



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve an Ordinance Amending Title 8, “Health and Safety” Section 8.30.050 “Tree Conservation Areas” of the St. Charles Municipal Code
Presenter:	Christopher Tiedt

Please check appropriate box:

	Government Operations		Government Services
X	Planning & Development (12/9/13)		City Council

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

Executive Summary:

The purpose of Chapter 8.30 “Tree Preservation on Private Property” is to maintain existing trees within the City to the greatest extent possible, while allowing for reasonable development of private property. Section 8.30.050 of this Chapter specifically addresses Tree Conservation Areas, which are located throughout the City and are considered unique community assets.

Section 8.30.050 identifies specific procedures that property owners must follow when proposing to encroach into a Tree Conservation Area, but it does not identify what procedures must be followed when unauthorized encroachments have already been made within a Tree Conservation Area.

The proposed amendment to Section 8.30.050 requires that any unauthorized encroachment be removed, but also gives the property owner the option to formally request that the encroachment be allowed to remain. The proposed amendment identifies certain criteria to be considered for each request and allows for administrative approval of the request.

Attachments: *(please list)*

- Chapter 8.30- “Tree Preservation on Private Property”
- Proposed Amendments for Section 8.30.050 “Tree Conservation Areas”

Recommendation / Suggested Action *(briefly explain):*

Staff recommends approval of the Ordinance amending Title 8, “Health and Safety” Section 8.30.050 “Tree Conservation Areas” of the St. Charles Municipal Code

<i>For office use only:</i>	<i>Agenda Item Number:</i> 4b
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TREE PRESERVATION ON PRIVATE PROPERTY

Chapter 8.30

TREE PRESERVATION ON PRIVATE PROPERTY

Sections:

8.30.010	Purpose
8.30.020	Definitions
8.30.030	Tree Preservation Requirements for Land Development
8.30.040	Tree Preservation Requirements for Building Lots
8.30.050	Tree Conservation Areas
8.30.060	Emergency Removal
8.30.070	Requirements for Tree Preservation Plans
8.30.080	Practices During Construction
8.30.090	Penalties

8.30.010 Purpose

The purpose of this Chapter is to maintain existing trees within the City to the greatest extent possible, while allowing for reasonable development of private property. Trees are assets to the community in many ways, including contributing to its character and scenic beauty, clean air, reducing noise, preventing erosion of topsoil, reducing the rate of stormwater runoff, providing nesting areas for birds and habitat for other wildlife, conserving energy, and providing shade and windbreaks. The health and general welfare of the community, as well as its tax base, are enhanced when trees are preserved.

(Ord. 2001-M-73 § 1.)

8.30.020 Definitions

1. **Approved Trees:** Approved trees are those species described in Chapter 12.20 of this Code as being suitable street trees in the City of St. Charles, and shall not include restricted species listed in Chapter 12.20.
2. **Building Lot:** A lot for which application has been made for a building permit to construct a new building or structure, or to demolish or move an existing building or structure.
3. **Construction Zone:** The area of a site where construction of buildings and other site improvements may occur.
4. **DBH (diameter at breast height):** The diameter of a tree measured at a height of four and a half feet above the ground.
5. **Land Development:** The process of developing a parcel of land, starting with the submittal of a preliminary plan of subdivision or Planned Unit Development and concluding with the completion and acceptance of site improvements. Land development may involve unimproved vacant land, or land improved with buildings and/or site improvements that is proposed to be redeveloped, but does not include review and issuance of a building permit.
6. **Lot:** A parcel of land which is designated by its owner at the time of application for a building permit as a tract all of which is to be developed and used as one parcel under single ownership. A lot may consist of (a) a single lot of record or (b) a combination of contiguous lots of record.
7. **Remove or removal:** The actual physical removal of a tree, or the effective removal through damaging, cutting, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a tree.
8. **Tree Preservation Plan:** A plan identifying existing trees, designating areas where trees will be preserved and removed, and detailing the location and type of tree protection measures to be undertaken during and/or after construction. An easement for tree and/or natural area preservation established in a subdivision or Planned Unit Development approved prior to November 19, 2001, including but not

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limited to the Tree Conservation Areas listed in Section 8.30.050 § 1 hereof, shall constitute an approved Tree Preservation Plan where the Tree Preservation Zone is the area within the easement, and the Construction Zone is all areas outside the easement.

9. Tree Preservation Zone: The area of a site that is not necessary for construction of buildings and other site improvements and within which trees shall be preserved.
(Ord. 2001-M-73 § 1.)

8.30.030 Tree Preservation Requirements for Land Development

1. No live tree(s) with a trunk size of six inches (6") or more DBH shall be removed from any parcel undergoing Land Development except as permitted by an approved Tree Preservation Plan.
2. In addition to the other requirements of this Chapter, where a Site Development Permit is required by Title 18 of the St. Charles Municipal Code no trees shall be removed from a site undergoing Land Development unless a Site Development Permit has been issued and remains valid.
3. Where trees six inches (6") or more DBH exist on the property to be developed or redeveloped, a Tree Preservation Plan shall be submitted with the preliminary plan of subdivision or planned unit development. If the preliminary plan stage is omitted or is combined with final engineering plans, the Tree Preservation Plan shall be submitted with the final engineering plans, and shall be subject to approval of the City Council at the time of approval of the Final Plat.
4. The removal of trees six inches (6") or more DBH proposed as part of a Tree Preservation Plan shall be permitted only to the extent necessary to accommodate the construction of public and private site improvements, buildings and structures in conformance with the standards of 8.30.070 § 2 hereof. Submittal of a separate Tree Preservation Plan for each Building Lot shall not be required for Building Lots within a subdivision or Planned Unit Development if all areas where trees are to be removed are identified in the approved Tree Preservation Plan.
5. Where an easement for tree and/or natural area preservation has been established in a subdivision or Planned Unit Development approved prior to November 19, 2001, including but not limited to the Tree Conservation Areas listed in Section 8.30.050 § 1 hereof, no additional Tree Preservation Plan approval shall be required to remove existing trees located outside of the established easement areas.
(Ord. 2001-M-73 § 1.)

8.30.040 Tree Preservation Requirements for Building Lots

1. No live tree(s) of six inches (6") or more DBH shall be removed from any Building Lot except as permitted by an approved Tree Preservation Plan.
2. A proposed Tree Preservation Plan shall be submitted with the application for a building permit where trees six inches (6") or more DBH exist on the Building Lot if (a) no Tree Preservation Plan has been approved for the property or (b) the applicant proposes to alter the approved Tree Preservation Plan.
3. Where a Site Development Permit is required (refer to Section 18.36.040 of this Code), a Tree Preservation Plan for a Building Lot shall be approved only if a Site Development Permit has been issued and remains valid.
4. The City Administrator or his designee shall approve a Tree Preservation Plan (or amendment thereto) for a Building Lot if the application complies with the provisions of this Chapter and in particular the standards of Section 8.30.070 § 1.
5. Appeals: A property owner may appeal the denial of a Tree Preservation Plan to the City Council by submitting a written request. If the City Council finds that the standards of Section 8.30.070 § 2 have been met, it may approve the Tree Preservation Plan and may include conditions it deems necessary to ensure compliance with this Chapter.
(Ord. 2001-M-73 § 1.)

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8.30.050 Tree Conservation Areas

1. The Tree Conservation Areas listed in this section are hereby found to be unique community assets that, if protected, will enhance the value of the property encumbered by said covenants and easements as well as other property within the community. These Tree Conservation Areas shall be maintained in conformance with the provisions of their respective covenants and easements, and in conformance with the Tree Conservation Area Guidelines set forth in Exhibit "A" hereto (the "TCA Guidelines").

Tree Conservation Areas:

Red Gate Units 4, 5 and 7: Tree Preservation Area
Red Gate Units 2 and 8: Natural Area Easement
Tradition of St. Charles: Tree Conservation Easement
Woods of Crane Road: Natural Area Easement
Kingswood, and Kingswood Unit II and III: Tree Conservation Zone, Natural Area Easement
Majestic Oaks: Tree Conservation Easement
Willowgate: Drainage and Conservation Easement
Woods of Delnor: Conservation Area
Woods of Fox Glen Units 1 and 2: Natural Area Easement
The Royal Fox: Natural Area Easement

2. A property owner who proposes to make changes within a Tree Conservation Area shall submit a written request to the City. Such request shall clearly describe the type of work to be undertaken, the locations, quantities, and specifications of materials and equipment, and the name and licensing of any contractor performing the work. Written approval from the City must be received before proceeding with any alterations, even if such alterations are allowed by the TCA Guidelines.
3. When active restorative measures such as planting or vegetation removal are necessary to bring a property into compliance with the TCA Guidelines, the owner shall submit a restoration plan within 60 days of written notification that the property is in violation of the TCA Guidelines. If the City Administrator or his designee determines the following the proposed restoration plan will restore the area to a condition that conforms with the TCA Guidelines, he shall approve it. The owner shall restore the disturbed area in conformance with the approved restoration plan within twelve months following its approval.

(Ord. 2001-M-73 § 1.)

8.30.060 Emergency Removal

Notwithstanding other provisions of this Chapter, a Tree Preservation Plan or other approval is not required when removal of a tree is necessary due to an emergency situation posing an immediate danger to a person, property or the community, and where such emergency renders compliance with the permit process unreasonable. The individual who proposes to remove the tree(s) shall contact the City Administrator or his designee to receive permission for emergency removal of the tree(s). If the contact is not during business hours, the individual shall leave a voicemail message indicating name, time, tree location, and phone number, and may then proceed with emergency removal.

(Ord. 2001-M-73 § 1.)

8.30.070 Requirements for Tree Preservation Plans

1. A proposed Tree Preservation Plan shall include the following written and graphic information:
 - 1.1 A survey of existing trees six inches (6") or more DBH within the entire site or lot, identifying their locations, size and species, and a plan overlaid on the survey or at the same scale showing proposed Construction Zones and Tree Preservation Zones.

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- 1.2 The proposed Tree Preservation Zone shall encompass all of the property having six inch (6") DBH or larger trees that will not be disturbed by construction activities. All buildings, structures, parking areas, driveways, stormwater management facilities, utilities, and other site improvements shall be located to minimize tree damage and removal; preference shall be given to tree preservation when reasonable alternatives are available for the location of buildings and other site improvements.
- 1.3 The proposed Construction Zone shall include only the areas to be directly affected by buildings, site improvements and grading activities related to the approved construction. The Construction Zone shall be as small as possible, considering factors such as the depth of excavation, necessary spoil areas, and space required for access to construction activity.
- 1.4 The location and description of protective fencing, root pruning, canopy pruning and other protective and conservation measures necessary to protect the trees within the Tree Conservation Zone shall be indicated.
2. Standards: Removal of trees shall be authorized by Tree Preservation Plans only when one or more of the following conditions exist, as determined by the City:
 - 2.1 The tree is diseased, dead or dying.
 - 2.2 The tree is damaged or injured to the extent that it is likely to die or become diseased, or such that it becomes a hazard.
 - 2.3 Removal of the tree is consistent with good forestry practices, that is, consideration is given to the species of the tree, location, conditions, age, safety, and the historic and aesthetic value of the tree to be removed.
 - 2.4 Removal of the tree will enhance the health of remaining trees within the immediate vicinity.
 - 2.5 Removal of the tree is required to repair a sewer line or water main, or excavation for such repair will damage the tree to the extent that it is likely to die or become diseased.
 - 2.6 All reasonable efforts have been undertaken in the land planning, architectural and engineering design of the proposed building, building addition, development or site improvement to minimize tree damage and/or removal, and the tree or trees must be removed to provide adequate space for the permitted construction.

(Ord. 2001-M-73 § 1.)

8.30.080 Practices During Construction

1. All Tree Preservation Zones shall be maintained free of all construction activity, construction equipment, material or spoils storage, compaction, fill, and debris.
2. Crushed limestone, hydrocarbons, or other materials detrimental to trees shall not be dumped within the root zone of any tree to be preserved nor at any higher elevation where drainage toward the tree could affect its health.
3. No attachments, signs, fences, or wires, other than those approved for bracing, guying or wrapping trees, shall be attached to trees during the construction period.
4. Unless otherwise authorized by an approved Tree Preservation Plan, no soil shall be removed or added within the root zone of any tree to be preserved.
5. The boundary between the Construction Zone and the Tree Preservation Zone shall be fenced during the course of construction in a manner that clearly identifies where construction activity is prohibited. The Building and Zoning Commissioner and City Engineer shall have the authority to issue a stop work order until adequate fencing is provided or repaired.

(Ord. 2001-M-73 § 1.)

8.30.090 Penalties

1. Any violation of this Chapter shall be punishable by a fine of not more than \$500.00 for each violation.

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2. Replacement Trees. In addition to any fine that may be assessed, each tree of six inches or more DBH which is removed in violation of this Chapter shall be replaced with trees of at least a three inch (3") caliper selected from the list of Approved Trees according to the following schedule. The diameter of removed trees shall be determined by the average stump diameter where cut at six inches (6") from surrounding ground level.

Existing Tree's Stump Diameter	Number of replacement trees
36 inches or more	One for each inch of stump diameter
More than 30 but less than 36 inches	11
More than 24 but less than 30 inches	9
More than 18 but less than 24 inches	7
More than 12 but less than 18 inches	5
At least 6 but less than 12 inches	3

3. Location of replacement trees. The location of replacement trees shall be as determined by the City Administrator or his designee. If it is determined that an insufficient onsite area exists to support some or all of the replacement trees, then prior to issuance of any building permit, site development permit or approval of a plat of subdivision or planned unit development the property owner shall pay the cost of the replacement trees that cannot be accommodated onsite to the City. The funds collected from such payments shall be used for the sole purpose of planting trees at other locations determined by the City.
4. Financial Guarantee for onsite replacement trees. Prior to issuance of a building permit, site development permit, or approval of a plat of subdivision or planned unit development the property owner shall submit a financial guarantee subject to the approval of the City Administrator or his designee in the amount of 115% of the estimated cost to install the required onsite replacement trees. If replacement trees are not installed within the next planting season (spring or fall) after the prohibited tree removal, the City may use the proceeds of the financial guarantee to plant the replacement trees. If the property owner does not permit planting of the replacement trees onsite, the City may plant trees at other locations as determined by the City.
5. Suspension of Permits: The Building and Zoning Commissioner may suspend any and all building permits issued by the City and issue stop work orders with respect to any parcel of land where he determines that the provisions of this ordinance are not being complied with.
6. Removal of undesirable trees: If a tree is removed prior to approval of a Tree Preservation Plan or other approval, and the City Administrator or his designee determines the removed tree was of a species or condition that would have justified approval of a Tree Preservation Plan or other approval to remove it if application had been made, the penalties hereof shall not apply.

(Ord. 2001-M-73 § 1.)

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Exhibit A Tree Conservation Area Guidelines

Intent

The intent of these Guidelines is to protect and enhance the diversity, health and vigor of the tree, shrub, herbaceous plant, forb and grass species within the designated Tree Conservation Areas in order to protect wildlife habitat as well as enhance the aesthetic qualities and value of the properties adjacent to them.

The conservation of existing plant material is to be achieved primarily through restricting access to and limiting activities within the Tree Conservation Areas. However, intervention to perform maintenance and corrective measures is appropriate in the following circumstances:

1. The presence of invasive plant species including noxious weed or alien plant species that may threaten the health of indigenous plants in the Tree Conservation Areas.
2. The presence of damaged, diseased or dead trees which may constitute a hazard to persons or property.
3. Where the City has approved a plan to re-establish trees, shrubs, and other plants that are indigenous to the Tree Conservation Zone.

Definitions

1. Alien : a plant native to one region but brought to another as a result of human activity.
2. Forb: a non-grassy herbaceous plant, primarily referring to broad-leaved plants of prairies and savannas.
3. Herbaceous: pertaining to or characteristic of a plant that has a fleshy stem, as distinguished from a woody plant.
4. Indigenous: occurring or living naturally in an area, not introduced; native.
5. Noxious weed: a weed specified by law as being especially undesirable, troublesome, and difficult to control.
6. Other plants: all vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.
7. Overstory trees: deciduous trees that generally grow to a height in excess of 30 feet.
8. Shrub: a woody perennial smaller than a tree, usually having permanent stems branching from or near the ground.
9. Savanna: a transitional zone between grasslands and forests, on which there are scattered individual trees and/or clumps of trees and shrubs.
10. Transitional Border: a strip of land within a Tree Conservation Area along its edge which has been disturbed and which may provide a visual and functional transition between the Tree Conservation Area and the remainder of the lot.

Guidelines

- A. Removal of vegetation: The following activities are permitted within the Tree Conservation Zone, but only with the specific approval of the City.
 1. No healthy woody vegetation shall be removed except for the restricted species listed in Chapter 12.20 of the City Code.
 2. Where permission has been granted to remove woody vegetation, it shall be sawed or cut down to existing grade. No removal or disturbance shall occur below grade.
 3. If the City has approved a plan to re-establish the growth of indigenous plants, noxious weeds and alien herbaceous vegetation may be removed by: (a) applying a three (3) inch layer of organic hardwood mulch, or (b) herbicide application by a licensed professional.

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4. Dead or fallen trees and limbs shall remain, except where a standing dead tree is located so that it could fall upon a building or structure.
- B. Planting: The following plantings are permitted within the Tree Conservation Zone, but only with the specific approval of the City. Appendix I lists some native, non-native and weedy plants as a reference. Additional lists and guides to native plants are found in references such as Swink and Wilhelm's *Plants of the Chicago Region*, and Dick Young's *Kane County Wild Plants and Natural Areas, 2nd Edition*.
1. Indigenous grasses, flowers and other herbaceous plants may be planted by hand installation of plugs or by seeding. Prairie forbs and grasses shall be restricted to those areas/lots with limited scattered trees. Commercial prairie mixes may contain non-native and non-hardy species, so consulting a native plant supplier or prairie restoration specialist is recommended.
 2. Planting common turf grass such as Kentucky bluegrass, ryegrass, and fescue is not permitted except in transitional borders. The soil preparation typically required damages the root system of trees, and the nutrient and pH requirements for mowed turf grasses are not optimally compatible with those of most woody plants.
 3. Non-native plant material is not permitted. Some non-native plants reseed aggressively and become invasive, crowding out indigenous species.
 4. Indigenous container perennials, woody shrubs, and trees are permitted if planted in compliance with the following guidelines:
 - a. All digging and planting shall be performed by hand. No vehicles, augurs or rototillers are permitted.
 - b. Only minimal digging shall be allowed within the tree's critical root zone, i.e., the area equivalent to one foot of radius per inch of the tree's trunk caliper, measured out from the center of the tree. Plant type and size should be limited within this area to minimize damage to tree roots.
 - c. No overstory tree shall be planted directly under the dripline of an existing tree.
 - d. Areas disturbed by planting must be thoroughly watered immediately after planting and periodically for one month following planting to reduce stress to existing trees. Do not overwater.
 - e. A three (3) inch layer of organic hardwood mulch in a dish or saucer pattern may be used around the base of newly planted trees and shrubs during the first growing season to conserve moisture in the soil.
 - f. If proper installation methods are used, additional plant material can reduce or control access into Tree Conservation Areas and will provide wildlife food and habitat.
- C. Transitional Border:
1. A transitional border may be delineated at the common boundary of the Tree Conservation Area and the remainder of the lot. The transitional border may extend into the Tree Conservation Area a maximum of three (3) feet, or within one (1) foot of existing trees within the Tree Conservation Area, whichever dimension is less. (See Appendix II)
 2. Due to disturbances caused by utility installation, restoration of the transitional border may include turf grasses and non-indigenous plant materials. However, restoration with indigenous plant materials is strongly encouraged.
 3. Yard accessories are permitted in the transitional border area as described below in D-1.
 4. Organic hardwood mulch is permitted to minimize the encroachment of indigenous plants into an adjoining managed plant material area such as turf or perennials.

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5. In order to preserve the health and vigor of the Tree Conservation Area, invasive plants or vegetation that is difficult to control shall not be permitted in the transitional border. (Refer to Appendix I for a list of invasive and difficult to control plants.)
- D. Installation of Yard Accessories:
1. Small yard accessories such as benches, bird baths, bat houses, butterfly houses, and bird feeders are permitted within the transitional border, only. Yard accessories shall be limited to not more than one (1) per fifty (50) square feet of transitional border. No yard accessories are permitted in the balance of the Tree Conservation Area.
 2. Permanent or temporary structures, play equipment, paths, paving, structures attached to trees such as tree houses, and any items requiring footings are prohibited.
- E. Prohibited Activities: The following activities and uses are specifically prohibited within Tree Conservation Areas:
1. Composting or dumping of lawn waste, Christmas trees, potted plants, or similar organic waste.
 2. Stacking or firewood.
 3. Dumping of any materials.
 4. Mowing.
 5. Fire pits and barbecues.
 6. Tree swings.
 7. Dog waste.
 8. Vegetable or flower gardens.
 9. Lawn irrigation systems.
 10. Yard accessories.
 11. Fences.
 12. Any other similar uses determined by the City to be detrimental to the protection of the Tree Conservation Area.
- F. Miscellaneous: The following activities are not permitted unless approved by the City in conjunction with a plan to remove and/or restore plant material in accordance with these guidelines:
1. The use of motorized vehicles such as garden tractors and mowers.
 2. The use of fertilizers, herbicides and pesticides.
 3. Alteration of existing grade elevation.

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Appendix I Representative Species of Plant Material

Indigenous (native) plants:

Overstory Trees

<i>Acer nigrum</i>	Black maple
<i>Acer saccharum</i>	Sugar maple
<i>Carya cordiformis</i>	Bitternut hickory
<i>Carya ovata</i>	Shagbark hickory
<i>Fraxinus americana</i>	White ash
<i>Juglans cinerea</i>	Butternut
<i>Juglans nigra</i>	Black walnut
<i>Quercus alba</i>	White oak
<i>Quercus macrocarpa</i>	Bur oak
<i>Quercus muhlenbergii</i>	Chinquapin oak
<i>Quercus rubra</i>	Northern red oak
<i>Tilia americana</i>	American linden

Understory Trees

<i>Amelanchier arborea</i>	Serviceberry; shadbush
<i>Amelanchier laevis</i>	Allegheny shadblow serviceberry
<i>Cercis canadensis</i>	Redbud
<i>Cornus alternifolia</i>	Alternate-leaved dogwood
<i>Cornus florida</i>	Flowering dogwood
<i>Corylus americana</i>	Hazelnut
<i>Dirca palustris</i>	Leatherwood
<i>Hamamelis virginiana</i>	Witch hazel
<i>Ostrya virginiana</i>	Hop hornbeam
<i>Prunus americana</i>	American plum
<i>Prunus virginiana</i>	Chokecherry

Shrubs

<i>Euonymus atropurpureus</i>	Eastern wahoo
<i>Lindera benzoin</i>	Spicebush
<i>Ribes cynosbati</i>	Prickly wild gooseberry
<i>Ribes missouriense</i>	Wild gooseberry
<i>Sambucus canadensis</i>	Elderberry
<i>Viburnum acerifolium</i>	Mapleleaf viburnum
<i>Viburnum lentago</i>	Nannyberry viburnum
<i>Viburnum prunifolium</i>	Blackhaw viburnum
<i>Viburnum rafinesquianum</i>	Downy arrowwood viburnum

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Ground Layer

Common Plants

Allium tricoccum	Wild leek
Anemone thalictroides	Rue anemone
Arisaema triphyllum	Jack-in-the-pulpit
Carex plantaginea	Plaintain-leaved sedge
Carex rosea	Sedge
Caulophyllum thalictroides	Blue cohosh
Claytonia virginica	Spring beauty
Dentaria laciniata	Cut-leaved toothwort
Desmodium glutinosum	Tick trefoil
Dryopteris spinulosa	Spinulose wood fern
Erythronium albidum	White trout lily
Galium aparine	Shining bedstraw
Geranium maculatum	Wild geranium
Osmorhiza claytoni	Hairy sweet cicely
Parthenocissus quinquefolia	Virginia creeper
Podophyllum peltatum	Mayapple
Prenanthes alba	Lion's foot
Sanicula gregaria	Clustered black snakeroot
Smilacina racemosa	False Solomon's seal
Uvularia grandiflora	Large-flowered bellwort
Viola eriocarpa	Smooth yellow violet

Others

Actaea pachypoda	White baneberry
Adiantum pedatum	Maidenhair fern
Allium tricoccum	Wild leek
Anemone cylindrica	Thimbleweed
Anemone quinquefolia	Wood anemone
Apocynum androsaemifolium	Spreading dogbane
Aralia racemosa	Spikenard
Arisaema draconitum	Green dragon
Asarum canadense	Wild ginger
Aster sagittifolius	Arrowleaf aster
Aster shortii	Short's aster
Athyrium filix-femina	Lady fern
Blephilia hirsuta	Wood mint
Botrychium virginianum	Rattlesnake fern
Cardamine douglassii	Purple cress
Carex hirtifolia	Hairy sedge
Carex pensylvanica	Pennsylvania sedge
Celastrus scandens	Bittersweet
Dicentra cucullaria	Dutchman's breeches
Eupatorium rugosum	White snakeroot
Eupatorium purpureum	Purple Joe-Pye weed
Euphorbia corollata	Flowering spurge
Fragaria virginiana	Wild strawberry

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<i>Galium circaezans</i>	Wild licorice
<i>Geum canadense</i>	Wood avens
<i>Helianthus strumosus</i>	Pale-leaved sunflower
<i>Hepatica acutiloba</i>	Hepatica
<i>Hydrophyllum appendiculatum</i>	Great waterleaf
<i>Hydrophyllum virginianum</i>	Virginia waterleaf
<i>Hystrix patula</i>	Bottlebrush grass
<i>Impatiens pallida</i>	Pale touch-me-not
<i>Isopyrum biternatum</i>	False rue anemone
<i>Jeffersonia diphylla</i>	Twinleaf
<i>Lactuca biennis</i>	Tall blue lettuce
<i>Lonicera prolifera</i>	Yellow honeysuckle
<i>Menispermum canadense</i>	Moonseed
<i>Mitella diphylla</i>	Bishop's cap
<i>Monarda fistulosa</i>	Bergamot
<i>Osmorhiza longistylis</i>	Sweet cicely
<i>Panicum latifolium</i>	Broad-leaved panic grass
<i>Phlox divaricata</i>	Woodland phlox
<i>Phryma leptostachya</i>	Lopseed
<i>Pilea pumila</i>	Clearweed
<i>Polygonatum canaliculatum</i>	Large Solomon's seal
<i>Potentilla simplex</i>	Common cinquefoil
<i>Prenanthes altissima</i>	Tall white lettuce
<i>Rosa</i> spp.	Rose
<i>Sanguinaria canadensis</i>	Bloodroot
<i>Smilacina stellata</i>	Starry Solomon's plume
<i>Smilax ecirrhata</i>	Upright carrion flower
<i>Smilax taminioides</i>	Bristly greenbrier
<i>Solidago flexicaulis</i>	Broad-leaved goldenrod
<i>Solidago ulmifolia</i>	Elm-leaved goldenrod
<i>Thalictrum dioicum</i>	Early meadow rue
<i>Trillium grandiflorum</i>	Large-flowered trillium
<i>Trillium recurvatum</i>	Prairie trillium
<i>Trillium sessile</i>	Toad trillium
<i>Veronicastrum virginicum</i>	Culver's root

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Aggressive non-native species that should be removed such as:

Alliaria officinalis	Garlic mustard
Berberis vulgaris	European barberry
Celastrus orbiculatus	Oriental bittersweet
Elaeagnus umbellata	Olive bush
Lonicera maackii	Amur honeysuckle
Lonicera tatarica	Tatarian honeysuckle
Morus alba	White mulberry
Populus alba	White poplar
Rhamnus cathartica	Common buckthorn
Rhamnus frangula	Glossy buckthorn
Solanum dulcamara	Nightshade bittersweet
Viburnum opulus	European cranberrybush viburnum

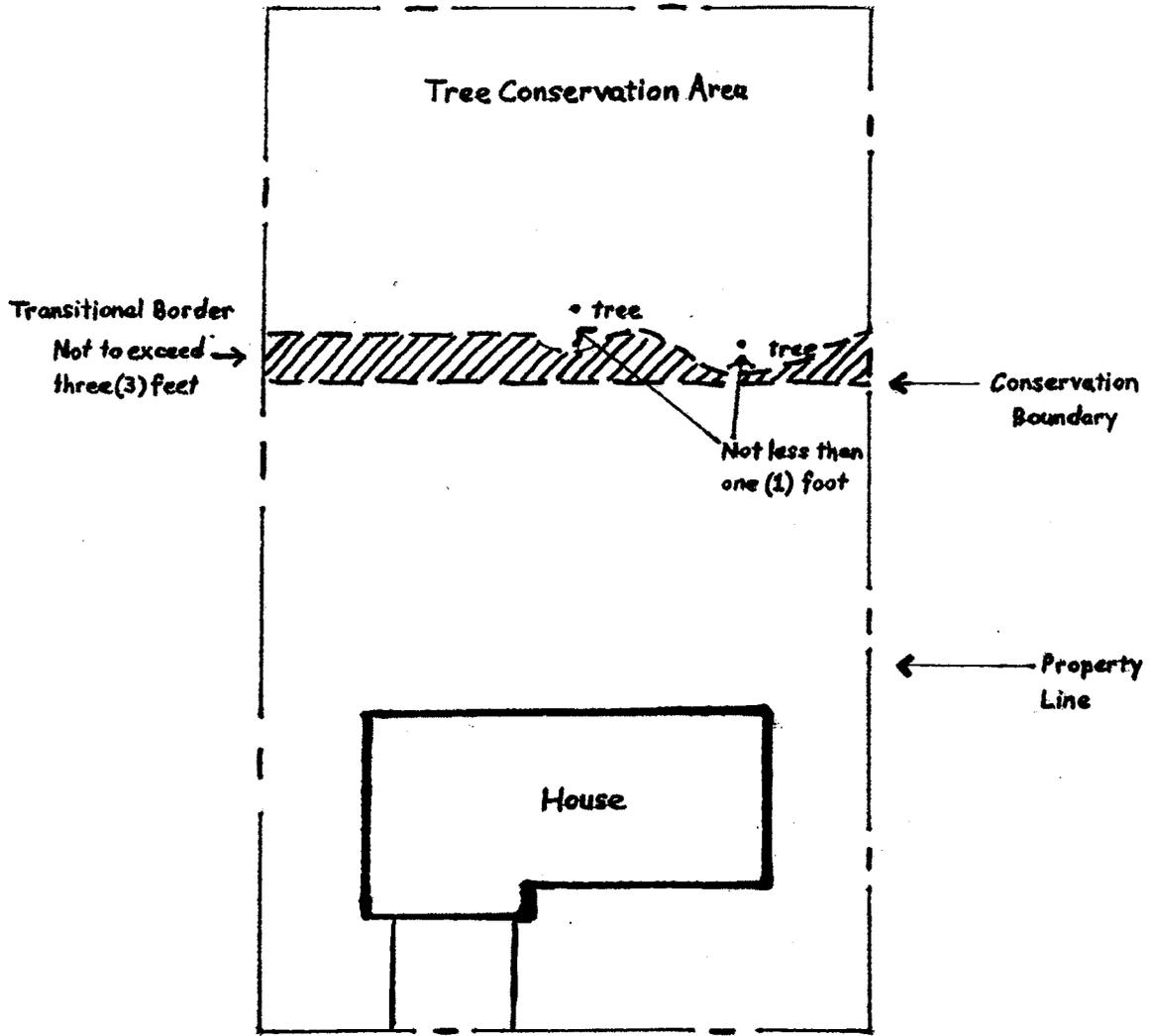
Native weedy species that should be controlled such as:

Acer negundo	Boxelder
Parthenocissus quinquefolia	Virginia creeper
Rhus radicans	Poison ivy
Robinia pseudo-acacia	Black locust
Rubus occidentalis	Black raspberry
Vitis riparia	Riverbank grape

TREE PRESERVATION ON PRIVATE PROPERTY

Appendix I

LOCATION OF TRANSITIONAL BORDER



(Ord. 2001-M-73 § 1.)

8.30.050 Tree Conservation Areas

1. The Tree Conservation Areas listed in this section are hereby found to be unique community assets that, if protected, will enhance the value of the property encumbered by said covenants and easements as well as other property within the community. These Tree Conservation Areas shall be maintained in conformance with the provisions of their respective covenants and easements, and in conformance with the Tree Conservation Area Guidelines set forth in Exhibit "A" hereto (the "TCA Guidelines").

Tree Conservation Areas:

Red Gate Units 4, 5 and 7: Tree Preservation Area

Red Gate Units 2 and 8: Natural Area Easement

Tradition of St. Charles: Tree Conservation Easement

Woods of Crane Road: Natural Area Easement

Kingswood, and Kingswood Unit II and III: Tree Conservation Zone, Natural Area Easement

Majestic Oaks: Tree Conservation Easement

Willowgate: Drainage and Conservation Easement

Woods of Delnor: Conservation Area

Woods of Fox Glen Units 1 and 2: Natural Area Easement

The Royal Fox: Natural Area Easement

2. A property owner who proposes to make changes within a Tree Conservation Area shall submit a written request to the City. Such request shall clearly describe the type of work to be undertaken, the locations, quantities, and specifications of materials and equipment, and the name and licensing of any contractor performing the work. Written approval from the City must be received before proceeding with any alterations, even if such alterations are allowed by the TCA Guidelines.
3. **Any encroachment in the Tree Conservation Area that has not been previously authorized by City Administrator or their designee, must be removed immediately by the property owner and at their expense. The property owner may however submit a written request to the City Administrator or their designee requesting that the encroachment be allowed to remain. Each request will be reviewed individually by the City Administrator or their designee, and on a case-by-case basis taking the TCA Guidelines and the following criteria into consideration:**
 - a. **The length of the time the encroachment has been installed and whether it was installed by a previous owner.**
 - b. **The quality/condition of the vegetation in the area prior to the installation of the encroachment.**
 - c. **Whether the encroachment can be easily relocated outside of the easement.**
 - d. **Potential for further damage to vegetation caused by removal of the encroachment.**

The final determination shall be made by the City Administrator or their designee and shall be final.

If any encroachment in the Tree Conservation Area is authorized to remain, it shall not be expanded, enlarged, or enhanced during its usable lifespan. At such a point that the encroachment is no longer usable or functional for its original purpose, it shall be completely removed at the property owner's expense. Removal shall include all above and below grade improvements, including, but not limited to, foundations, footings, utilities. The encroachment area shall be restored to its original condition. If the original condition is unknown, than the encroachment area shall be restored to match the conditions of the surrounding area.

4. When active restorative measures such as planting or vegetation removal are necessary to bring a property into compliance with the TCA Guidelines, the owner shall submit a restoration plan within 60 days of written notification that the property is in violation of the TCA Guidelines. If the City Administrator or his designee determines the following the proposed restoration plan will restore the area to a condition that conforms with the TCA Guidelines, he shall approve it. The owner shall restore the disturbed area in conformance with the approved restoration plan within twelve months following its approval.