



City of Gahanna

200 South Hamilton
Road
Gahanna, Ohio 43230

Signature

Ordinance: ORD-0035-2021

File Number: ORD-0035-2021

AN ORDINANCE TO AMEND PART NINE, STREETS AND PUBLIC SERVICES CODE, CHAPTER 913, LANDSCAPING REQUIREMENTS, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

WHEREAS, the Administration is bringing forward a sidewalk maintenance program in order to update applicable standards for compliance, and guidelines for sidewalk repairs and replacement; and

WHEREAS, the new program will require updates to multiple code sections; and

WHEREAS, proposed changes to Chapter 913, Landscaping Requirements, will add specific references to sidewalks and multi-use paths in order to clarify instances of when and how the City may take action to address street trees; and

WHEREAS, the proposed changes will also replace the list of injurious plants to be referenced in the Comprehensive Landscape Plan, which has been reviewed by the Landscape Board.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. That Chapter 913, Landscaping Requirements, of Title One, Street and Sidewalk Areas, of Part Nine, Streets and Public Services Code, of the Codified Ordinances of the City of Gahanna, is hereby amended as set forth in EXHIBIT A, attached hereto.

Section 2. That existing Chapter 913, Landscaping Requirements, of Title One, Street and Sidewalk Areas, of Part Nine, Streets and Public Services Code, of the Codified Ordinances of the City of Gahanna, or any Ordinances or parts of Ordinances in conflict herewith, are hereby repealed.

Section 3. That this Ordinance shall be in full force and effect after passage by this Council and 30 days after date of signature approval by the Mayor.

At a meeting of the City Council on 8/2/2021, a motion was made by Stephen A. Renner, seconded by Michael Schnetzer, that this Ordinance be Adopted. The motion passed.

President

Brian D. Larick

Date

8/2/2021

Attest by

Krystal Gonchar, MPA
Clerk of Council

Date

8/2/2021

Approved by the Mayor 
Laurie A. Jadwin

Date 8-3-2021

Approved as to Form 
Raymond J. Mularski
City Attorney

Date 8-3-2021

CHAPTER 913 Landscaping Requirements¹

Sections:

913.01 INTENT.

The intent of this Chapter is to improve the appearance of vehicular use areas and property abutting public right-of-way; to require buffering between noncompatible land uses; and to protect, preserve and promote the aesthetical appeal, character and value of the surrounding neighborhoods; to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature and artificial light glare.

(Ord. 0107-2011. Passed 6-20-11.)

913.02 PURPOSE.

It is further the purpose of this Chapter to specifically promote the preservation and replacement of trees and significant vegetation removed in the course of land development, and to promote the proper utilization of landscaping as an easement between certain uses to minimize the opportunities of nuisances.

(Ord. 0107-2011. Passed 6-20-11.)

913.03 CITY AND LANDSCAPE BOARD RIGHTS.

- A The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenue, lanes and other rights-of-way or easements as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty.
- B The Director of Public Service and Engineering and/or Director of Parks and Recreation and/or their designees may cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, sidewalks, multi-use paths or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of street trees by adjacent property owners provided that the selection and location of such trees is in accordance with the provisions of this Chapter. A right-of-way permit must be obtained before any work may take place in the right-of-way.
- C The Director of Public Service and Engineering and/or Director of Parks and Recreation and/or their designees will notify in writing the owners of such trees. Removal shall be done by such owners at their own expense within 60 days after the date of service of notice.
- D In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

(Ord. 0107-2011. Passed 6-20-11; Ord. No. 0032-2016, § 1(Exh. A), 4-18-16; Ord. No. 0096-2018, § 1(Exh. A), 12-3-18)

¹Cross reference(s)—Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20;Assessment for tree planting or maintenance - see Ohio R.C. 727.011;Injury or destruction - see GEN. OFF. 541.06Cross reference(s)—

913.04 DEFINITIONS.

- A The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this Section. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, words in the plural number include the singular; "occupied" includes arranged, designed or intended to be used; "shall" is always mandatory and not merely directive; "may" is permissive; "lot" includes plot or parcel:
- (1) *Accessory use or building* means a use or a structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental thereto.
 - (2) *Board* means the City Landscape Board.
 - (3) *Injurious plants* means trees that are prone to disease, seek water (trouble for water and sewer lines), are soft wood trees, and prone to pest and need room for roots to grow and a curb lawn does not provide enough room. Some of the trees have thorns and some won't tolerate snow, salt and sand that could affect it during the winter: (Refer to the Comprehensive Landscape Plan for a list of injurious or prohibited plants)
 - (4) *Interior landscaping* means the use of landscape materials within the innermost boundaries of the landscape buffer zone and perimeter landscaping.
 - (5) *Landscape buffer zone* means that area adjacent to any vehicular use area or along common boundaries in which the perimeter landscape requirements are to be met.
 - (6) *Large tree* means any tree species which normally attains a full grown height in excess of 50 feet.
 - (7) *Medium tree* means any tree species which normally attains a full grown height of between 25 feet and 50 feet.
 - (8) *O.F.T.* means or fraction thereof.
 - (9) *Opacity* means an imaginary vertical plane extending from the established grade to a required height of which a required percentage of the vertical plane shall be visually screened from adjacent property use.
 - (10) *Park trees* means those trees, shrubs, bushes and all other woody vegetation in public parks which have individual names, and all areas owned by the City or to which the public has free access to as a park.
 - (11) *Parking area or structure* means an off-street area or structure, for required parking or loading spaces, including driveways, accessways, aisles, parking or loading spaces, including driveways, accessways, aisles, parking and maneuvering space, but excluding required front yard or public right-of-way.
 - (12) *Parking lot or structure* means an off-street area or structure, other than the parking or loading spaces or areas required or permitted under the Zoning Ordinance, for the parking of automobiles, and available to the public customarily for a fee.
 - (13) *Perimeter landscaping* means the use of landscape materials within the landscape buffer zone to achieve the required opacity.
 - (14) *Person* means any person, corporation, partnership, company, contracting firm or other entity.
 - (15) *Pruning* means to cut branches, stems, etc. from a plant to improve shape and growth.
 - (16) *Small tree* means any tree species which normally attains a full grown height under 25 feet.
 - (17) *Street trees* means those trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the City.

- (18) *Topping* means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.
- (19) *Treelawn* means that part of a street not covered by sidewalk or other paving, lying between the property line and that portion of the street right-of-way that is paved and usually used for vehicular traffic.
- (20) *Vehicular use area* means any area used by vehicles.

(Ord. 0107-2011. Passed 6-20-11; Ord. No. 0032-2016, § 1(Exh. A), 4-18-16)

913.05 SITE AFFECTED.

- A *New Sites.* No certificate of zoning compliance or occupancy permit shall be issued hereafter for any site development or the construction or improvement of any building, structure or vehicular use area except where landscaping for such development, construction or improvement shall have been approved as required by the provisions of this Chapter.
- B *Existing Sites.* No building, structure or vehicular use area shall be constructed or expanded, unless the minimum landscaping required by the provisions of this chapter is provided for the property unless the alteration or expansion is substantial, (any additional construction equal to 25 percent of the existing area of the structure or new use area) in which case, landscaping shall be provided as hereafter required in this Chapter.

(Ord. 0107-2011. Passed 6-20-11.)

913.07 LANDSCAPE MATERIALS, SPACING AND LOCATION.

The City Landscape Board Planning Commission approval must be obtained prior to execution of landscaping. The proposed landscape materials should complement the form of the existing trees and plantings, as well as the development's general design and architecture. The type of shade or sun should be considered in selecting plant materials. Landscaping materials shall consist of, but are not limited to, the following:

- A *Walls and Fences.* Walls and fences should comply with Chapter 1171 of the Codified Ordinances of Gahanna. For any proposed new building, residential or otherwise, where stone fencing exists, such stone fencing shall be retained and improved as part of the approved landscaping.
- B *Earth Mounds.* Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. When earth mounds are combined with walls or fences, the combined height shall not exceed six feet. A difference in elevation between areas requiring screening does not constitute an existing earth mound, and shall not be considered as fulfilling any screening requirement.
- C *Plants.* All plant materials shall be living plants (artificial plants are prohibited) and shall meet the following requirements:
 - (1) *Quality.* Plant materials used in conformance with provisions of this chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under state regulations.
 - (2) *Deciduous trees.* Deciduous trees, those which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than 15 feet in Central Ohio and having trunk(s) which can be maintained with over five feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where eight foot clear wood mature spread of crown less than 15 feet may be substituted by groupings of the same so as to

create the equivalent of a 15 foot crown spread. A minimum of ten feet overall height or a minimum caliper (trunk diameter, measured six inches above ground for trees up to four inches caliper) of at least one and one-fourth inches immediately after planting shall be required. Trees on the injurious plant list shall not be planted closer than 15 feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four inches thick, reinforced concrete.

- (3) *Evergreen trees.* Evergreen trees shall be a minimum of six feet high with a minimum caliper of one and one-fourth inches immediately after planting.
- (4) *Shrubs and hedges.* Shrubs and hedges shall be at least 18 inches in average height when planted, and shall conform to the opacity and other requirements within four years after planting.
- (5) *Vines.* Vines shall be at least 12 inches or 15 inches high at planting, and are generally used in conjunction with fences.
- (6) *Grass or ground cover.* Grass (of the fescus (Gramineak) or Bluegrass (Poaceae) family) shall be planted in species normally grown as permanent lawns in Central Ohio, and may be sodded, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted in such a manner as to present a finished appearance and 75 percent of complete coverage after complete growing seasons, with a maximum of eight inches on center. In certain cases, ground cover also may consist of rocks, pebbles, sand, and similar approved materials.

(Ord. 0107-2011. Passed 6-20-11; Ord. No. 0032-2016, § 1(Exh. A), 4-18-16)

913.08 INSTALLATION, MAINTENANCE AND PRUNING.

All landscaping materials shall be installed in a sound, workmanship like manner, and according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material installed per approved development plans shall be replaced within one year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three months.

(Ord. 0107-2011. Passed 6-20-11.)

913.09 PROTECTION OF TREES.

- A All trees and shrubs on any street or other publicly owned property near any excavation or construction of any building or structure, shall be guarded with a good substantial fence, frame or box, not less than four feet high and eight feet square, or at a distance in feet from the tree or shrub equal to the diameter of the trunk in inches at five feet above grade, whichever is greater. All building material, dirt or other debris shall be kept outside the barrier and shall be removed upon completion by the company or person doing such work.
- B No person shall excavate any ditches, tunnels, trenches or lay any drive within a radius of ten feet from any public tree or shrub without first obtaining written permission from the City.

(Ord. 0107-2011. Passed 6-20-11; Ord. No. 0032-2016 , § 1, 4-18-16)

913.10 STREET TREE PLANTING REQUIREMENTS.

- A These requirements shall apply to ER-1, ER-2, SF-1, SF-2, SF-3, MR-1, AR, SO, CC, CS, PCC, PID, and all planned districts, as well as all public lands within the City limits.
- B The subdivider or developer of property within the City shall pay a fee for the planting of street trees. This fee shall be placed in a Street Tree Fund and shall be used for the sole purpose of street tree planting and maintenance within the City. This fee shall be based on the amount of linear lot front footage for the subdivision, plus any lot front footage on existing streets. This fee shall be established as five dollars (\$5,00) per linear foot of lot front footage as measured at the public right-of-way. This fee shall be placed in a Street Tree Fund established by the City, and the money in this Fund will be used for yearly bid contracts for the planting of street trees as shown on the approved street tree plans for approved subdivisions within the City, as well as areas in need of street trees as indicated by the Landscape Board. The fee shall be paid by the developer prior to the acceptance of the appurtenances and improvements of the subdivision by Council. No funds shall be expended for other areas until the approved street tree plan has been completed for the approved subdivision. Funds shall be held for a two-year period after completion of the subdivision before funds can be used for other planting purposes.
- C The Landscape Board shall have the responsibility for the review of the street tree plans for the City, and the creation of tree planting standards. The developer of subdivisions shall propose his/her own plan for approval by the Landscape Board. The developer shall submit ten sets of street tree plans to the Landscape Board for approval at the time of final plat. The street tree plan shall be approved prior to the construction of the subdivision. The Landscape Board shall notify the City Engineer of approval of any street tree plan.
- D The following information shall be present on any street tree plan:
 - (1) Street and lot layout of the subdivision.
 - (2) Tree location showing minimum and maximum spacing.
 - (3) Type of tree(s) proposed for the subdivision by street.
 - (4) Landscape plan for entry features or cul-de-sac circles if in public right-of-way.
 - (5) Proposed utility locations.
 - (6) Width of tree lawn.
 - (7) Any other information deemed necessary by the Landscape Board.
- E The following minimum requirements shall be followed for any proposed street tree plan, unless the Landscape Board finds that the minimum requirements cannot be met:
 - (1) The minimum spacing between this and other trees is 45 feet (large trees), 35 feet (medium trees) and 25 feet (small trees).
 - (2) A street tree shall be planted one-half the distance between the curb and the sidewalk.
 - (3) The tree location is to be at least 20 feet from driveways and street intersections and ten feet from fire hydrants and utility poles. Cul-de-sac street trees will be located at the individual appropriate discretion of the City Landscape Board.
 - (4) If a tree is planted, a small tree is to be used when planting under or within ten lateral feet of overhead utility wires. A small or medium tree is to be used when planting within ten or 20 lateral feet of overhead utility wires.
 - (5) The trunk caliper measured at six inches above the ground for all street trees shall be no less than one and one-half inches and no longer than two and one-half inches.

F *Height of Limbs Over Sidewalks and Streets.* Any portion of a tree extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than eight feet above the sidewalks. Any portion of a tree extending over streets shall be trimmed to a minimum of 15 feet so as not to interfere with the normal flow of traffic.

G *Utilities.* The Landscape Board shall determine those species of trees, shrubs and plantings which may not be planted and maintained under or within ten feet laterally of any overhead utility wire, or above or within five feet laterally of any underground water line, sewer line, distribution line or other public utility service on public property or utility or drainage easements within the City.

No tree, shrub or other planting shall be located so as to prevent or hinder proper access to water and gas shut-off valves, fire hydrants, sanitary and storm sewer manholes, communication system terminals, electric service disconnects or other controls and devices to which immediate access may be required under emergency conditions.

H *Reducing Tree Lawn.* Unless directed by the City of Gahanna, no person shall by any type of construction reduce the size of a tree lawn without first procuring permission from the Landscape Board.

I *Species not Permitted to be Planted on Public Property or Utility or Drainage Easements within the City.* Trees prohibited from being planted in the street tree lawn, or within a drainage or utility easement, are defined in the City's Comprehensive Landscape Plan.

J *Abuse or Mutilation of Trees.* It shall be a violation of this chapter to abuse, destroy or mutilate any tree, shrub or plant in a public tree lawn or any other public place, or to attach or place any rope or wire other than one used to support a young or broken tree. No signs of any kind shall be attached to any tree in a public tree lawn or other public place. No gaseous, liquid, or solid substance which is harmful to such trees, shrubs or plants shall be allowed to come in contact with their roots or leaves, or to set fire or permit fire to burn when such fire or heat thereof will injure any portion of any tree or shrub.

- (1) No person shall deposit, place, store or maintain upon public places of the City, any stone, brick, sand, concrete, wood or other materials which may impede the free passage of water, air or fertilizer to the roots of any tree growing therein, except by written permit from the Landscape Board.
- (2) No person, business entity, or City department shall top any tree located on public property unless such action is first specifically approved by the Director of Public Service and Engineering and/or Director of Parks and Recreation and/or their designees.
- (3) A person or business entity who holds a grant of right-of-way by easement or otherwise or a City department may prune or top trees located on public property which might interfere with or endanger the safe and efficient operation of a service provided by such person, firm or City department.

(Ord. 0107-2011. Passed 6-20-11; Ord. No. 0069-2015 , § 1(Exh. A), 7-6-15; Ord. No. 0032-2016, § 1(Exh. A), 4-18-16)

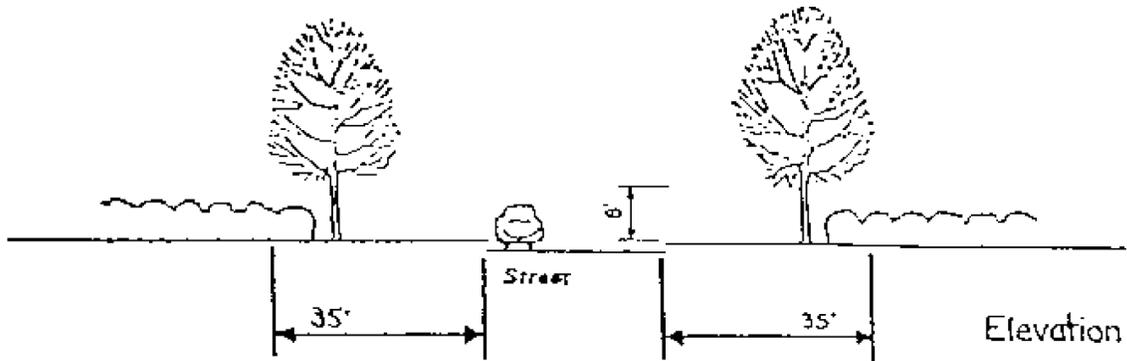
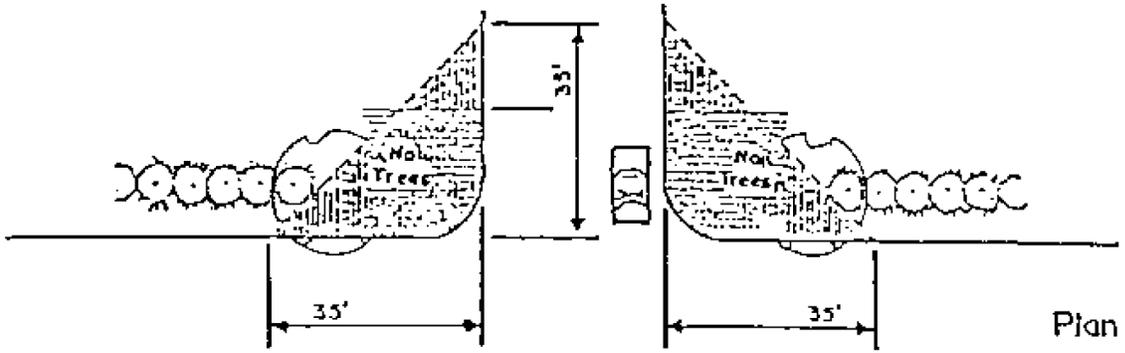
913.99 PENALTY.

A A person who removes, damages or causes to be removed a public tree, shrub or lawn cover from the tree lawn or other public place without permission from the City of Gahanna will be required to replace such trees at his own expense, with the replacement tree having a minimum diameter of one and one-half inches.

B Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor on a first offense and shall be guilty of a misdemeanor of the fourth degree upon the commission of any subsequent offenses.

C Each tree, shrub or planting affected by a violation of this chapter shall constitute a separate offense.

(Ord. 0107-2011. Passed 6-20-11.)



(Ord. No. 0032-2016, § 1(Exh. A), 4-18-16)