

Kingswood Subdivision
Tree Conservation Covenant
And
Tree Conservation Zone Guidelines



City of St. Charles
Community Development Dept.

Kingswood Tree Conservation Zone Covenant:

(This covenant is part of the recorded legal documents pertaining to the Kingswood subdivision)

The area shown hereon as "Tree Conservation Zone" is hereby subjected to the following restrictive covenant which shall run with the land for the benefit of all lot owners in the instant subdivision: Said "Tree Conservation Zone" shall remain in its natural state, free from any principal and accessory residential structures or other unnatural change by its present or future owners. No present or future owner of a lot of record shall remove living trees or shrubs, or grade, grub, excavate, fill, or construct any structure of any kind on or within the area designated on the attached plat as "Tree Conservation Zone" except as may be approved in writing by the City of St. Charles, Illinois. Each present or future owner of a lot of record shall restore, or cause to be restored, any disturbed natural area within such "tree conservation zone" in accordance with the principles and practices of prudent forestry management which may include, but not be limited to, the pruning, replacement and/or removal of fallen, damaged, diseased, or dead trees and shrubs, all in accordance with plans approved by the City of St. Charles, Illinois. The City shall have the right to enter upon any lot of record to enforce this restrictive covenant and shall have the right, but not the obligation, to enjoin in a court of law any activity on, or use of, the land within the "Tree Conservation Zone" which is inconsistent herewith. The restrictions described herein shall not limit the right of the city or its franchisees to install or maintain any streets or utilities or utility lines such as water, sewer, electric, gas, cable television, telephone or other communication facilities in locations approved in writing by the City of St. Charles.

REVIEW AND APPROVAL PROCESS

A property owner or contractor who desires to make any changes within the Tree Conservation Zone on a lot shall submit a written request to the City of St. Charles Community Development Department, Planning Office (telephone 377-4443). The request will be reviewed for compliance with the Tree Conservation Zone Covenant and these guidelines.

Written approval from the City must be received before proceeding with any of the activities described in Sections A, B, C and D above, even if they are allowed by the Guidelines.

Requests for approval must provide complete information about the work to be performed. Written descriptions and plans should clearly indicate locations, quantities, type of work, specifications of materials and equipment, and the name and licensing of the contractor or individual performing the work. If a request is lacking in any necessary information, a decision on the request may be delayed until the information is provided.

OCTOBER 2000

KINGSWOOD SUBDIVISION TREE CONSERVATION ZONE GUIDELINES

INTENT

The primary intent of the "Tree Conservation Zone" is to protect and enhance the diversity, health and vigor of the tree, shrub, herbaceous plant, forb and grass species within this Zone in order to protect wildlife habitat as well as enhance the aesthetic qualities of the properties adjacent to it.

While the ultimate conservation of the existing plant material is to be achieved through restricted access and alteration to the Tree Conservation Zone, the following circumstances may provide just cause to implement corrective procedures in these areas:

1. The presence of invasive plant species including noxious weed or alien plant species which pose a danger to the indigenous plant material in the Tree Conservation Zone.
2. Damaged, diseased or dead trees which may constitute a hazard to person or property.
3. Re-establishment of lost or non-existent trees, shrubs and other plants with those 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 specialized term for any non grassy herbaceous plant. Used primarily for the broad-leaved plants of the prairie and savanna.
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: The area in the Tree Conservation Zone designated by these guidelines to provide property owners a visual and functional transition from their buildable lot to the Tree Conservation Zone.

GUIDELINES

The following actions are prohibited without specific approval by the City:

1. The use of any motorized vehicles in the Tree Conservation Zone, such as garden tractors and mowers.
2. The use of any fertilizers, herbicides or pesticides in the Zone.
3. The alteration of the existing grade elevation in the Zone.

A. Vegetation Removal Within the Tree Conservation Zone

1. No woody vegetation shall be removed from the area unless it is a restricted species as listed in Chapter 12.20 of the City's Ordinance.
2. Any woody vegetation, for which permission has been given to be removed, shall be sawn or cut down to the existing grade. No removal or disturbance shall occur below grade.
2. Noxious weeds or alien herbaceous plants may be removed by hand. Removal of vegetation by gas or electric trimmers or burning is not allowed.
3. Noxious weeds or alien herbaceous vegetation may be smothered by applying a three (3) inch layer of organic hardwood chips only if a proposal for re-establishment of indigenous plant material is approved by the City. Removal of noxious weeds or alien herbaceous vegetation by herbicide must be approved by the City and performed by a licensed professional. Regenerative growth of indigenous herbaceous plants, trees and shrubs shall be encouraged and protected.
4. Dead or fallen trees or limbs shall remain in the Tree Conservation Zone. Permission must be granted by the City to remove fallen trees or limbs that are diseased. All such plant material may be cut into manageable sections and removed from the area by hand.

B. Planting Within the Tree Conservation Zone

1. Indigenous grasses, flowers and other herbaceous plants may be incorporated by seeding the area or installing plugs by hand. Prairie forbs and grasses shall be restricted to those areas/lots with limited scattered trees or as a transition to the Tree Conservation Zone. Commercial prairie mixes may contain non-native or even non-hardy species. Consult a native plant supplier or prairie restoration specialist.
2. Common turf grass is not allowed. The amount of soil preparation is most often damaging to the shallow root systems of the trees; and the nutrient and pH requirements for mowed turf are not optimally compatible with those of most woody plants.
3. Indigenous container perennials, woody shrubs, and trees may be planted in the Tree Conservation Zone if the following guidelines are followed:
 - a. All digging and planting must be performed by hand. No vehicles, augers, or rototillers are permitted.
 - b. Only minimal digging shall be allowed to take place within the tree's critical root zone, i.e., that area equivalent to 1 foot radius per inch in trunk caliper, measured out from the center of the tree. Plant type and size should be carefully evaluated for this area.
 - c. No overstory tree shall be planted directly under the dripline of an existing tree.
 - d. The disturbed areas must be thoroughly watered immediately after planting and periodically for the month following planting to reduce any stress caused to the existing trees. Be careful not to overwater.

- e. A three (3) inch layer of organic hardwood mulch may be used around the base of newly planted transplants to conserve moisture in the soil during the first growing season.
- f. By adhering to careful installation methods, additional plant material will, in the long run, reduce or control access into the Tree Conservation Zone as well as provide wildlife food and habitat. Some non-native plant species reseed aggressively and can become invasive. Non-native plant material shall not be used in these zones. See attached lists (Exhibit A) for potentially invasive plant species and native plant species indigenous to the Tree Conservation Zone. Kane County Wild Plants and Natural Plants, 2nd Edition by Dick Young shall also be used as a reference.

C. Transitional Border

1. The Transitional Border shall be located at the common boundary along the back rear buildable lot line and the front line of the Tree Conservation Zone as delineated on the Plat of Survey of affected properties and shall not encroach into the Tree Conservation Zone more than three (3) feet or within one (1) foot of existing tree(s) in the Tree Conservation Zone whichever dimension is less (see Exhibit B).
2. Due to disturbances caused by utility installation, restoration of this limited area may include turf grasses and plant materials not necessarily indigenous to the Tree Conservation Zone, however, restoration with indigenous plant material is strongly encouraged.
3. Yard accessories shall be permitted in this area as delineated in D. 1. below.
4. Organic hardwood mulch shall be permitted in this area to minimize the encroachment of indigenous plants into an adjoining managed plant material area such as turf or perennials.
5. In order to preserve the health and vigor of the Tree Conservation Zone, invasive plant material or vegetation that is difficult to control shall not be permitted in the Transitional Border.

D. Installation of Yard Accessories

1. Small yard accessories, such as benches, bird baths, bat houses, butterfly houses and bird feeders, shall be permitted in the Transitional Border. Yard accessories shall be limited to not more than one (1) per fifty (50) square feet of border. No yard accessories are permitted in the balance of the Tree Conservation Zone.
2. Permanent or temporary structures, paths, play equipment, paving, structures which are attached to the trees, such as a tree house, or any items requiring footings, are prohibited.

EXHIBIT A

Representative Species of Plant Material Kingswood Tree Conservation Zone

The following list of plant material is representative of the plant associations that exist in the Kingswood Tree Conservation Zone and is not a comprehensive list of existing or desirable plant material. It is intended to serve as a guide to determine appropriate indigenous plant material that should be used to upgrade the area through additional plantings, if desired. This list encompasses a broad range of plant material from the woodland character at its north end of the subdivision to a more savanna-type character at its south end. Additional indigenous plant material may be found in such reference books as Plants of the Chicago Region by Floyd Swink and Gerould Wilhelm (available in the local library and for sale through Morton Arboretum) and Kane County Wild Plants and Natural Areas by Dick Young (available in the local library and for sale through Kane County).

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

Ground Layer

Common Plants

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

Others

<i>Actaea pachypoda</i>	White baneberry
<i>Adiantum pedatum</i>	Maidenhair fern
<i>Allium tricoccum</i>	Wild leek
<i>Anemone cylindrica</i>	Thimbleweed
<i>Apocynum androsaemifolium</i>	Spreading dogbane
<i>Aralia racemosa</i>	Spikenard
<i>Arisaema draconitum</i>	Green dragon
<i>Asarum canadense</i>	Wild ginger
<i>Aster sagittifolius</i>	Arrowleaf aster
<i>Aster shortii</i>	Short's aster
<i>Athyrium filix-femina</i>	Ladyfern
<i>Blephilia hirsuta</i>	Wood mint
<i>Botrychium virginianum</i>	Rattlesnake fern
<i>Cardamine douglassii</i>	Purple cress

<i>Carex hirtifolia</i>	Hairy sedge
<i>Carex pennsylvanica</i>	Pennsylvania sedge
<i>Celastrus scandens</i>	Bittersweet
<i>Dicentra cucullaria</i>	Dutchman's breeches
<i>Eupatorium rugosum</i>	White snakeroot
<i>Eupatorium purpureum</i>	Purple Joe-Pye weed
<i>Euphorbia corollata</i>	Flowering spurge
<i>Fragaria virginiana</i>	Wild strawberry
<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>	Lopsced
<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 taminoides</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

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

EXHIBIT B

Location of Transitional Border

