

ORDINANCE NO. 04-__ -__

**AN ORDINANCE REGULATING THE REMOVAL OF
PROTECTED WOODLAND IN THE VILLAGE OF RIVERWOODS**

WHEREAS, the Plan Commission of the Village of Riverwoods on June 3, 2004 conducted a public hearing on the question of establishing a woodland protection district under the Riverwoods Zoning Ordinance; and

WHEREAS, the Plan Commission submitted its report to the Board of Trustees and recommended that a woodland overlay protection ordinance be considered to protect woodland areas in the village; and

WHEREAS, the Board of Trustees has determined that the principle of protecting the woodland areas of the village is essential to protecting and promoting the health, safety and welfare of the inhabitants of the village; and

WHEREAS, the Board of Trustees has determined that the preservation of woodland areas in the village, as recommended by the Plan Commission, will provide many benefits to the community as a whole and that the adoption of a long-term policy of preserving woodland areas is necessary to safeguard the health, safety and welfare of the current and future inhabitants of the village and surrounding areas; and

WHEREAS, the existing provisions of Chapter 6, entitled "Commercial Recreation Districts", of Title 9 of the Riverwoods Zoning Ordinance have not been applied to any territory within the village, and certain recreation uses are already regulated under other pertinent sections of the Riverwoods Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RIVERWOODS as follows:

SECTION ONE: Articles A and B of Title 9, Chapter 6 of the Village Code, are hereby deleted in their entirety and replaced with the following provisions:

**CHAPTER 6
WOODLAND PROTECTION ORDINANCE**

SECTION

- 9-6-1: Title
- 9-6-2: Authority
- 9-6-3: Definitions
- 9-6-4: Purpose
- 9-6-5: Regulation Of Removal Of Protected Woodland
- 9-6-6: Determination of Protected Woodland

American basswood, ash, locust, linden, northern catalpa, pine, walnut and willow trees.

Remove or Removal

The physical detachment or elimination of, or the effective detachment or elimination of, one or more elements of the canopy, understory or ground plain (herbaceous) levels in Protected Woodland, through damage, cutting of major vegetation to the ground, complete extraction, killing by spraying or application of herbicides, root cutting or other material disturbance, or by improving, building upon or covering the Protected Woodland with, for example, any of the following items, so that the Protected Woodland no longer remains in a natural condition suitable for the continued propagation of the Protected Woodland: buildings, accessory buildings or structures, including swimming pools and tennis courts, decks, parking areas, including all paved areas used for parking or access to those areas, drives, aisles, sidewalks and loading areas; patios; any graveled, paved or hard-surfaced area; any turfgrass (such as Kentucky bluegrass, fine fescue, perennial ryegrass, bentgrass roughstalk, bluegrass, tall fescue). Without limitation of the foregoing, “remove” or “removal” does not include the pruning of Protected Trees in accordance with National Pruning Standards.

9-6-4: PURPOSE: The purpose of the Woodland Protection Ordinance is to preserve woodland areas within the village by regulating the Removal of Protected Woodlands. In the village’s woodland ecosystem, the canopy, understory and ground plain plants, shrubs and trees have grown into an interrelated, woodland plant community, each of the species dependent in some part on the continuing existence of large patches of the complete ecosystem. Conservation of the Protected Woodlands will protect the health and welfare of present and future residents, not only of the village, but also of the surrounding areas, and provide a number of benefits. Woodlands control erosion; filter water pollutants from stormwater; reduce stormwater runoff and lessen the severity of floods; recharge aquifers used by residents for drinking water; replenish the groundwater table and maintain flows into wetlands and streams; clean the air of pollutants; mitigate global warming by absorbing greenhouse gases; and promote a biologically diverse community of micro-organisms, plants and

animals, protecting some species from extinction while preserving genetic diversity.

9-6-5: REGULATION OF REMOVAL OF PROTECTED WOODLAND:

- A. With respect to any residential lot in the village (other than a lot governed by subsection B below), it shall be unlawful for any person to cause or permit any Removal of more than thirty percent (30%) of the Protected Woodland existing on such lot as of the Effective Date, except that if such lot has never been improved with a single family dwelling (i.e., such lot exists in a native, undisturbed state), then it shall be unlawful for any person to cause or permit any Removal of more than forty percent (40%) of the Protected Woodland existing on such lot as of the Effective Date. For purposes of determining the amount of Protected Woodland on any lot, the woodland areas located in any unpaved portion of any street or street easement shall be counted.

- B. If, as of the Effective Date, any residential lot (vacant or improved) exists which may be further subdivided in accordance with the requirements of this Title 9 and which consists of sixty percent (60%) or more of Protected Woodland, then at least sixty percent (60%) of the area of the lot as a whole shall continue to be maintained as Protected Woodland regardless of whether any subsequent subdivision or development of the lot occurs. The allocation of Protected Woodland that must be maintained on each resulting lot shall be specified at the time of subdivision, to ensure compliance with the requirements of this subsection, by means of a restriction in the plat of subdivision or enforceable deed covenant which is approved and enforceable by the village. It shall be unlawful for any person to cause or permit the Removal of Protected Woodland from any lot in violation of this subsection.

9-6-6: DETERMINATION OF PROTECTED WOODLAND: When any application for site development permit is made under Title 8, the village forester shall provide to the applicant a delineation of Protected Woodland on such lot, made in conformance with the definitions of this chapter. In making such delineation, the village shall be entitled to review historical information, topographical maps, and aerial photographs pertaining to the lot in question, including all previous permits issued. No site development permit shall be issued to any person if the proposed development would result in a violation of Section 9-6-5 of this chapter. In determining the amount of Protected Woodland on any lot, an owner may document any additions to the woodland areas located on such owner's lot after the Effective Date if the owner shall submit a reforestation plan with the village. Such plan shall contain such detail with respect to the cessation of turfgrass cultivation, the removal of other material disturbing the natural surface of the area, the minimum area to be impacted and the adoption of natural landscaping management techniques as shall be specified by the village

forester. The amount of Protected Woodland on such owner's lot as of the Effective Date shall not be deemed to include the woodland areas established on such owner's lot after the Effective Date as a result of the implementation of such reforestation plan.

9-6-7: CONFLICT WITH OTHER ZONING PROVISIONS: Where conflict results between the regulations of this chapter and the provisions of the zoning districts in which any lot is located, the regulations of this chapter shall control.

9-6-8: PENALTIES. Whoever violates any of the provisions of this chapter shall be punished by a fine of up to \$750 for each such violation, and a separate and distinct violation shall be deemed to have occurred for each day that such violation exists. In addition to any fine permitted or required to be imposed hereunder, the Village may seek injunctive relief to prevent an actual or threatened violation of this chapter, and may also seek mandatory injunctive relief to require the owner of the lot in question to bring such lot into compliance with this chapter by removing any buildings, structures, landscaping or improvements such owner constructed or installed in violation of this chapter and/or by requiring such owner to prepare and implement a tree reforestation plan to re-establish woodlands on such lot to the extent required in this chapter, the corporate authorities finding that the village and the health, safety and welfare of its residents will be irreparably harmed by the failure to observe the maximum covered area allowances set forth herein, and that the imposition of a fine alone is an inadequate remedy for such violations.

SECTION TWO: This ordinance shall be in full force and effect from and after its, passage, approval and publication in the manner provided by law.

Ayes:

Nays:

PASSED & APPROVED this ____ day of _____, 2004.

Village President

ATTEST:

Village Clerk