It is the stated public policy of the Village to maintain, to the greatest extent possible, existing trees within the Village. In addition to adding to the scenic beauty of the Village, the maintenance of trees and wooded areas tends to preserve the ecology of the Village through the filtering effect of trees on air pollutants. Trees also help to provide a noise barrier, help to prevent erosion of topsoil, provide nesting areas for birds and other wildlife, provide windbreaks and shaded areas, and increase property values by adding to the aesthetic quality of land. Trees are an important public resource. The purpose of this Section 21.20 is to preserve existing natural streetscapes throughout the community, to preserve the essential character of those areas throughout the community which are heavily wooded and in a more natural state, whether developed or as yet-undeveloped, and to maintain property values throughout the community. Therefore trees shall not be removed except as provided for in this Section 21.20.

B. Requirements: No vigorous and healthy tree taller than 20 feet or larger than six inches in diameter as measured 12 inches above the ground shall be removed except when approved in

advance in written form by the Architect or the Chief Administrative Officer. In the case of a multi-stemmed tree, the diameter of the clump taken as a whole shall govern. Application for a tree removal permit shall be in writing, either in the form of a landscaping plan for new construction, or on a form provided by the Village for existing homesites, based on the attestation of the reasons for the removal request made by a certified arborist or equivalent qualified person, such as a landscape architect. A written tree removal permit by the Village shall be issued if the requirements are met. The term “remove” or “removal” shall mean actual physical removal, by cutting, felling, chopping or any other similar procedure, the result of which is likely to cause the death or substantial destruction of a tree, or effective removal through damaging, poisoning, or other direct or indirect action resulting in or likely to result in the death of a tree. Such actions may include, but are not limited to: compacting of earth around the base of a tree by construction equipment, which is known to crush root systems and kill trees; paving of areas around the base of a tree with an impermeable surface to such an extent that water and other nourishment is prevented from reaching the root system such that the tree will die; and other similar destructive practices. The term “cutting” does not include normal, modest and occasional pruning, trimming, or topping of trees.

Conditions under which a tree removal permit may be issued include, but are not limited to, the following:

1. the tree is dead, or dying;
2. the tree is diseased;
3. the tree is damaged or injured to the extent that it is likely to die or become diseased, or poses a threat of damage to property or of personal injury to passersby;
4. a tree of an inferior species is negatively affecting the health of a superior species or a species that is unusual, rare, or otherwise desirable to be preserved;
5. the removal of the tree will avoid or alleviate an economic hardship or a hardship of another nature on the property or residence; or
6. the removal of the tree is consistent with good forestry practices.

For new construction and additions, proposed houses shall be designed to take into account the number, nature and quality of species of trees then existing on the lot. Preservation of superior species of trees warrant higher consideration in home design and site planning than inferior species. If multiple trees are to be removed, the landscape plan must include provisions for appropriate tree replacement. Approval of a final landscape plan for new construction and additions by the Architect will include the issuance of a tree removal permit for the trees to be removed in that particular instance.

In all cases, the Architect or the Chief Administrative Officer shall use reasonable interpretations of the circumstances in determining whether or not the conditions have been satisfied and the permit should be issued.

C. Emergencies: In the event of emergency conditions requiring the immediate cutting or removal of trees in order to avoid immediate danger or hazard to persons or property, authority for such removal will be issued without formal application by any of the following officials of the Village: Village Board member, Chief Administrative Officer, Building Commissioner or his designee, Police Chief or Police Officer, or Public Works Director or his designee. Such authority may be rendered in writing or verbally as the circumstances require.

D. Appeals: The property owner may appeal to the Village Board any decision made by the Architect or Chief Administrative Officer under the provisions of this Section 21.20 within 30 days of the decision being rendered.

E. Penalty: Any tree removed prior to or without approval shall be punishable by a fine of not less than \$500.00 nor more than \$1,000.00 per tree removed.

F. Replacement Trees: Any such tree(s) removed pursuant to Village approval shall be replaced as follows:

<b>Diameter of Removed Tree</b>	<b>Number of Replacement Trees</b>
6 inches	1 tree @ 6 inches or 2 trees @ 3 inches
8 inches	1 tree @ 8 inches or 2 trees @ 4 inches or 3 trees @ 3 inches
10 inches	2 trees @ 5 inches or 3 trees @ 3½ inches or 4 trees @ 2½ inches
12 inches	2 trees @ 6 inches or 3 trees @ 4 inches or 4 trees @ 3 inches
13-25 inches	minimum 2 trees @ 6½ inches or 3 trees @ 4½ inches to minimum 6 trees @ 4 inches or 8 trees @ 3 inches
26 inches or greater	Minimum 9 trees @ 3 inches or 6 trees @ 4 inches to minimum 4 trees @ 6 inches

Consistent with good forestry practices, replacement trees shall be of either equivalent or a superior quality of species; for example, a softwood tree may be replaced with a hardwood tree, but an inferior species shall not be substituted for a superior species. The judgment of a certified arborist or equivalent qualified person, such as a landscape architect, shall be employed in cases of interpretation of “inferior” versus “superior” species. Good forestry practices may indicate that in areas of high density of trees, it is not appropriate to replace a tree that is removed by permit, or that the number of required replacement trees is not feasible, and thus a lower number of replacements is appropriate.

## 21.21 MAINTENANCE STANDARDS

A. The plantings in any landscaped area must be properly maintained in order for the landscaped area to fulfill the purposes of which it was established. The owner of the property and any tenant on the property where a landscaped area is required shall be jointly and severally responsible

for the maintenance of all plant material within the landscaped area. Such maintenance shall include all actions necessary to keep the landscaped area free of litter and debris and to keep plantings healthy, vigorous and orderly in appearance.

B. An irrevocable letter of credit shall be provided to the Village by the owner or developer prior to the issuance of a building permit in accordance with the provisions of the regulations herein.

C. Right-of-way shall be maintained by the adjacent owner unless an agreement for maintenance has been reached with the Village.

D. The plantings, fences, walls or berms that constitute a buffer must be properly maintained in order for the buffer to fulfill the purpose for which it is established. The owner of the property and any tenant on the property where a buffer is required shall be jointly and severally responsible for the maintenance of all buffer materials. Such maintenance shall include all actions necessary to keep the buffer free of litter and debris, to keep walls, fences and berms in good repair and neat appearance. All buffer materials shall be protected from damage by motor vehicles or pedestrians which could reduce the effectiveness of the buffer.

E. In the event that any vegetation or physical element functioning to meet the standards herein is severely damaged due to an unusual weather occurrence or natural catastrophe, the owner shall have one year or one growing season, whichever is sooner, to replace or replant.

## 21.22 PRESERVATION STANDARDS

A. During the development of the property, the property owner(s) shall be responsible for the erection of all barriers or protective guards required to protect existing or installed vegetation from damage both during and after construction.

B. During the development of any property, the property owner(s) shall be responsible for the erection and maintenance of a silt-type fence (barrier) to protect adjacent properties, wetlands, lakes, ponds, streams or any other natural environmental areas from soil erosion and runoff both during construction and for a long enough period after construction to insure that all disturbed soil areas are thoroughly stabilized and vegetated. Compliance with the Village's Soil Erosion and Sedimentation Control, Stream and Wetland Protection and Stormwater Drainage and Detention regulations, as found in Chapters 27, 28 and 29 of the Lakewood Municipal Code, shall be required.

C. Trees to be preserved during the development of the property shall be protected during construction by a fence around the drip line of each tree to prevent compaction of soil and other damage to the tree by heavy equipment or storage of materials.

D. Wherever a change in natural grade is planned, the trees to be preserved shall be protected by a wall so as to preserve the existing grade for the roots.

E. Wherever a change in natural grade is planned, the topsoil shall be preserved for the new landscaping to be installed.

**21.23 VILLAGE TREE COMMISSION AND OFFICIAL TREE PROGRAM, Amended 2017-34**

A. Applicability: Notwithstanding any other provision of this Code, the provisions of this Section 21.23 shall apply to all trees in the Village and shall apply to such other tree-related matters as is stated herein. The Village shall have the right and the authority to impose the regulations of this Section 21.23 on all applicants, owners, developers and other persons who place, own or maintain trees in the Village, including, without limitation, the authority to review and approve tree species, tree pruning, locations and spacing under all circumstances. In the event of a conflict between the provisions of this Section 21.23 and other provisions of this Code or any other Village code or ordinance, the provision deemed by the Chief Administrative Officer to be most protective of promoting the preservation, proliferation, maintenance and care of trees shall apply and control.

B. Intent: It is the intent of this Section 21.23 to promote improvements in the quality of trees and tree care in the Village and to promote increases in tree populations in the Village whenever practicable.

C. Village Tree Commission: The Village Tree Commission (“Tree Commission” for the purposes of this Chapter 21), in addition to its powers and duties as prescribed by Chapter 7 of this Code, is designated as the review body for tree management in the Village.

D. Official Tree Program: The Tree Commission shall have the responsibility of studying, investigating and drafting an Official Tree Program for the Village. The Official Tree Program shall include provisions for the planting, replanting, pruning, preservation and general care of Village-owned trees and for the removal or other disposition of dead, dying or diseased trees. The Tree Commission shall present a draft Official Tree Program to the Village Board for its review and approval. After the Official Tree Program has been approved by the Village Board, which approval shall be in the form of a written resolution, the Tree Commission shall periodically review and analyze the Official Tree Program in light of current conditions in the Village. The Tree Commission may recommend to the Village Board changes to the Official Tree Program, and the Tree Commission shall report annually to the Village Board its findings as to the operation of the Official Tree Program and the state of Village-owned trees.

**21.24 VILLAGE TREE CARE POLICY, Amended 2017-34**

Pursuant to the provisions of 65 ILCS 5/11-72 and 5/11-73, which authorize municipalities to establish tree planting programs and to appropriate monies for the planting and care of trees, the Village’s tree care policy shall include, but not be limited to, the following parameters in addition to the provisions of this Chapter 21 as they relate to the goals of encouraging civic awareness in community beautification and the desirability of the perpetuity of the urban forest as a public asset:

1. Providing specific line items in the Village budget for tree purchases and tree care, with a goal of achieving a minimum of \$2.00 per-capita of annual expenditures related to tree pur-



chase and care; with monies expended on services of contracted firms as well as the value of Village labor devoted to tree planting and maintenance to be considered part of said per-capita expenditures;

2. Designating one or more Village employees as being responsible for tree care and general urban forestry management, and providing training for such responsibilities as may be approved in the Village budget from time to time;
3. Holding an annual observance of Arbor Day with the reading of the Arbor Day proclamation and planting of a tree in a suitable location;
4. Becoming qualified for and maintaining in good force the designation of "Tree City USA" from the National Arbor Day Foundation;
5. Funding the activities of the Tree Commission as may be approved in the Village budget and providing it with staff support as may be allocated by the Village Board or Chief Administrative Officer from time to time, in accordance with Chapter 7 of the Lakewood Municipal Code;
6. Conducting appropriate public education to residents and property owners in the Village to inform them of Village policies, programs, and ordinances concerning tree management and preservation;
7. Inventorying the size, number, species, location and condition of all Village-owned trees from time to time;
8. Encouraging volunteer efforts to install and maintain trees and associated plantings that contribute to the improvement of the community beyond the minimum landscaping standards required by this Chapter 21; and
9. Otherwise assisting and advising residents and property owners desiring guidance in proper tree care, including but not limited to, planting, trimming, fertilization, disease and infestation control, and suitability of species for certain soils, conditions and locations.

#### 21.25 **UTILITY SAFETY PRUNING** *Amended 2017-34*

A. Application: Pursuant to its franchise agreement with the Village, any utility may apply to the Village to prune trees located in the Village for safety purposes. Prior to doing so the utility must file an application for a Tree Trimming Permit with the Village, which will be considered by the Tree Commission. The Tree Commission shall make a determination whether to grant the permit and the terms and conditions of such permit. The Chief Administrative Officer or his designee shall be responsible for permit issuance. The application shall contain:

1. The name, address and phone number of the applicant;

2. The location of the pruning (commonly known addresses) where trees are proposed to be pruned;
3. The proposed start date, schedule and estimated duration of the work;
4. A written statement setting forth the reason for the tree pruning;
5. The work plan and pruning standards to be followed by the applicant; and
6. The name, address and qualifications of the contractor or other person(s) who will have the responsibility for tree pruning.

B. Review Standards: The Tree Commission shall review the application information in relation to the Village's standards for tree care, its Official Tree Program and other provisions of this Chapter 21.

#### 21.26 **PENALTY**

Unless otherwise provided, any person, firm or corporation who violates any provision of this Chapter 21 shall be subject to a fine of not less than \$100 nor more than \$1,000 for each offense, plus the Village's cost of prosecution including reasonable attorney's fees, and a separate offense shall be deemed committed on each day during or on which a violation continues to occur. Further, a separate offense shall be deemed committed for each tree injured, removed, destroyed or for any undertaking of any procedure, the result of which is to cause the death or substantial destruction of any tree, within the Village limits, having a diameter of six inches or larger as measured 12 inches above the ground.

**EXHIBIT A**

**Bufferyards 1" = 30'-0"**

**EXHIBIT B**

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>
<b>Broadleaf Evergreen Shrubs</b>	
Buxus microphylla	Korean Boxwood
Ilex x. meserreae	China Boy/Girl Holly
Ilex verticillata	Winterberry
Mahonia aquifolium	Oregon Grape Holly
Rhododendron P.J.M.	Rhododendron
Yucca filamentosa	Adam's Needle
<b>Deciduous Shrubs</b>	
Aronia arbutifolia	Red Chokeberry
Aronia melanocarpa	Black Chokeberry
Berberis mentorensis	Mentor Barberry
Berberis thunbergi atropurpurea nana	Dwarf Red Barberry
Cotoneaster acutifolia	Peking Cotoneaster
Cotoneaster apiculata	Cranberry Cotoneaster
Cotoneaster adpressa praecox	Creeping Cotoneaster
Cotoneaster multiflora	Many Colored Cotoneaster
Cornus kousa	Japanese Dogwood
Cornus racemosa	Gray Dogwood
Cornus stolonifera flavirimea	Yellowtwig Dogwood
Cornus stolonifera kelseyi	Dwarf Red Dogwood
Euonymus alatus compacta	Dwarf Burning Bush
Forsythia "Arnold dwarf"	Arnold Dwarf Forsythia
Hypericum kalmianum	Kalm St. John's Wort
Ligustrum amurense	Amur Privet
Ligustrum lodense	Lodense Privet
Ligustrum obt. regelianum	Regels Privet
Lonicera xylosteoides	Clavey's Dwarf Honeysuckle
Myrica pennsylvanica	Bayberry
Physocarpus opulifolius nana	Dwarf Ninebark
Potentilla fruticosa	Jackmann's Bush Cinquifoi
Ribes alpinum	Alpine Currant
Ribes alpinum "Green Mound"	Compact Alpine Currant
Rhus aromatica	Fragrant Sumac
Rhus typhina "laciniata"	Cutleaf Sumac
Spiraea Bumalda	Spiraea "Anthony Waterer" Frobeli
Spiraea japonica	Little Princess Spiraea
Spiraea "froebeli"	Froebeli Spiraea
Spiraea nipponica	Snowmound Spiraea
Stephanandra incisa	Cutleaf Stephanandra
Syringa Patula "Miss Kim"	Dwarf Korean Lilac

BOTANICAL NAME	COMMON NAME
<i>Syringa chinensis</i>	Chinese Lilac
<i>Thuja typhina</i> "laciniata"	Cut-leaf Sumac
<i>Viburnum burkwoodii</i>	Burkwood Viburnum
<i>Viburnum carlesii</i>	Fragrant Viburnum
<i>Viburnum dentatum</i>	Arrowwood Viburnum
<i>Viburnum lantana</i>	Wayfaring Tree Viburnum
<i>Viburnum lentago</i>	Nannyberry Viburnum
<i>Viburnum opulus compactum</i>	Compact Cranberry Viburnum
<i>Viburnum prunifolium</i>	Blackhaw Viburnum
<i>Viburnum sieboldii</i>	Siebold Viburnum
<i>Viburnum trilobum compacta</i>	Dwarf American Cranberry
<i>Viburnum trilobum hahs</i>	Hahs Viburnum
<i>Viburnum tomentosum</i>	Double File Viburnum
<b>Evergreen Shrubs</b>	
<i>Juniperus chinensis</i>	Kallay Compact Juniper
<i>Juniperus horizontalis</i>	Blue Rug Juniper
<i>Juniperus japonica</i>	Japanese Juniper
<i>Juniperus chinensis</i>	Blue Sargent Juniper
<i>Juniperus sabina</i>	Buffalo Savin Juniper
<i>Pinus mugho</i>	Mugho Pine
<i>Taxus media</i> "Densiformis"	Dense Yew
<i>Taxus media</i> "Hicksii"	Hick's Yew
<i>Taxus media</i> "Hatfieldii"	Hatfield Yew
<i>Taxus media</i> "Nigra"	Nigra Yew
<i>Thuja occidentalis</i> "Techny"	Mission Arborvitae
<i>Thuja occidentalis</i> "Nigra"	Dark Green Arborvitae
<b>Evergreen Trees</b>	
<i>Abies concolor</i>	White Fir
<i>Picea abies</i>	Norway Spruce
<i>Picea glauca densata</i>	Black Hills Spruce
<i>Picea pungens</i>	Colorado Green Spruce
<i>Picea pungens glauca</i>	Colorado Blue Spruce
<i>Pinus nigra</i>	Austrian Pine
<i>Pinus sylvestris</i>	Scotch Pine
<i>Pinus strobus</i>	White Pine
<i>Pseudotsuga menziesii</i>	Douglas Fir
<i>Pseudotsuga menziesii glauca</i>	Blue Douglas Fir
<i>Tsuga canadensis</i>	Canadian Hemlock
<b>Groundcovers and Vines</b>	
<i>Ajuga reptans</i>	Carpet Bugle
<i>Euonymus coloratus</i>	Purpleleaf Wintercreeper
<i>Hedera helix</i>	Baltic Ivy

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>
<i>Lamaistrum galeobdolon</i>	Yellow Archangel
<i>Polygonum Reynaudia</i>	Dwarf Japanese Fleeceflower
<i>Pachysandra terminalis</i>	Japanese Spruce
<i>Parthenocissus tricuspidata</i>	Boston Ivy
<i>Parthenocissus quinquefolia</i>	Virginia Creeper
Sedum varieties	Sedum
<b>Ornamental Trees</b>	
<i>Acer ginnala</i>	Amur Maple
<i>Acer campestre</i>	Hedge Maple
<i>Alnus glutinosa</i>	European Black Alder
<i>Amelanchier canadensis</i>	Shadblow Serviceberry
<i>Amelanchier grandiflora</i>	Apple Serviceberry
<i>Amelanchier soubouleana</i>	Juneberry
<i>Betula nigra</i>	River Birch
<i>Betula papyrifera</i>	Paper Birch
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Cercidiphyllum japonicum</i>	Katsura Tree
<i>Cercis canadensis</i>	Eastern Red Bud
<i>Cornus mas</i>	Cornelian Cherry
<i>Crataegus crusgalli</i>	Cockspur Hawthorn
<i>Crataegus crusgalli inermis</i>	Thornless Hawthorn
<i>Crataegus phaenopyrum</i>	Washington Hawthorn
<i>Crataegus viridis</i>	Winter King Hawthorn
<i>Hamamelis vernalis</i>	Vernal Witchhazel
<i>Hamamelis virginiana</i>	Common Witchhazel
<i>Magnolia soubouleana</i>	Saucer Magnolia
<i>Magnolia stellata</i>	Star Magnolia
<i>Malus species</i>	Crabapple
<i>Malus floribunda</i>	Japanese Crabapple
<i>Malus sargentii</i>	Sargent Crabapple
<i>Malus sieboldii</i>	Zumi "Calocarpa" Crabapple
<i>Syringa japonica</i>	Japanese Tree Liliac
<b>Shade Trees</b>	
<i>Acer platanoides</i>	Norway Maple varieties
<i>Acer rubrum</i>	Red Maple
<i>Acer saccharinum</i>	Silver Maple, improved varieties
<i>Acer saccharum</i>	Green Mountain Sugar Maple
<i>Aesculus glabra</i>	Ohio Buckeye
<i>Aesculus hippocastanum</i>	Horsechestnut
<i>Ginkgo biloba</i>	Maidenhair Tree
<i>Gleditsia triacanthos</i>	Honeylocust, patented variety
<i>Pyrus calleryana</i> Bradford	Bradford Pear

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>
Quercus macrocarpa	Bur Oak
Quercus palustris	Pin Oak
Quercus robur	English Oak
Quercus rubra	Red Oak
Tilia americana	American Linden
Tilia cordata	Linden
Tilia euchlora	Redmond Linden