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VILLAGE OF LAKE BARRINGTON

ORDINANCE NO. 2014-O-04

AN ORDINANCE AMENDING TITLE 9, "SUBDIVISIONS," AND
TITLE 11, "TREES AND PLANTS," OF THE
VILLAGE OF LAKE BARRINGTON VILLAGE CODE

(RE: Section 9-5-3, "Required Improvements",
Section 11-1-4, "Protection of Existing Trees," and
Section 11-1-5, "Removal of Protected Trees")

ADOPTED BY THE

CORPORATE AUTHORITIES

OF THE

VILLAGE OF LAKE BARRINGTON, ILLINOIS

THIS 4th DAY OF FEBRUARY, 2014

Published in pamphlet form by authority of the Corporate Authorities of the Village of Lake Barrington, Lake County, Illinois, this 5th day of February, 2014.

AN ORDINANCE AMENDING TITLE 9, "SUBDIVISIONS," AND
TITLE 11, "TREES AND PLANTS," OF THE
VILLAGE OF LAKE BARRINGTON VILLAGE CODE

(RE: Section 9-5-3, "Required Improvements",
Section 11-1-4, "Protection of Existing Trees,"
Section 11-1-5, "Removal of Protected Trees")

WHEREAS, the Corporate Authorities of the Village of Lake Barrington ("Village") have determined that it is in the best interests of the Village, its residents, and the businesses located therein, that the Lake Barrington Village Code, be amended relative to required subdivision improvements and the protection of trees, as provided herein; and

WHEREAS, the question of further amending the Village of Lake Barrington Village Code was referred by the Corporate Authorities to the Plan Commission of this Village for the required public hearing; and

WHEREAS, the Plan Commission heretofore held a public hearing on January 23, 2014 at 7:00 p.m., pursuant to notice duly published in the *Daily Herald*, said publication occurring not more than thirty (30) days nor less than fifteen (15) days prior to the public hearing; and

WHEREAS, the Plan Commission has issued its report and recommendation thereon to the Village Board; and

WHEREAS, the Corporate Authorities of the Village find that it is in the best interests of the Village to provide for the amendments to the Village of Lake Barrington Village Code as herein described:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lake Barrington, Lake County, Illinois, in exercise of the authority of this Village as a home rule unit, as follows:

SECTION 1: The President and Board of Trustees hereby find that the recitals hereinabove set forth are true and correct and are incorporated into the text of this Ordinance as its findings of fact to the same extent as if such recitals had been set forth herein in their entirety.

SECTION 2: Subparagraph c, "Species," of Paragraph E(8), "Trees," of Section 9-5-3, "Required Improvements," of Chapter 5, "Design Standards and Required Improvements," of Title 9, "Subdivisions," of the Village of Lake Barrington Village Code is hereby amended to read as follows:

"9-5-3: REQUIRED IMPROVEMENTS:

* * * *

8. Trees: The following requirements for the planting of trees shall be applicable to all subdivisions within the corporate limits of the Village:
 - a. Size: Trees having a trunk diameter measured at breast height of not less than two and one-half inches (2.5") shall be planted along all streets where trees do not exist. This requirement will be satisfied and it is preferable if an equivalent number of trees of the same size are planted in a naturalistic way in the front yards of the abutting lots. Replacement trees required by Title 11, Chapter 1 of this Code shall be provided by the subdivider in addition to the trees required in this section.
 - b. Locations: Spacing of trees shall be between twenty five feet (25') and forty feet (40') (i.e., separation) depending on species selected, along public streets and shall be located, when within the public right of way, two feet (2') on center as measured from the right of way line, and when located on private property, not more than seven feet (7') on center from the right of way line.
 - c. Species: The only species of trees that shall be planted shall be those listed below as permitted replacement trees in Section 11-1-5 of this Village Code, or those approved by the Village Administrator or his/her designee.

Ash, blue (*Fraxinus quadrangulacea*)
 Ash, white (*Fraxinus americana*)
 Beech, European (*Fagus sylvatica*)
 Buckeye, yellow (*Aesculus octandra*)
 Coffeetree, Kentucky (*Gymnocladus dioica*)
 Elm, Chinese (lacebark) (*Ulmus parvifolia*)
 Ginkgo (*Ginkgo biloba*)
 Hickory, bitternut (*Carya ordiformis*)
 Hickory, shagbark (*Carya ovata*)
 Larch, European (*Larix decidua*)
 Larch, Japanese (*Larix kaempferi*)
 Lilac, Japanese tree (*Syringa reticulara*)
 Linden, silver (*Tilia tomentosa*)
 Magnolia, cucumbertree (*Magnolia acuminata*)
 Maple, black (*Acer nigrum*)
 Maple, Miyabe (*Acer miyabei*)
 Maple, Norway (*Acer platanoides*)
 Maple, red or swamp (*Acer rubrum*)
 Maple, sugar or rock (*Acer saccharum*)
 Oak, bur (*Quercus macrocarpa*)
 Oak, chestnut (*Quercus prinus*)
 Oak, chinkapin (*Quercus muehlenbergi*)
 Oak, shingle (*Quercus imbricaria*)
 Oak, swamp white (*Quercus bicolor*)
 Oak, white (*Quercus alba*)
 Pagodatree, Japanese (*Sophora japonica*)
 Pecan (*Carya illinoensis*)
 Sourgum (black tupelo) (*Nyssa sylvatica*)
 Tuliptree (*Liriodendron tulipifera*)
 Yellowwood (*Cladrastis lutea*)

- d. Mix Of Trees: Not more than twenty five percent (25%) of the trees planted in a single subdivision or development shall be of one species.
- e. Guarantee Required: Trees which do not survive eighteen (18) months after planting shall be replaced at the subdivider's expense."

* * * *

SECTION 3: Subparagraph 3, "Exempt Trees," of Paragraph C, "Tree Preservation Plan," of Section 11-1-4, "Protection of Existing Trees," of Chapter 1, "Protection and Preservation of Existing Trees," of Title 11, "Trees and Plants," of the Village of Lake Barrington Village Code is hereby amended to read as follows:

“11-1-4: PROTECTION OF EXISTING TREES:

* * * *

3. Exempt Trees: Notwithstanding anything contained in this Chapter to the contrary, the following species of trees shall not be required to be preserved or protected as part of any tree preservation plan:

Ash, blue (Fraxinus quadrangulara)

Ash, white (Fraxinus Americana)

Buckthorn, common (Rhamnus cathartica)

Buckthorn, glossy (Rhamnus frangula)

Cherry, choke (Prunus virginiana)

Maple, box elder (Acer negundo)

Maple, Norway (Acer platanoides)

Maple, Silver (Acer saccharinum)

Poplar, cottonwood (Populus deltoides)

Poplar, Lombardy (Populus nigra "italica")

Poplar, white or silver (Populus alba)

The written approval of the Village Administrator, or his or her designee, as specified in Section 11-1-8 of this Chapter, shall be required for the removal of any of the species of trees specified in this Subsection C3 in order to confirm that said tree is one of the exempt species as listed above or is otherwise an exempt tree. After such a written determination has been made by the Village Administrator, or his or her designee, such trees shall, therefore, be considered “exempt trees” for the purposes of this Chapter. Until a tree has been determined by the Village Administrator, or his or her designee, to be an “exempt tree”, it shall be presumed to be a protected tree.”

* * * *

SECTION 4: Paragraph C, “Species of Replacement Trees,” of Section 11-1-5, “Removal of Protected Trees,” of Chapter 1, “Protection and Preservation of Existing Trees,” of Title 11, “Trees and Plants,” of the Village of Lake Barrington Village Code is hereby deleted in its entirety, and in lieu thereof, a new Paragraph C, “Species of Replacement Trees”, is hereby substituted therefor, which new Paragraph C shall read as follows:

“11-1-5: REMOVAL OF PROTECTED TREES

* * * *

- C. Species Of Replacement Trees: The following are the permitted species of replacement trees:

Alder, speckled (Alnus rugosa)

Aspen, big tooth (*Populus grandidentata*)
Aspen, quaking (*Populus tremuloides*)
Beech, American (*Fagus grandifolia*)
Beech, blue (*Carpinus caroliniana*)
Birch, paper (*Betula papyrifera*)
Birch, river (*Betula nigra*)
Birch, yellow (*Betula lutea*)
Buckeye, Ohio (*Aesculus glabra*)
Butternut (*Juglans cinerea*)
Catalpa (*Catalpa speciosa*)
Cedar, white (*Thuja occidentalis*)
Chestnut, American (*Castanea dentata*)
Cherry, black (*Prunus serotina*)
Coffeetree, Kentucky (*Gymnocladus dioica*)
Crab, prairie (*Malus ioensis*)
Cyprus, bald (*Taxodium distichum*)
Dogwood, pagoda (*Cornus alternifolia*)
Elm, American (*Ulmus americana*)
Fir, douglas (*Pseudotsuga menziesii*)
Franklin tree (*Franklinia alatamaha*)
Hackberry (*Celtis occidentalis*)
Hawthorn, cockspur (*Crataegus crusgalli*)
Hawthorn, downy (*Crataegus mollis*)
Hawthorn, scarlet (*Crataegus coccinea*)
Hickory, bitternut (*Carya cordiformis*)
Hickory, kingnut (*Carya lacinosa*)
Hickory, mockernut (*Carya tomentosa*)
Hickory, sweet pignut (*Carya glabra*)
Hickory, red (*Carya ovalis*)
Hickory, shagbark (*Carya ovata*)
Ironwood (*Ostrya virginiana*)
Juneberry (*Amelanchier arborea*)
Juneberry (*Amelanchier interior*)
Larch, American (*Larix laricina*)
Linden, American (*Tilia americana*)
Magnolia, big leaf (*Magnolia macrophyllus*)
Magnolia, cucumbertree (*Magnolia acuminata*)
Magnolia, sweet bay (*Magnolia virginiana*)
Magnolia, umbrella (*Magnolia tripedala*)
Maple, black (*Acer nigra*)
Maple, red or swamp (*Acer rubrum*)
Maple, striped (*Acer pensylvanicum*)
Maple, sugar (*Acer saccharum*)
Mulberry, red (*Morus rubra*)
Oak, black (*Quercus velutina*)

Oak, black shingle (*Quercus leana*)
 Oak, bur (*Quercus macrocarpa*)
 Oak, chestnut (*Quercus prinus*)
 Oak, chinquapin (*Quercus muehlenbergii*)
 Oak, pin (*Quercus palustris*)
 Oak, red (*Quercus rubra*)
 Oak, shingle (*Quercus imbracaria*)
 Oak, swamp white (*Quercus bicolor*)
 Oak, white (*Quercus alba*)
 Oak, white bur (*Quercus bebbiana*)
 Pagodatree, Japanese (*Sophora japonica*)
 Paw paw (*Asimina triloba*)
 Pecan (*Carya illinoensis*)
 Persimmon (*Diospyros virginiana*)
 Pine, jack (*Pinus banksiana*)
 Pine, ponderosa (*Pinus ponderosa*)
 Pine, white (*Pinus strobus*)
 Plum, American (*Prunus Americana*)
 Redbud (*Cercis canadensis*)
 Sassafras (*Sassafras albidum*)
 Shadblow, Allegheny (Serviceberry) (*Amelanchier laevis*)
 Sourgum (black tupelo) (*Nyssa sylvatica*)
 Spruce, Black Hills (*Picea glauca*)
 Spruce, Colorado blue (*Picea pungens*)
 Sycamore (*Platanus occidentalis*)
 Tuliptree (*Liriodendron tulipifera*)
 Walnut, black (*Juglans nigra*)
 Yellowwood, American (*Cladrastis kentuckea*)
 Yellowwood (*Cladrastis lurea*)

Other species shall require the specific written concurrence of the approval authority.”

* * * *

SECTION 5: The Corporate Authorities of the Village intend that this Ordinance will be made part of the Village Code and that sections of this Ordinance can be renumbered or relettered and the word “Ordinance” can be changed to “Section”, “Article”, “Chapter”, or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical and/or scrivener’s errors can be corrected with the authorization of the Village Attorney, or his or her designee.

SECTION 6: All parts of the Lake Barrington Village Code in conflict with the terms or provisions of this Ordinance shall be and the same are hereby amended or repealed to the extent of such conflict, and said Village Code and all other existing ordinances shall otherwise remain in full force and effect.

SECTION 7: This Ordinance shall not affect any punishment, discipline, infraction, or penalty or any action based on any other Ordinance of this Village incurred before the effective date of this Ordinance, nor any suit, prosecution or proceeding pending at the time of the effective date of this Ordinance, for an offense or violation committed or cause of action arising before this Ordinance, and said other ordinances as heretofore existing shall continue in full force and effect for said limited purpose.

SECTION 8: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Corporate Authorities hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentence, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 9: This Ordinance shall be in full force and effect immediately from and after its passage, approval and publication as provided by law.

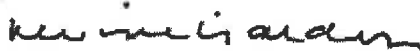
SECTION 10: The Village Clerk is directed to immediately publish this Ordinance in pamphlet form.

Presented, read and passed by the President and Board of Trustees of the Village of Lake Barrington, Lake County, Illinois, on a roll call vote at a duly called regular or special meeting of the Board of Trustees on the 4th day of February, 2014, and deposited and filed in the Office of the Clerk of said Village on said date.

ROLL CALL VOTE:

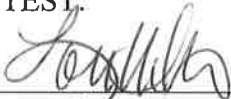
YEAS: Trustees Daulton Lange, Mitchell, Schaller, Schofield, and
President Richardson
NAYS: None
ABSTAIN: None
ABSENT: Trustees Burke and Raclaw

APPROVED by the President of the Village of Lake Barrington,
Illinois this 4th day of February, 2014



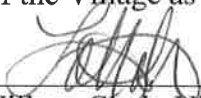
Kevin C. Richardson, Village President,
Village of Lake Barrington

ATTEST:



Village Clerk, Village of Lake Barrington

Recorded in the Record of Ordinances
of the Village as Ordinance No. 2014-O-04



Village Clerk, Village of Lake Barrington

PUBLISHED IN PAMPHLET FORM THIS 5th DAY OF FEBRUARY, 2014.