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**THE VILLAGE OF ROSELLE**  
DUPAGE AND COOK COUNTIES, ILLINOIS

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**ORDINANCE**  
NUMBER 2025-4392

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**AN ORDINANCE  
AMENDING SECTION 6-8 OF  
THE ZONING CODE OF  
THE VILLAGE OF ROSELLE**

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DAVID PILESKI, Mayor  
JENNIFER THEODORE, Village Clerk

TOM DELLA PENNA  
WAYNE D. DOMKE  
DENA FORSYTHE  
CHERYL LENISA  
TOM PIORKOWSKI  
LEE TREJO

Village Board

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Published in pamphlet form by authority of the  
Mayor and the Board of Trustees of the Village of Roselle  
on this the 27th day of May, 2025

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**ORDINANCE NO. 2025-4392**

**AN ORDINANCE  
AMENDING SECTION 6-8 OF  
THE ZONING CODE OF  
THE VILLAGE OF ROSELLE**

**WHEREAS**, the Village of Roselle (hereinafter the “Village”) is a municipal corporation pursuant to the Illinois Municipal Code and the Constitution of the State of Illinois;

**WHEREAS**, the Village has in full force and effect a codified set of ordinances which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Roselle, as amended;

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the health, safety and welfare of its residents;

**WHEREAS**, the Corporate Authorities of the Village desire to amend the Village Code to provide for certain protections allowing for the preservation of trees and green space within the Village;

**WHEREAS**, the Village desires to amend its Zoning Code to update the regulations regarding tree preservation;

**WHEREAS**, on October 1, 2024, the Village Planning and Zoning Commission (hereinafter referred to as the “Commission”) conducted a public hearing identified as PZ Case No. 24-1128 to consider amending the Zoning Code regulating tree preservation, and as a result of said hearing the Commission has issued a recommendation regarding the matter, all pursuant to proper notice and in compliance with the laws of the State of Illinois and Ordinances of the Village; and

**WHEREAS**, the Corporate Authorities find that the approving the amendment to the zoning code will have no detrimental impact on the health, safety or welfare of the public in general and further states that said amendment is in the best interests of the residents of the Village of Roselle.

**NOW, THEREFORE, BE IT ORDAINED**, in open meeting assembled, by the Mayor and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois, pursuant to the Village’s “Home Rule” powers as follows:

**Section One – Recitals**

The Board of Trustees hereby find that all of the recitals hereinbefore stated as contained in the preamble to this ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this ordinance as legislative findings.

## Section Two – Amendment to Zoning Code Section 6-8

Section 6-8 of the Village of Roselle Code of Zoning Code shall be repealed in its entirety and replaced as follows (additions appearing underlined and any deleted language appearing with a ~~strike-through~~ line):

### Section 6-8 Tree Preservation

Removal and replacement of trees shall be regulated by the following requirements of this Section.

- (a) Purpose: The preservation, protection and replacement of trees under this subchapter is intended to protect and enhance resident's quality of life and conserve the Village's physical and aesthetic environment by:
- (1) Providing a buffer and screen against unattractive views, noise, light and pollution;
  - (2) Reducing air pollution through removal of carbon dioxide and generation of oxygen.
  - (3) Maintaining each property owner's enjoyment of their property;
  - (4) Protecting and enhancing the natural environment;
  - (5) Preventing or minimizing soil erosion and sedimentation;
  - (6) Controlling stormwater run-off; and
  - (7) Protecting existing healthy trees during the course of construction and development
- (b) Applicability.
- (1) Tree Removal Permit:
    - (A) Protected Trees: Any tree having a diameter at breast height (dbh) of eight inches (8") or greater and is in "fair" or better condition and the species is not listed on the Prohibited Tree list, shall be designated as a Protected Tree. Any tree that does not meet the definition of Protected Tree does not need a permit for removal.
    - (B) A Tree Removal Permit is only required when a Protected Tree is being removed as part of a Tree Preservation and Removal Plan as defined in Section 6-8-B-2. A tree removal permit is not required for removal of individual Protected Trees when a Tree Preservation and Removal Plan is also not required.
    - (C) When tree removal is required by any development requiring site plan review, submission of a Landscape Plan, Tree Preservation and Removal Plan, Site Plan, or Subdivision Plan, such plan shall constitute a Tree Removal Permit, provided the Zoning Administrator determines that all required information to constitute a complete submittal has been provided.
  - (2) Tree Preservation and Removal Plan Required: A Tree Preservation and Removal Plan shall be required for any parcel of land where Protected Tree(s) are proposed to be removed and subject to one or any of the following:
    - (A) A public hearing held by the Planning & Zoning Commission as required by the Village Zoning Code, or
    - (B) Site Plan Review as defined by Section 4-4-G of this Ordinance. All Tree Preservation and Removal Plans shall include the following:
      - (i) A tree survey identifying the following:
        - a. Location of on-site and adjacent right-of-way trees.



- (7) Underground Utility Lines: Any underground utility line approved by the Village for installation within five feet (5') of the trunk of a tree, or within the drip line of said tree, shall be installed by manual auguring unless another installation method shown to be safe for said tree is approved by the Zoning Administrator.
- (e) Removal of Trees to be Preserved: Removal of trees designated for preservation and/or transplanting shall only be allowed by amending the Tree Preservation and Removal Plan or Landscape Plan.
- (f) Tree Replacement Required: Any tree that is 1) intended to be removed, 2) unintentionally removed or damaged during construction shall be replaced as follows:
- (1) Trees Designated for Removal: Replacement of Protected Trees as indicated on a Tree Removal Permit, Tree Preservation and Removal Plan, Landscape Plan, or other submittal indicated removal of trees shall be such that the sum of the total number of new trees is equal to the sum total of number of Protected Trees removed.
- (2) Trees Designated for Preservation: In the event that a tree designated for preservation is destroyed, damaged, or removed during the construction process, the replacement of each tree shall be such that the sum of the total number of new trees is equal to the sum total of number of Protected Trees removed.
- (3) For each tree designated for preservation that is destroyed, damaged, or removed, the permit applicant, in addition to replacing such trees as required in Subsection 2 above, shall be subject to a fee equal to the current Village contract amount for tree planting. The collected fee-in-lieu shall be used to plant trees on public property at the Village's discretion.
- (4) Prohibited or Nuisance Trees: When a tree designated for removal is one of the species on the list of prohibited trees as maintained by the Village in accordance with Section 6-7 of the Village Zoning Code or when a tree is declared a nuisance tree, each such tree shall be replaced with one (1) new tree.
- (5) Replacement Tree Requirements:
- (A) All replacement shade trees shall have a minimum caliper of three inches (3").
- (B) All replacement coniferous trees shall have a minimum height of six feet (6').
- (C) Replacement trees may not include any tree on the list of prohibited trees in accordance with Section 6-7 of the Village Zoning Code.
- (D) A variety of tree species are encouraged to promote a diverse tree canopy and minimize the impact from disease and infestation, thus when five (5) or more replacement trees are required no more than eighty percent (80%) of the replacement trees shall be of one species type.
- (g) Fee In-Lieu: It may be impractical to plant the required number of replacement trees on the same zoning lot due to space limitations or the density of existing trees. Such determination may be made by the Zoning Administrator based on evidence provided by the applicant. If such is found to be the case the Village may allow the payment of a fee in-lieu for each replacement tree not planted on the subject property. Said fee shall be equal to the current Village contract amount for tree planting. The collected fee-in-lieu shall be used to plant trees on public property at the Village's discretion.
- (h) Failure To Comply: Should tree preservation precautions specified in the Tree Preservation and Removal Plan be not adequately undertaken before and maintained

during construction, the land development permit for the parcel shall not be issued or, if previously issued, shall be revoked until such time as these precautions have been satisfied.

- (i) Prohibited and/or Nuisance Trees: Any species on this list must be removed from the property as part of a Tree Preservation and Removal Plan and may not be replanted on the property.

<b>Common Name</b>	<b>Botanical Name</b>
<u>Amur Corktree</u>	<u>Phellodendron amurense</u>
<u>Ash</u>	<u>Fraxinus</u>
<u>Autumn Olive</u>	<u>Elaeagnus umbellata</u>
<u>Bradford Pear</u>	<u>Pyrus calleryana</u>
<u>Buckthorn</u>	<u>Rhamnus cathartica</u>
<u>Burning bush</u>	<u>Euonymus alatus</u>
<u>Female Mulberry</u>	<u>Morus ssp.</u>
<u>Honeysuckle</u>	<u>Lonicera periclymenum</u>
<u>Japanese barberry</u>	<u>Berberis thunbergii</u>
<u>Multiflora Rose</u>	<u>Rosa multiflora</u>
<u>Privet</u>	<u>Ligustrum</u>
<u>Siberian Elm</u>	<u>Ulmus pumila</u>
<u>Silver Maple</u>	<u>Acer saccharinum</u>
<u>Tree of Heaven</u>	<u>Ailanthus ssp.</u>
<u>Willow</u>	<u>Salix ssp.</u>

#### **Section Four – Codification**

The title, chapter(s) and section(s) adopted by this ordinance shall be numbered and placed in an appropriate title, chapter(s), and section(s) when and during the codification of the Roselle Municipal Code.

#### **Section Five – Home Rule Powers**

This ordinance represents an exercise of the home rule powers conferred upon the Village of Roselle by the Constitution of the State of Illinois. This ordinance is specifically intended to preempt any conflicting law, regulation, rule or other code provision to the extent permitted under the Constitution of the State of Illinois.

#### **Section Six – Effective Date**

That this ordinance shall take full force and effect from and after its passage, approval and publication as provided by law.

#### **Section Seven - Conflict Clause**

That all ordinances, parts of ordinances or board actions in conflict with the terms of this ordinance shall be repealed to the extent of said conflict.

**Section Eight - Passage Clause**

That this ordinance shall take full force and effect from and after its passage, approval and publication as provided by law.

**Section Nine - Constitutionality Clause**

Any part or parts of this ordinance declared by a court of law to be invalid or unconstitutional shall not affect the validity of the remaining provisions of this ordinance or the Roselle Municipal Code.

**Section Ten – Publication**

This ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

**Section Eleven – Recording**

This ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Roselle.

*The Remainder of this Page has been Intentionally Left Blank / Roll Call Vote to follow:*

**DECIDED** pursuant to a Roll Call Vote:

	YES	NO	ABSENT	ABSTAIN
Tom Della Penna	✓			
Wayne D. Domke	✓			
Dena Forsythe	✓			
Cheryl Lenisa			✓	
Tom Piorkowski	✓			
Lee Trejo	✓			
David Pileski (if necessary)				
TOTAL	5		1	

**PASSED AND APPROVED** by the Village of Roselle Board of Trustees on the 27th day of May, 2025:

\_\_\_\_\_  
David Pileski  
Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Theodore  
Village Clerk

STATE OF ILLINOIS        )  
   )  
 COUNTY OF DUPAGE        )        SS

**CLERK’S CERTIFICATION**

I, Jennifer Theodore, hereby certify that I am the duly elected and qualified Village Clerk in and for the Village of Roselle, DuPage and Cook Counties, Illinois; that I am the keeper of the files, records, and seal of said Village, and that the following is a true and correct copy of Ordinance No. 2025-4392.

**AN ORDINANCE  
 AMENDING SECTION 6-8 OF  
 THE ZONING CODE OF  
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adopted and approved by the Mayor and the Board of Trustees at an official meeting held on May 27, 2025 and that the vote on the motion for adoption was as follows:

	YES	NO	ABSENT	ABSTAIN
Tom Della Penna	✓			
Wayne D. Domke	✓			
Dena Forsythe	✓			
Cheryl Lenisa			✓	
Tom Piorkowski	✓			
Lee Trejo	✓			
David Pileski				
<b>TOTAL</b>	<b>5</b>		<b>1</b>	

I do further certify that the deliberations of the Board on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Village Code of the Village of Roselle, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

I further state that this Certification is issued under my hand and the seal of the Village of Roselle as required in the Illinois Municipal Code.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Corporate Seal of said Village of Roselle, DuPage and Cook Counties, Illinois on the date set forth herein.

\_\_\_\_\_  
 Jennifer Theodore, Village Clerk

(SEAL)