

# Private Tree Preservation Ordinances

*August 11, 2026*



## Priority Action Item

This project consists of adopting an Ordinance with regulations **intended to reduce or minimize the number of privately owned trees removed in conjunction with construction and development activities**. The regulations would focus on **creating awareness** of the existing privately owned trees that may be affected by the proposed construction and development activities. The Ordinance **may be similar to the voluntary historic preservation ordinance**. The Ordinance **may require a mandatory submittal and review process while implementation of the regulations may not be mandatory**.

# Background

- **Over the past several months, staff has prepared by:**
  - Researching how other municipalities in the region regulate the removal of trees on private property
    - Reading ordinances and municipal codes
    - Speaking with staff in various communities
  - Attending webinars and workshops on tree preservation ordinances
    - Morton Arboretum and Chicago Regional Tree Initiative
    - International Society of Arboriculture



## Key Takeaways

- **Tree Preservation Ordinances should not be used as a way to control development**
- **There is significant variation in how communities implement tree preservation policies and regulations**
  - There are different triggers, review requirements, exemptions, and mitigation strategies that can be layered
  - Tree removal regulations can exist as stand alone chapters or be embedded in other chapters like zoning and subdivision codes
- **Protecting and preserving trees during construction is challenging**
  - Foundation over-dig, compaction, and grading all impact tree health
  - Mature trees have the largest critical root zones and conflict with construction
  - Mature trees are the most susceptible to decline due to construction



## Key Takeaways

- **There is an important nexus between the purpose and requirements of a tree preservation policy**
  - Tree policies around the country have been challenged with differing outcomes depending on the language of the ordinance
- **Additional resources, including dedicated staff, may be necessary to implement tree preservation policies**
  - Complexity of requirements in ordinance
  - Number of trees within scope of protection
  - Amount of development
  - Inspection and other follow up requirements



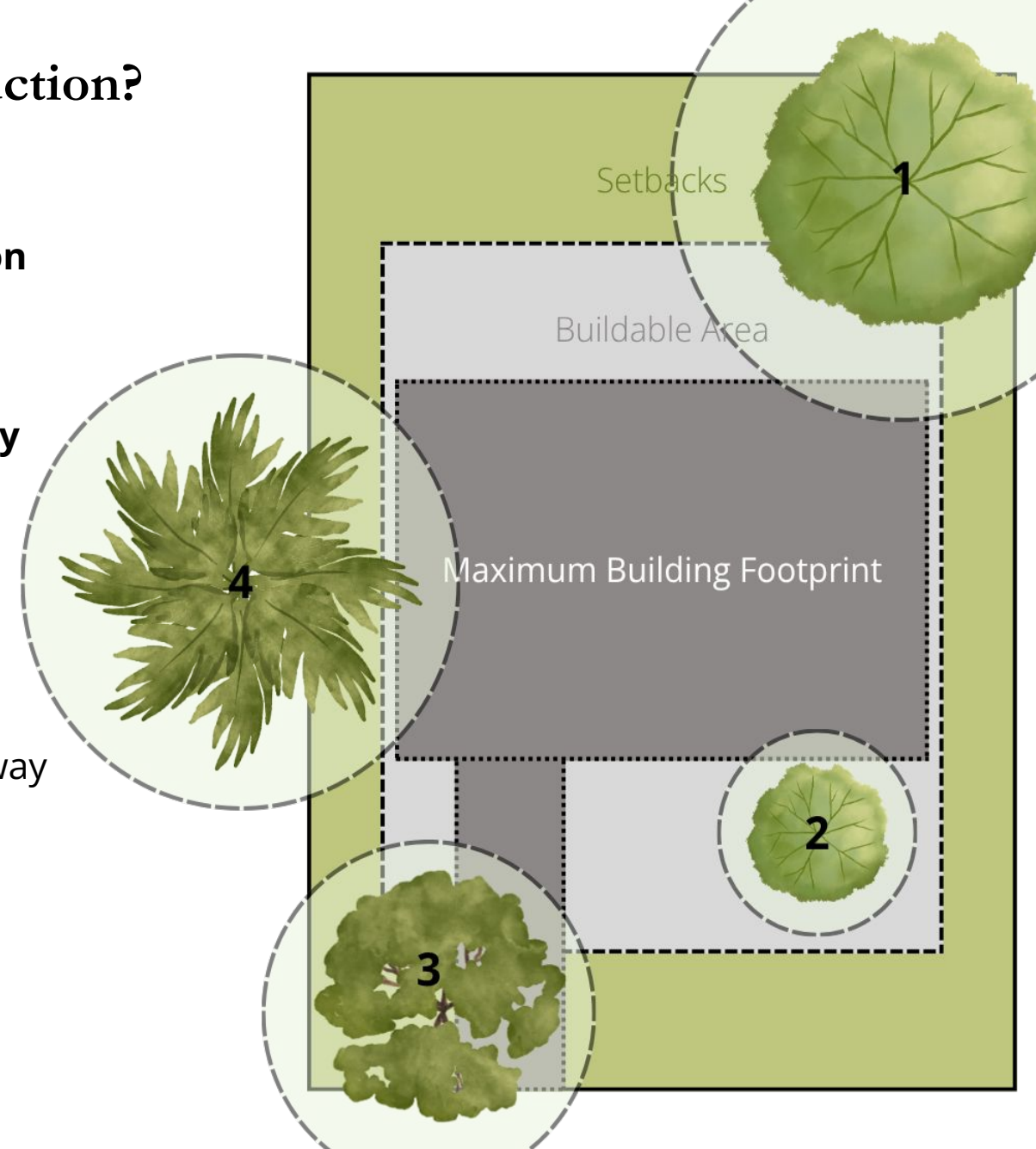
# Major Ordinance Components

|                                |                                                                    |
|--------------------------------|--------------------------------------------------------------------|
| <b>Applicability</b>           | Which trees are regulated by the ordinance?                        |
| <b>Triggers</b>                | How is a review or requirement initiated?                          |
| <b>Submittal Requirements</b>  | What is a property owner required to submit if removing a tree?    |
| <b>Protection Requirements</b> | When can a tree be required to be preserved and what must be done? |
| <b>Exemptions</b>              | When can a tree be exempt from protection?                         |
| <b>Removal Requirements</b>    | What is required when removing a tree?                             |

# What happens to certain trees during construction?

To demonstrate the differences between tree preservation ordinances across the region, the following scenario is presented:

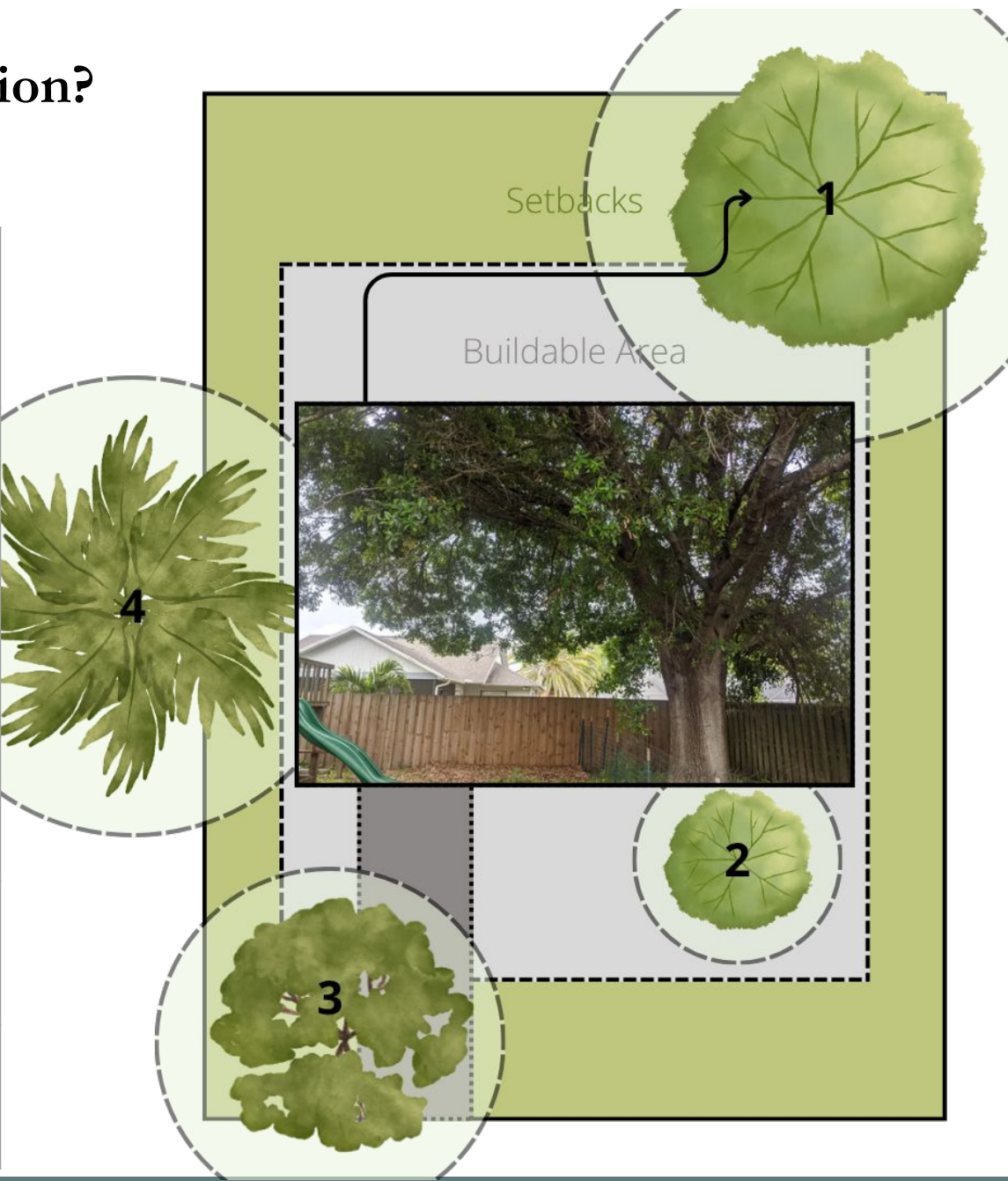
- Infill redevelopment of a SFH on a ½ acre residentially zoned lot
- Four existing trees potentially impacted by proposed construction:
  1. 24" White Oak in required setback
  2. 6" Freeman Maple in buildable area
  3. 12" Bradford Pear in setback but conflict with driveway
  4. 18" Eastern White Pine in neighboring property



# What happens to certain trees during construction?

## Scenario: Tree 1 is a 24" DBH white oak

|              |                                                                                                                                                                                                          |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Glen Ellyn   | Development triggered preservation plan. The petitioner has discretion to identify on-site trees for protection or removal. Tree 1 must be marked Significant on plan but can be designated for removal. |
| Naperville   | NA - Only residential lots larger than 1.5 acres regulated                                                                                                                                               |
| St. Charles  | Building permit triggers preservation plan. Protected trees are larger than 6" DBH. Reasonable efforts must be made to limit tree loss but could be removed if it impedes construction.                  |
| Hanover Park | Building permit triggers review because tree is larger than 8" DBH – if preserved, counts towards landscape requirement.                                                                                 |
| Woodridge    | Triggered by increase in impervious area or grading permit. Tree can be removed but requires 3 replacement trees as part of new landscaping.                                                             |
| Westmont     | All removals of heritage trees require review. Tree could be removed with requirement of 1:1 caliper replacement on-site (i.e. 8-12 replacement trees) or fee in lieu.                                   |
| Wilmette     | Tree removals require permit/review, oaks are heritage class, and trunk is in setback. Removal may be prohibited and can be appealed through a public hearing.                                           |

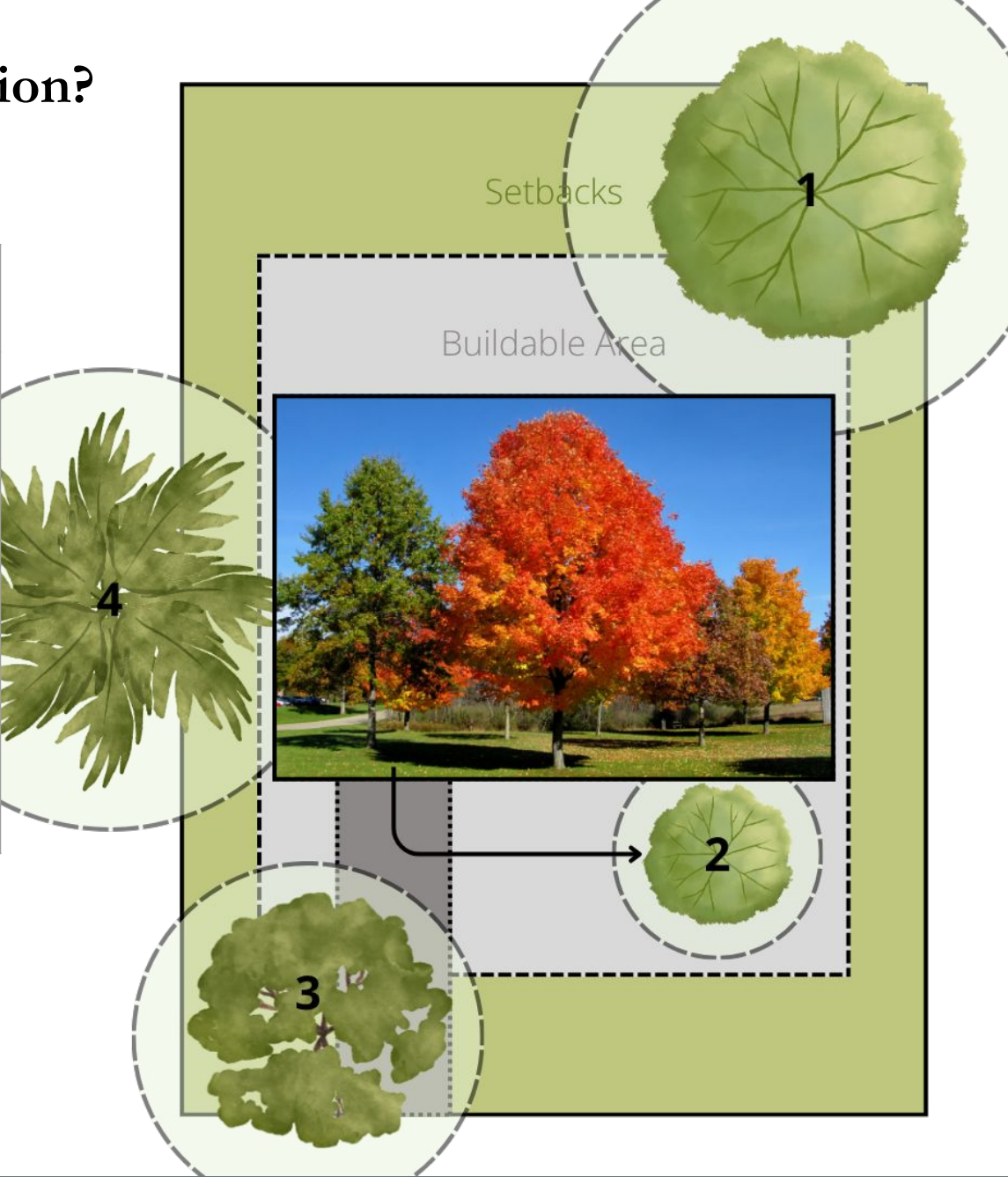




# What happens to certain trees during construction?

**Scenario: Tree 2 is 6" DBH freeman maple.**

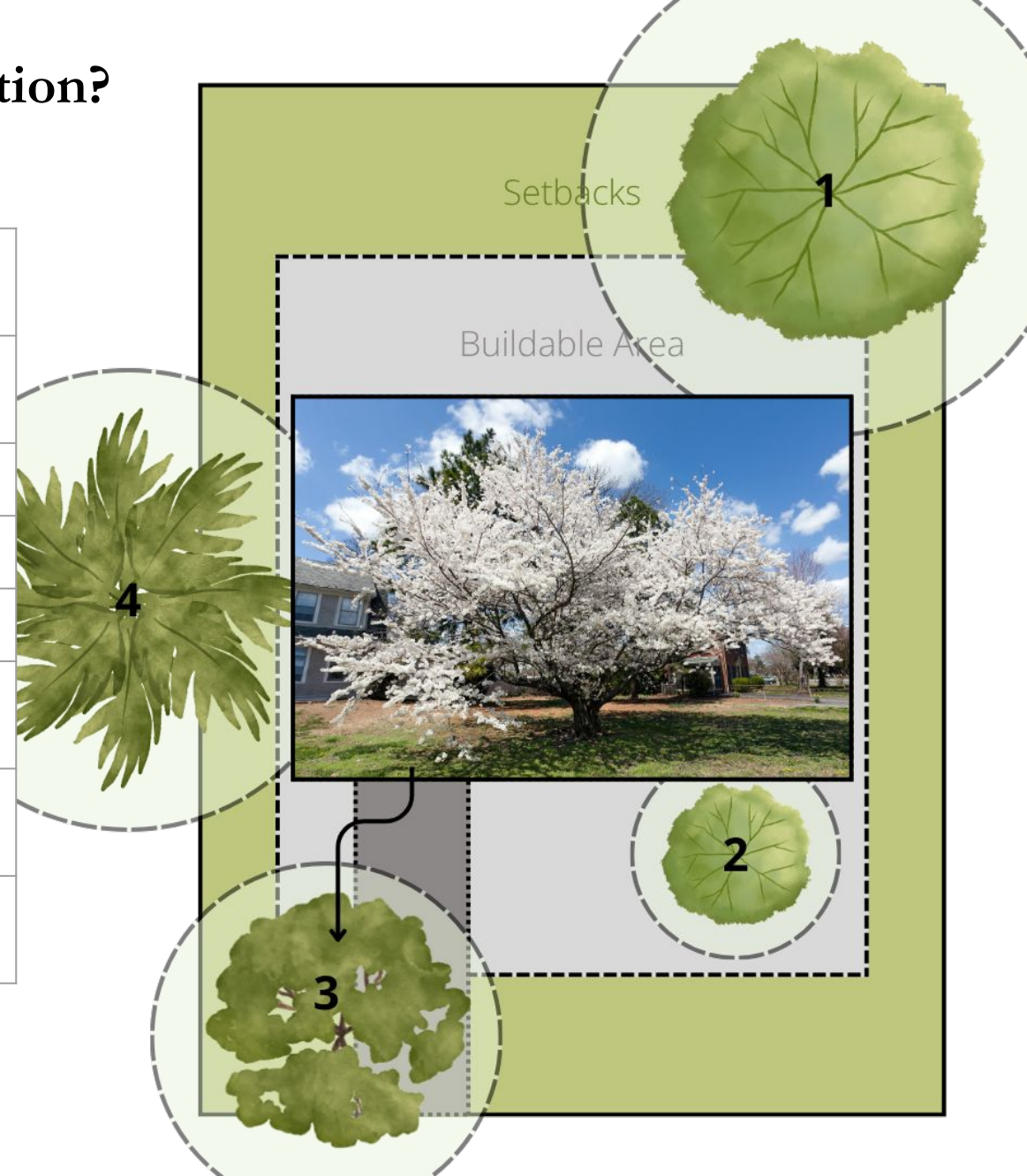
|               |                                                                                                                             |
|---------------|-----------------------------------------------------------------------------------------------------------------------------|
| Glen Ellyn    | Tree Survey required with site plan but petitioner has discretion to determine which trees will be removed.                 |
| Burr Ridge    | Trigger is only when 5 or more trees are being removed. Also in buildable area. Exempt and can be removed.                  |
| Highland Park | Tree survey required. Replacement not required for trees under 8" DBH (also species specific).                              |
| Berkley       | Considered protected above 4" DBH but exempt if it conflicts with development of site. Tree can be removed without penalty. |
| Bolingbrook   | Site plan review triggers preservation plan. Required 50% retention of trees over 6" DBH + replacement for those removed.   |



# What happens to certain trees during construction?

## Scenario: Tree 3 is a 12" DBH bradford pear tree

|                |                                                                                                                 |
|----------------|-----------------------------------------------------------------------------------------------------------------|
| Glen Ellyn     | Petitioner's discretion – tree survey required but may remove or attempt to preserve.                           |
| Wood Dale      | Removal permitted – single family and duplex properties exempt.                                                 |
| Wilmette       | Removal permitted – Invasive species are exempt.                                                                |
| Grayslake      | Removal permitted – Building and driveway location exempt.                                                      |
| Evergreen Park | Removal encouraged – no permit required for invasives.                                                          |
| Roselle        | Removal required - Tree Preservation and Removal Plan calls for identification of prohibited trees for removal. |
| Park Ridge     | Village Forester may require the driveway to be minimized or s-curved to avoid removal.                         |
| Hanover Park   | Replacement required – DBH threshold (not species specific) results in per inch caliper replacement.            |

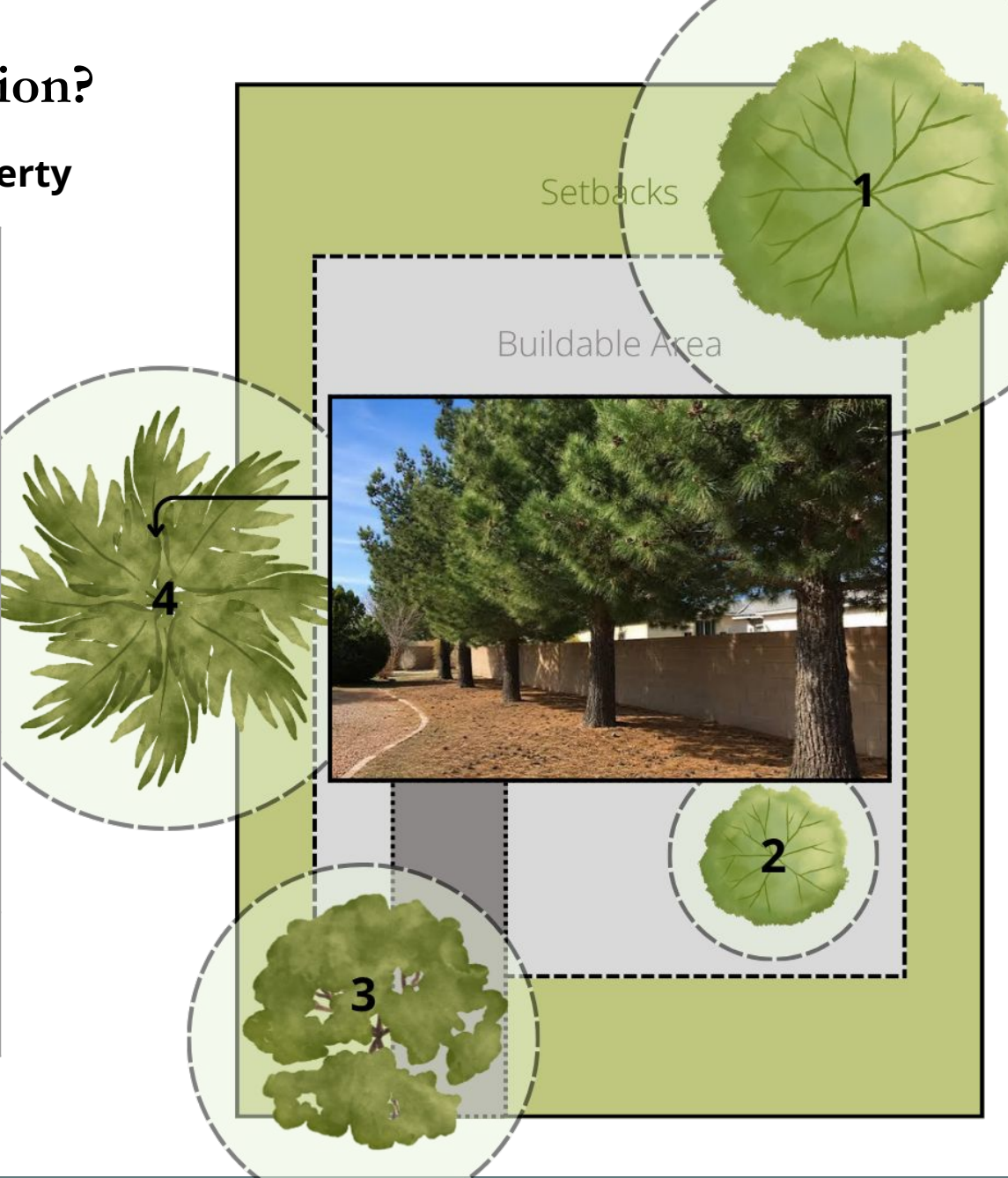




# What happens to certain trees during construction?

## Scenario: Tree 4 is an 18" DBH white pine on neighbor's property

|               |                                                                                                                                                                                                                                                                              |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Glen Ellyn    | Neighboring trees above 4" DBH and within 15 feet of property line are defined as protected. Notification to neighbor is required. Neighbor may allow removal or require protection. If forester determines tree may decline from construction, replacement may be required. |
| St. Charles   | Survey only covers lot to be developed, neighboring trees not acknowledged.                                                                                                                                                                                                  |
| Woodridge     | Trunk within 20" of property line and must be included on survey and preservation plan. If preservation is required and tree is damaged, double penalty applies. Zoning officer determines if requirement waiver can be applied.                                             |
| Evanston      | CRZ crosses property line and White Pine is a designated protected class. Construction protections required if the Forester determines it can survive construction. Replacement or fee required if removed or damaged.                                                       |
| Highland Park | Heritage Tree status requires the development plans attempt to minimize removal or damage. Preservation plan must be approved and can be appealed, if denied.                                                                                                                |



# Variation in Major Ordinance Components

|                                |                                                                    |                                                                                                                                                                                                                                 |
|--------------------------------|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicability</b>           | Which trees are regulated by the ordinance?                        | <ul style="list-style-type: none"> <li>• All trees</li> <li>• Trees over a certain size or specific species</li> <li>• Specific areas within a lot or adjacent lot</li> <li>• Specific zoning districts or lot sizes</li> </ul> |
| <b>Triggers</b>                | How is a review or requirement initiated?                          | <ul style="list-style-type: none"> <li>• Any tree removal</li> <li>• Building or stormwater permit</li> <li>• Site plan review or platting</li> </ul>                                                                           |
| <b>Submittal Requirements</b>  | What is a property owner required to submit if removing a tree?    | <ul style="list-style-type: none"> <li>• Certified tree survey</li> <li>• Preservation plan</li> </ul>                                                                                                                          |
| <b>Protection Requirements</b> | When can a tree be required to be preserved and what must be done? | <ul style="list-style-type: none"> <li>• Protected classes of trees</li> <li>• Percentage of existing trees</li> <li>• Within a required setback</li> <li>• Fencing and construction protections</li> </ul>                     |
| <b>Exemptions</b>              | When can a tree be exempt from protection?                         | <ul style="list-style-type: none"> <li>• Small or undesirable species</li> <li>• Poor Condition</li> <li>• Within a buildable area of a lot</li> <li>• Unable to survive construction</li> </ul>                                |
| <b>Removal Requirements</b>    | What is required when removing a tree?                             | <ul style="list-style-type: none"> <li>• Replacement with surety</li> <li>• Fee in lieu</li> <li>• Penalties</li> </ul>                                                                                                         |

## Additional Findings and Takeaways

- **Strong ordinances based around purpose and have logical nexus to requirements**
  - a. Objectives → Triggers + Requirements
  - b. Preservation of mature native trees and/or guarantees for replacement to manage canopy
- **Most communities that regulate tree removal on private property have requirements to replace trees on-site or make monetary contributions towards replacement elsewhere**
  - a. Replacement can still support canopy and biodiversity goals
  - b. Provides an alternative to modifying development plans
  - c. Differing requirements to ensure replacement trees grow to maturity
- **Complexity of ordinance and amount of development determine resources needed to implement policy**

## Additional Findings and Takeaways

- **Some communities have general tree removal permits and prohibit removal of heritage trees unless meeting specific exemptions**
- **Some communities allow preservation of existing trees to be credited towards landscaping requirements**
  - Requires zoning code to include landscaping requirements for applicable zoning districts
- **Tree preservation or replacement requirements can come into conflict with required stormwater improvements on site**
- **Some communities have a lookback requirement and penalty multiplier to disincentivize removing trees before permit application**



# Review of Strategic Goals and Objectives

- **Guiding DG Comprehensive Plan**

- Preserve character of neighborhoods
- Promote residential development and redevelopment in a variety of densities
- Encourage residential new construction, additions, and renovations
- Promote green building practices (consider incentives)
- Promote attainable housing for people at all stages of life

- **Guiding DG Sustainability**

- Maintain a healthy urban forest
- Promote biodiversity
- Reduce heat islands and building-related energy

- **LRP Strategic Goals**

- Environmental & Neighborhood Sustainability
- Safe and Welcoming Community
- A Beautiful Community



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# Glen Ellyn - Closest Existing Ordinance to PAI Language

- **Development requires a tree preservation plan that identifies:**
  - a. Existing trees: size, species, condition, location
  - b. Site plan details: improvement locations and grading
  - c. Trees to be removed and trees removed in past 12 months
  - d. Trees to be preserved and proposed protections
  - e. Adjacent trees (trees within 15" of property line and >4" DBH)
- **Tree preservation plan shall be prepared by landscape architect, certified arborist, or the property owner so long as necessary details are present**
  - a. Village Forester shall assist in identifying and measuring existing trees at no additional cost to application fee
- **Village Forester may suggest modifications to the Tree Preservation Plan or site plan, but "the final decision shall rest with the applicant."**
- **Once approved, all trees designated for protection must have necessary construction protections put in place before work can begin (e.g. fencing, mulch, pruning, etc.)**
  - a. Stop work order can be issued if non-compliance with approved plan
  - b. Violation of the plan can result in fines and penalties
  - c. Plan can be amended with change of facts or circumstance
- **Adjacent (neighbor) trees are considered protected unless approved by property owner for removal**



## Council Feedback

1. **Based on the findings presented, is the preferred approach to tree preservation reflected in the language of the PAI?**
2. **If not, where there specific ordinance elements that are preferred or would not be supported?**
3. **Would you support additional resources, such as more staff, to support implementation of a private tree preservation ordinance?**

