State of Illinois
County of Kendall

Petition #08-37

ORDINANCE # 2008- 45

AMENDMENT TO THE KENDALL COUNTY SUBDIVISION CONTROL REGULATIONS SECTION 6.02 "DEFINITIONS"; APPENDIX FOUR & FIVE "SIGNIFICANT TREES" AND ADOPTION OF A "KENDALL COUNTY APPROVED TREE LIST" AS APPENDIX SIX AND "STANDARDS AND REQUIREMENTS FOR RESTORATION, PLANTING, MAINTENANCE, AND MONITORING OF NATURAL OPEN SPACE" AS APPENDIX NINE

WHEREAS, Kendall County regulates development under authority of its Subdivision Control and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including a Public Hearing held before the Kendall County Zoning Board of Appeals.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 6.02 "Definitions"; Appendix Four and Five "Significant Trees" and establishes a "Kendall County Approved Tree List" as Appendix Six along with "Standards and Requirements for Restoration, Planting, Maintenance, and Monitoring of Natural Open Space" Appendix Nine as provided in the attached Exhibit "A"

IN WITNESS OF, this Amendment to the Kendall County Zoning Ordinance was approved by the Kendall County Board on October 21, 2008.

Attest:

John A. Church
Kendall County Board Chairman

~~Paul Anderson~~
Kendall County Clerk

EXHIBIT "A"

The following definitions are hereby added to Section 6.02 "Definitions" of the Kendall County Subdivision Control Ordinance:

Groundwater: Water that collects or flows beneath the Earth's surface, filling the porous spaces in soil, sediment, and rocks.

Native vegetation: Vegetation that originally occurred in northeastern Illinois prior to arrival of European settlers. Native plant species are identified in Plants of the Chicago Region (Swink and Wilhelm, 1994).

Open space: Includes land and water areas retained for active or passive recreation uses and/or for resource protection and generally will be in an undeveloped state.

Ornamental planting: Non-native landscape plant material such as shrubs, flowers, and turf grasses.

Prairie: An extensive area of flat to hilly, predominantly treeless grassland. Prairies comprise those native plant communities that are dominated by a diversity of perennial forbs, or wildflowers, growing in a perennial graminoid, or grass-like, matrix which forms a dry flammable turf in autumn.

Riparian Area: Land that borders a waterway and provides habitat for wildlife or vegetation dependant on the proximity of water.

Savanna: Landscapes with between 10 and 50 percent native tree canopy, commonly dominated by oak trees. (Savanna structure was regularly affected by fires set by Native Americans prior to the arrival of European settlers.)

Upland: The upland zone is the area immediately adjacent to riparian areas along a creek, wetland or detention/retention pond and can extend for hundreds of feet in width. This upland area provides an important buffer to the riparian habitat, allowing for filtration of pollutants.

Vegetation analysis: An identification and mapping of site vegetation conditions according to their natural ecological communities (e.g., prairies, savannas, woodlands, and wetlands) and/or man-made state (e.g., old field, cropland, turf, etc.). For natural areas, a vegetation analysis also involves a concise, qualitative analysis of ecological quality.

Wetland: An area inundated or saturated by surface water or ground water at a frequency or duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.

Woodlands: Landscapes with native tree canopy covering more than 50 percent of the surface area. (Some portions of native woodlands were regularly affected by ground fires set by Native Americans prior to the arrival of European settlers.)

The existing definition of "Significant Trees" as outlined in Section 6.02 "Definitions" of the Kendall County Subdivision Control Ordinance is hereby amended to read as follows:

Significant Trees: Those existing trees on a development site that are worthy of preservation. Tree species, that are in good health, identified in Appendix (4) and having a diameter at breast height (tree measured 4.5 feet above grade) of ~~8~~6" or more and 12" or more" or which are identified in Appendix (5) shall be considered worthy of preservation. These lists of significant native trees are derived primarily from "Plants of the Chicago Region" by Floyd Swink and Gerould Wilhelm of the Morton Arboretum and "Kane County Wild Plants & Natural Areas" by Richard Young of the Kane County Forest Preserve District.

Appendix Four of the Kendall County Subdivision Control Ordinance is amended as follows:

APPENDIX FOUR - A - KENDALL COUNTY SIGNIFICANT NATIVE TREES [~~8~~6" or more]

Scientific Name	**Common Name**
Acer nigra	Black Maple
~~Acer saccharum~~	~~Sugar Maple~~
Aesseulus glbra	Ohio Buckeye
Carya ovata	Shagbark Hickory
~~Celtis occidentalis~~	~~Common Hackberry~~
~~Fraxinus Americana~~	~~White Ash~~
Fraxinus nigra *	Black Ash
Fraxinus pennsylvanica *	Red Ash
~~Fraxinus pennsylvanica var.~~	~~Green Ash~~
Fraxinus quadrangulata*	Blue Ash
Gymnocladus dioicus	Kentucky Coffee Tree
~~Juglans cinerea~~	~~Butternut~~
Juglans nigra	Black Walnut
Ostrya virginiana	Hophornbeam or Ironwood
Platanus occidentalis	Sycamore
~~Populus deltoids~~	~~Cottonwood~~
~~Prunus serotina~~	~~Wild Black Cherry~~
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus macrocarpa	Bur Oak
Quercus muhlenbergii	Chinquapin Oak
Quercus rubra	Red Oak
Quercus velutina	Black Oak
Quercus spp. ~~Tilia Americana~~	Other Oak species ~~Basswood, Linden~~
~~Ulmus Americana~~	~~American Elm~~
~~Ulmus rubya~~	~~Slippery Elm~~

APPENDIX FOUR - B KENDALL COUNTY SIGNIFICANT NATIVE TREES (12" or more)

Scientific Name	**Common Name**
Acer saccharum	Sugar Maple
Celtis occidentalis	Common Hackberry
Fraxinus americana *	White Ash
Fraxinus pennsylvanica var. subintegerrima*	Green Ash
Juglans nigra	Black Walnut

Populus deltoides*	Eastern Cottonwood
Prunus serotina	Wild Black Cherry
Tilia americana	Basswood, Linden
Ulmus Americana	American Elm
Ulmus rubra	Slippery Elm

*These trees are not appropriate for new plantings due to disease and insect concerns. However, existing trees are still considered significant and should be preserved or replaced with other appropriate species.

Appendix Five of the Kendall County Subdivision Control Ordinance is amended as follows:

APPENDIX FIVE - KENDALL COUNTY SIGNIFICANT NATIVE TREES [any size]

Scientific Name	**Common Name**
Asimina triloba	Paw Paw
Carpinus caroliniana	Blue Beech
Cercis canadensis	Redbud
Cornus alternifolia	Pagoda Dogwood
Corylus Americana	American Hazelnut
Juglans cinerea	Butternut
Morus ~~Red~~ rubra	Red Mulberry
Rhamnus alnifolia	Alder Buckthorn
Rhamnus lanceolata	Lance-Leaved Buckthorn
Ulmus thomesi*	Rock Elm

A New Appendix Six is hereby incorporated into the Kendall County Subdivision Control Ordinance as follows:

APPENDIX SIX - KENDALL COUNTY APPROVED TREE LIST

All native trees listed in Appendix (4) and (5) are appropriate, and preferred for new tree plantings (except noted Ash and Elm trees due to disease concerns). In addition, the following trees are also considered appropriate for planting in the County.

Canopy/Shade Trees	
Scientific Names	**Common Name**
Aesculus flava	Yellow Buckeye
Aesculus hippocastamum	Common Horsechestnut
Acer miyabei 'Morton'	State Street® Miaybe Maple*
Acer platanoides, spp. 'Deborah' Emerald Lustre® 'Summershade' 'Superform'	Norway Maple 'Deborah' Norway Maple* Emerald Lustre®* 'Summershade'* 'Superform'*
Acer rubrum, spp. Autumn Flame® 'Brandywine' 'Franksred'	Red Maple Autumn Flame®* "Brandywine'* Red Sunset®*

Acer saccharum, spp. Legacy® 'Morton' 'PNI 0285'	Sugar Maple Legacy®* Crescendo™* Green Mountain®*
Cercidiphyllum japonicum	Katsuratree
Cladastris kentukea	American Yellowwood*
Corylus colurna	Turkish Filbert*
Fagus sylvatica	European Beech
'Riversii'	Rivers Purple Leaf Beech
Ginkgo biloba, spp. (Male only) 'Autumn Gold' 'Magyar' 'PN 22720'	Ginkgo 'Autumn Gold'* "Magyar'* 'Princeton Sentry'*
Gleditisia tricanothos var. inermis, spp. 'Skyline' 'Shademaster' 'Suncole'	Thornless Honey Locust* Skyline®* Shademaster®* Suncole®*
Liquidambar styraciflua	American Sweetgum
Liriodendron tulipifera	Tuliptree
Nyssa sylvatica	Black Tupelo
Phellodendron amursnse 'Macho'	Amur Corktree
Phellodendron lavallei 'Longnecker'	Eyestopper™Lavalle Corktree
Phellodendron sachalinense 'His Majesty'	Sakhalin Corktree
Platanusu x acerfolia 'Bloodgood' 'Exclamation'	London Planetree Bloodgood London Planetree Exclamation Planetree
Pyrus calleryana, spp. 'Cleveland Select' Aristocrat® 'Redspire'	Callery Pear* 'Chanticleer'* Aristocrat®* 'Redspire'*
Quercus coccinea	Scarlet Oak
Quercus imbricaria	Shingle Oak
Quercus x macdenielli 'Clemon's"	Heritage® Oak*
Taxodium distichum	Baldcypress
Tilia cordata, spp.	Littleleaf Linden*
Tilia tomentosa, spp.	Silver Linden*
Tilia 'Redmond'	Redmond Linden*
Tilia x flavescens 'Glenleven'	Glenleven Linden*
Ulmus Americana, spp. 'Valley Forge' 'Princeton' 'New Harmony'	American Elm 'Valley Forge'* 'Princeton'* 'New Harmony'*
Ulmus 'Morton'	Accolade®Elm
Ulmus 'Morton Glossy'	Triumph™Elm*
Ulmus 'Frontier'	'Frontier' Elm*
Ulmus 'Patriot'	'Patriot' Elm*
Ulmus wilsoniana	'Prospector' Elm*
Ulmus x Homestead	'Homestead' Elm*
Ulmus x Regal	'Regal' Elm*

***Acceptable parkway tree.**

Ornamental Trees	
Scientific Names	**Common Name**
Acer campestre	Hedge Maple
Acer tataricum, spp. 'GarAnn' 'Patdell' 'Summer Splendor'	Tatarian Maple 'GarAnn' 'Patdell' 'Summer Splendor'
Acer tatariumcum subsp. Ginnaloa, spp.	Amur Maple
Almus glutinosa	Alder
Amelanchier Canadensis	Shadblow Serviceberry
Amelanchier x grandiflora, spp.	Apple Serviceberry
Amelanchier laevis, spp.	Allegheny Serviceberry
Betula nigra, spp. 'Cully'	River Birch Heritage®
Betual papyrifera, spp. 'Varen' 'Whitespire'	Paper Birch Prairie Dream® Whitespire White Birch
Carpinus betulus 'Fastigiata'	Hornbeam Columnar Hornbeam
Caarpinus caroliniana	Ironwood
Cornus mas	Corneliancherry Dogwood
Crataegus crus-galli var. inermis 'Cruzam'	Thornless Cockspur Hawthorn Crusader®
Crategus mollis	Downy Hawthorn
Crataegus phaenopyrum	Washington Hawthorn
Crategus virdis 'Winter King'	Winter King Hawthorn
Maackia amurensis, spp. 'Starburst' Summertime	Amur maackia 'Starburst' Summertime
Magnolia stellata, spp.	Star Magnolia
Malus spp.**	Flowering Crabapple**
Prunus maackii	Amur Chokecherry
Prunus sargentiii	Sargent Cherry
Prunus 'Accolade'	Accolade Cherry
Syringa pekinensis, spp.	Peking Lilac
Syringa reticulate, spp.	Japanese Tree Lilac

****Species selected must be primarily disease resistant with small fruits.**

** Other species as determined and approved by staff.

Appendix Six and Seven of the Kendall County Subdivision Control Ordinance are amended as follows:

APPENDIX ~~SIX~~ SEVEN- SUBDIVISION PRE-CONSTRUCTION MEETING CHECKLIST

APPENDIX ~~SEVEN~~ EIGHT - TABLE OF MINIMUM STANDARDS FOR RURAL STREET DESIGN

Appendix Nine is hereby incorporated into the Kendall County Subdivision Control Ordinance as follows:

APPENDIX NINE - STANDARDS AND REQUIREMENTS FOR RESTORATION, PLANTING, MAINTENANCE, AND MONITORING OF NATURAL OPEN SPACE

The purpose of these standards is to ensure that the overall design intent for naturalized open space areas - including wetlands, prairies, woodlands, savannas, naturalized detention basins, drainage swales, and buffers -- is achieved and maintained, particularly during the initial restoration and plant establishment phase. Such areas are intended to provide an aesthetic, healthy, diverse community of native vegetation to meet the objectives of wildlife habitat, soil stabilization, groundwater recharge, and water quality protection. This is accomplished by complying with the following requirements:

1. The development and implementation of a landscape/planting/monitoring and maintenance plan.

2. Routine monitoring of planting success.

3. Follow-up repair, re-seeding, and/or replanting to meet performance criteria.

4. Preparation of annual reports summarizing monitoring data, documenting maintenance and remedial activities in comparison to stated performance criteria.

5. Preparation of a long term monitoring and management plan to maintain the areas in perpetuity.

6. Sign-off and acceptance of initial restoration and planting at the end of a three-year monitoring and management period.

The establishment of native vegetation communities shall be carefully planned and executed to ensure long term success. Restoration and native planting efforts should be considered on an equal basis with other major infrastructure improvements of a development, such as roads, utilities, and building standards. Without performance standards, open space restoration and native plant establishment has the potential to fail, leaving future home owner associations or the County with major management problems that they may not have the expertise or resources to address. Therefore, it is important to provide reasonable performance standards to regulate the planning, establishment, and monitoring success of restoration and native plantings within developments.

Landscape Restoration and Planting Plan

A site specific restoration and planting plan shall be submitted to the Kendall County Planning, Building and Zoning Department (KCPBZ) with required final plat or plan approval for all Residential Planned Developments. The plan shall be prepared by a qualified professional in the field of ecological restoration and/or natural landscaping. At a minimum the plan shall include:

- A map drawn to scale and depicting all proposed restoration and planting areas. Identification of proposed management units based on remnant natural areas, soil types, topography, hydrology, and pre-settlement

vegetation. Management unit mapping will also show the overall layout of the development to demonstrate that naturalized areas are adequately set-back from homes and other infrastructure so that the potential for fire hazards during controlled or accidental burns is reduced. Where applicable, fire breaks, including those in the form of mowed paths, should also be identified.

- A list of all plants, seeds, and/or plugs to be used within each management unit. All plantings will consist of species native to Kendall County, of a local genotype, and appropriate for the proposed habitat (see Appendix Nine-A for references to local plant species and habitat). The number of plants and plugs to be used and the amount/weight of seed per species shall also be included, along with seeding rates per acre for each species.

- For detention and retention facilities, provide a minimum of one canopy/shade tree equivalent per 75 feet of high water line. A minimum of 25% of the required canopy/shade tree equivalent shall be ornamental trees. Trees shall be clustered in natural groupings. Species diversity should be provided within each development. Trees should be selected from the County's current tree planting list (see Appendix Four, Five and Six).

- For remnant wetland, prairie, savanna, and woodland communities, a schedule of management and enhancement activities for areas proposed for restoration. This schedule shall address methods of weed and brush removal, including herbicide, cutting, and hand pulling; replanting necessary to restore native plant diversity and where appropriate, sediment removal, regrading, stabilization and related measures necessary to restore degraded wetlands and aquatic systems.

- A three-year management schedule which includes proposed timing and description of the following: site preparation, application of herbicides, seeding activity, mowing, controlled burns, and similar activities. Areas being restored to native communities should be protected by silt fencing or construction fencing to prevent unnecessary disruption or destruction due to nearby construction activity.

Five printed copies and one electronic copy (PDF) of all required submittals shall be provided to the KCPBZ, who shall forward copies to the Director of the Kendall County Forest Preserve District, the Kendall County Soil and Water Conservation District, and the County Engineer or consultant engineer. Each organization receiving a copy of the plans shall have twenty-one (21) days to provide written comments to the KCPBZ office. The KCPBZ office shall then compile all comments and inform the applicant if the plans are approved, or what changes are needed to receive approval. Within twenty-one (21) days of approval of the landscape/planting plan, the applicant shall provide the KCPBZ office a written cost estimate by a qualified contractor or contractors, including separate estimates for trees, ornamental plantings, and natural areas.

Plant Monitoring

The following tasks shall be performed within each management unit identified in the landscape/planting plan during the first 3 years:

- Plant inventory of all naturally landscaped areas. This inventory shall determine overall vegetative cover, the total number of species, and the prevalence of undesirable/invasive species, consistent with specified performance criteria. This inventory is used to determine where follow-up seeding or planting is needed and to identify, locate, and remove undesirable "weedy" species on a timely basis. Permanent transect vegetation sampling techniques should be used within each management unit to adequately document and monitor plant community establishment over the initial 3 year period. The presence of any plant species observed outside of a transect and not documented by sampling along such transect shall also be noted. Sampling techniques and summaries shall be compiled consistent with methods described in *Plants of the Chicago Region* by Floyd Swink and Gerould Wilhelm, 1994.

- Establishment of permanent photographic monitoring locations: Photographs will be taken to document the establishment of vegetative cover, erosion problems, and other relevant maintenance concerns within each management unit identified in the landscape/planting plan. Photographs must be of satisfactory quality and resolution to accomplish the intent of the performance standards and shall be taken from the same locations during each monitoring event. A detailed description of the camera/photo location based on distance from a permanent structure, the orientation of the photo, and the vegetation zone being photographed shall be provided. Additional photos should be taken of problem areas and remedial activities.

- Monitoring is required annually for a minimum of three full growing seasons during and following restoration and planting. Under circumstances where the minimum performance standards cannot be achieved, alternative performance standards must be presented to the County Planning, Building and Zoning Committee for review and approval.

- Required tree plantings shall also be monitored annually for the first 3 years. Dead trees, or trees with dead central leaders and 50% or more dead branches, shall be replaced within six months of identification. After the first three years, dead trees identified in the long-term annual monitoring program must also be replaced.

Performance Criteria

In order to ensure adequate diversity of plants, to respond to varying environmental and hydrologic conditions, to ensure the establishment of native landscapes that are functional, aesthetic, and cost-effective, and to provide reasonable variety to meet aesthetic expectations, a minimum of 10 species of native plants are required within any naturalized stormwater facility, such as naturalized detention basins or swales. A minimum of 40 native species will be established in any upland landscapes.

The success of natural landscaping can be affected by the appropriateness of the plant species selected, the effectiveness of the grading and seedbed preparation, the quality of the seed and plant material used, the timing of the planting, and attention to early maintenance. With upland prairie, savanna, and woodland restoration or establishment (see definitions), it generally is appropriate to leave soils undisturbed since mass grading will

result in compacted soils and may lead to serious weed problems. Land currently under agricultural row crop production should remain undisturbed if possible until prairie seeding can be accomplished. This will contribute to the success of the native landscape by preventing the establishment of weeds and minimizing the corruption of the seed bank. The success of the project will be formally evaluated by the following vegetation performance standards monitored over time.

- By the end of the first full growing season, planted areas should have 90 percent vegetation cover and no area greater than 1.0 meter square shall be devoid of vegetation. A cover crop of annual rye or oats may be used to help achieve this goal. At least 75 percent of the plugs, root stock, and tubers, and 50 percent of the seeded species should be present and alive. If an area is designed as an aquatic or emergent system, it is anticipated that portions of the submerged area will be periodically exposed and without vegetation cover due to fluctuating water levels. If, by the end of the first full growing season, the basin emergent zones and/or side slopes fail to support the establishment of sufficient vegetation, then corrective measures regarding the fundamental design of the area and/or planting plan shall be required.

- During the second growing season at least 60 percent of the permanent species planted in seed form should be evident. Ninety percent or more of species planted as plugs, root stock, and tubers, shall also have persisted into the second season. If this fails to occur, a determination must be made as to why and remedial action shall be necessary. Remediation may include overseeding and/or plugging of appropriate species. Finally, undesirable, invasive plant species shall not be prevalent in any of the management units. No invasive, weedy species, including any of the following, shall be among the five most dominant plant species in the overall vegetative cover.

  - Reed canary grass (*Phalaris arundinacea*)
  - Common reed (*Phragmites australis*)
  - Purple loosestrife (*Lythrum salicaria*)
  - Non-native thistle (*Cirsium spp., Carduus spp.*)
  - Sweet clover (*Melilotus spp.*)
  - Crown vetch (*Coronilla varia*)
  - Wild parsnip (*Pastinaca sativa*)
  - Burdock (*Arctium spp.*)
  - Garlic mustard (*Alliaria petiolata*)
  - Teasel (*Dipsacus spp.*)
  - Ragweed (*Ambrosia spp.*)
  - Kentucky bluegrass (*Poa pratensis*)
  - Buckthorn (*Rhamnus spp.*)
  - Sandbar willow (*Salix interior*)
  - Honeysuckle (*Lonicera spp.*)
  - Multiflora rose (*Rosa multiflora*)
  - Box elder (*Acer negundo*)

A more complete listing of common invasive species is found in the *Illinois Nature Preserve Management Guidelines:* http://dnr.state.il.us/INPC/Management guidelines.htm

- At the end of the third full growing season, at least 75 percent of the seeded permanent species and 90 percent or more of species planted as plugs, root stock, and tubers are expected to be established. Alternatively, native perennial species that volunteer on the site, excluding undesirable invasive species, may also be counted in determining the preceding criteria. Qualitative vegetative sampling within each management area shall achieve the following to be determined a success and a mean Coefficient of Conservatism shall meet or exceed 3 and the Floristic Quality Index shall meet or exceed 20, except in designated stormwater management facilities (Swink and Wilhelm).

- The five most dominant species of the overall vegetative cover within each management unit shall not include any of the undesirable species referenced above under the 2nd season performance standards. If the identified level of species development fails to occur, a determination must be made as to why, and a remedial action plan must be prepared and submitted to the Kendall County Planning, Building and Zoning Department (KCPBZ) for approval. The approved remedial plan must be implemented and continued monitoring will be required beyond the third growing season until these performance criteria are met. Where the minimum performance standards cannot be achieved, a written explanation and alternative performance standards must be submitted for consideration by the Planning, Building and Zoning Department.

Annual Reporting

An annual monitoring report shall be submitted to the KCPBZ office by July 31st of each year and shall include the following:

- A summary of vegetation data collected within each management unit, including an assessment of compliance with performance criteria.

- A description of vegetation maintenance activities, including overseeding, replanting, and control of undesirable "weedy" species, and an assessment of their effectiveness in meeting performance criteria.

- Photographs and accompanying descriptions taken at permanent monitoring stations.

- A summary of planned maintenance activities for the coming year.

- Documentation of the depth of sediment in forebays and sediment basins and plans for removal of sediment if more than one (1) foot of sediment has accumulated.

Sign Off and Acceptance

Approval and release of performance bonds and/or letters of credit shall not occur until a final inspection by both the County Stormwater Management Engineer or Consultant and the Soil & Water Conservation District who shall verify that initial performance criteria have been met. This inspection will occur at the end of the three year monitoring period. When the performance standards have been met, the County shall allow the areas to be placed under the control of an approved conservation organization or homeowners

association to implement the long term management of the natural areas. In the event that conditions of performance criteria cannot be met, an alternative plan shall be prepared or a fee-in-lieu of payment, to be determined by the County, may be used to meet performance criteria standards. At the discretion of the Planning, Building and Zoning Administrator, the performance bond may be released in two stages: one for any required tree planting and other ornamental landscape plantings, and one for natural areas.

Enforcement and Penalties

A. Authorization to enter premises - The KCPBZ, the Kendall County Soil and Water Conservation District, and the County Engineer or consultant engineer are hereby authorized to make the necessary inspections to obtain compliance with this ordinance. For the purpose of making such inspections, the County official or representative is hereby authorized to request entry to any property at any reasonable time upon reasonable notice, for the purpose of determining compliance with this ordinance. Refusal of right to entry shall be cause for to seek the permission of the court for right of entry.

B. Notice to Abate - Upon investigation of the landscape open space areas by the County, if he/she determines that the landscape does not comply with the approved plans and this ordinance, he/she shall issue a written notice detailing areas of non-compliance within a reasonable amount of time to be determined by the KCPBZ. A follow-up inspection will then be made in an effort to ensure that compliance has been achieved. Depending on the nature and conditions of the violation(s) and/or responsible party, a series of follow-up inspections may be necessary to achieve total compliance. However, a final date by which all violations are to be fully resolved shall be established and adhered to.

   If it is determined that the condition constitutes an immediate and serious threat to the health and safety of the population, the KCPBZ may approach the court for an immediate abatement order.

C. Failure to Abate Condition - Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a petty offense punishable by a fine not to exceed $500 for each week the violation remains uncorrected constituting a separate offense; which penalties shall be assessed in accordance with the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law.

Professional Land and Property Management

In identifying both short- and long-term management responsibilities for open space and natural areas, the applicant shall identify a management entity with demonstrated experience and qualifications in natural land management and ecologic stewardship. Such entity may be a public or not-for-profit conservation agency. Alternatively, the entity may be a professional natural land management specialist or company.

In identifying the institutional arrangements for the management entity, the applicant's stewardship plan shall address responsibilities for each of the following institutional provisions. These provisions shall be in place prior to any turn-over of the property from the applicant to the HOA or other management entity.

- enforcement of CCR's and the Stewardship Plan
- proper budgeting and managing finances for HOA or easement holders
- collection of dues and/or fees
- filing of required reports and taxes
- education and communication with residents
- insurance and risk management
- maintenance of proper reserves
- outsourcing, including evidence of a maintenance contract with a qualified natural land management specialist or company if appropriate.

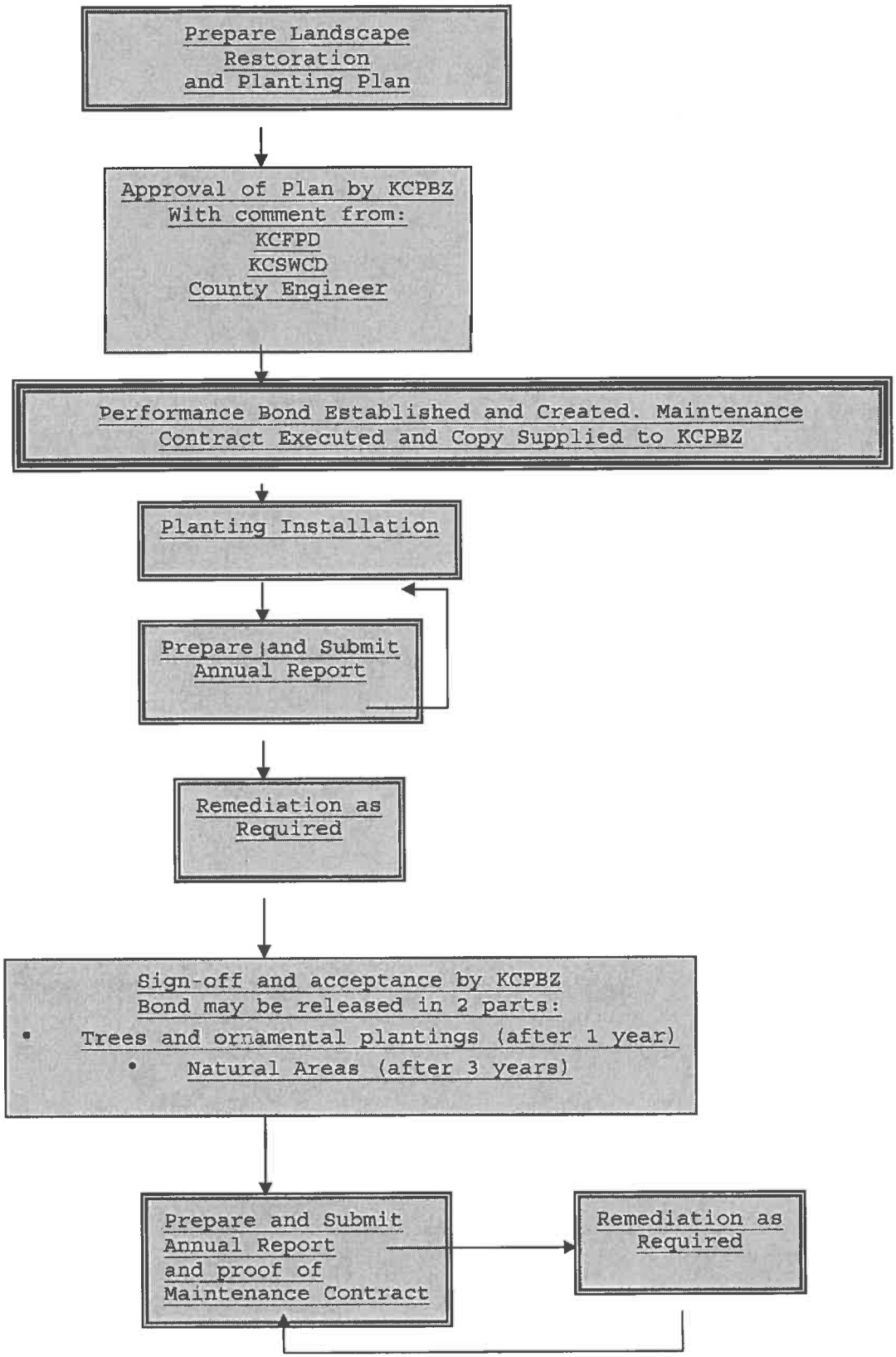
Long Term Monitoring and Management

- Long-term monitoring, consistent with the criteria specified above, shall be performed on an annual basis in perpetuity. Monitoring reports shall be submitted to the County for review and approval by July 31st of each year. The monitoring report shall be accompanied by an annual inspection fee as established by the KCPBZ office.

- Continued ecological management shall be provided to maintain a diverse native plant community, consistent with performance criteria, to minimize the proliferation of weeds and undesired woody vegetation, and to prevent erosion. At a minimum, the site shall continue to meet the vegetation performance standards of the 3rd season, as specified above, with regard to erosion control, vegetation coverage, species diversity, and control of invasive species. Long term maintenance shall consist of controlled burning, generally every one to three years or as dictated by site conditions. To maintain the established native plant communities, spot control and application of herbicides shall be performed, as necessary.

- Long-term maintenance shall include the removal of trash or debris and the removal of obstructions from detention basin outlet structures. Periodic removal of accumulated sediment from swales, forebays, and settling basins shall be done to maintain the function and aesthetics of stormwater facilities. At a minimum, sediment shall be removed from forebays and sediment basins when one (1) or more feet of sediment has accumulated.

Restoration, Planting, Maintenance and Monitoring Process



APPENDIX NINE - A - NATIVE PLANTING RESOURCES

Suggested references for restoration and natural landscaping include:

Illinois Nature Preserve Management Guidelines, Illinois Nature Preserves Commission. http://dnr.state.il.us/INPC/Management_guidelines.htm

Tallgrass Restoration Handbook, for Prairies, Savannas, and Woodlands, S. Packard and C. Mutel, Society for Ecological Restoration, 1997.

Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois, USDA Natural Resources Conservation Service, 2004. http://www.il.nrcs.usda.gov/technical/plants/npg/NPG-toc.html

Natural Landscaping for Local Officials: Design and Management Guidelines, Northeastern Illinois Planning Commission, 2004. http://www.nipc.org/environment/sustainable/naturallandscaping/installation%20and%20maintenance%20guide.pdf

Plants of the Chicago Region, F. Swink and G. Wilhelm, the Morton Arboretum, Published by the Indiana Academy of Science, 1994.

Kane County Wild Plants & Natural Areas, 3rd Edition, D. Young, 2008