

CHAPTER 1280
Landscaping and Environmental Preservation

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CROSS REFERENCES

Division of municipal corporation into zones - see Ohio R.C. 713.06
 Notice and hearing on municipal zoning regulations - see Ohio R.C. 713.12
 Effect of zoning on laws and charters - see Ohio R.C. 713.14
 Retroactive zoning ordinances prohibited - see Ohio R.C. 713.15
 Erosion and sedimentation control - see P. & Z. Ch. 1224
 Removal of trees - see B. & H. 1464.05
 Topsoil, loam, sand and gravel removal - see B. & H. Ch. 1486
 Landscaping re landfill operations - see B. & H. 1468.11
 Maintenance of landscaping - see B. & H. 1490.08(b), 1490.09(a)

1280.01 INTENT.

The landscaping and environmental preservation regulations are established to achieve, among other things, the following purposes:

- (a) To ensure open areas on developed lots are adequately and attractively landscaped and maintained.
- (b) To ensure that residential areas are adequately screened and buffered from adjoining nonresidential developments.
- (c) To prevent undue erosion of soil, interference with drainage and the natural water supply and an unreasonable loss of trees prior to, and during, any construction work.

(Ord. 73-94. Passed 10-4-94.)

1280.02 GENERAL PROVISIONS.

The following general provisions shall apply to landscaping in all zoning districts.

- (a) Landscaping, trees, and plants required by landscaping regulations found within each zoning district shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees and plants which are in a condition that does not fulfill the intent of the zoning district's landscaping regulations shall be replaced by the property owner during the next planting season for the particular plant material.
- (b) A screening fence or wall required in a zoning district shall be maintained by the property owner in good condition through the period use of the lot.
- (c) All landscaping, trees, and planting material adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs, or other means from damage by vehicles.
- (d) To the extent possible, existing trees, vegetation, and unique site features shall be retained and protected.
- (e) Where lot size and shape or existing structures make it infeasible to comply with the zoning district's landscaping regulations, the Planning Commission may approve the substitution of planters, plant boxes or pots containing trees, shrubs and/or flowers to comply with the intent of these regulations.
(Ord. 73-94. Passed 10-4-94.)

1280.03 STANDARDS FOR LANDSCAPING AND BUFFER STRIPS.

Except in situations where different zoning districts abut, landscape features such as hedges, trees, shrubs, and yard structures, such as vertical trellis, fences, walls, pools, and outdoor fireplaces, may be permitted in a required yard, but subject to the following limitations and in the following manner:

- (a) The unpaved or unimproved portions of required front yards, side yards, rear yards and other open spaces of all lots in all zoning districts which are not in a natural wooded state or in which the natural state has been disturbed by grading or filling, shall be landscaped with sod, seed, or other horticultural materials within six months from the date of issuance of a certificate of occupancy. This provision shall not be construed to prohibit private gardening, greenhouses or farming operations.
- (b) All fences and walls shall be constructed in such a manner so as to have the finished side facing out.

- (c) Fences or hedges along a side lot line between the building setback line and the street line shall not exceed more than three feet above the finished grade, provided that in the case of a fence, at least seventy-five percent of the vertical surface is open to light and air and such fence is uniformly painted and well maintained. In the case of a corner lot, landscape features may be located within a triangle formed by lines drawn between points on the front and side lot lines twenty-five feet from their intersection, measured along the side line of the streets, provided the normal sight lines within a vertical height band of two and one-half feet to six feet above the curb level are not obstructed except for posts or tree trunks free of branches. (Ord. 13-95. Passed 3-21-95.)
- (d) All landscape features and yard structures are permitted in the rear yard. Fences, walls or hedges may be permitted along the side and rear yard lot line to a height of not more than six feet above finished grade, provided such fence is well maintained. (Ord. 34-95. Passed 6-6-95.)
- (e) Fences and walls over three feet in height and all accessory buildings shall require a building permit.
- (f) All required buffer strips shall be landscaped with sod, seed, or other horticultural materials.
- (g) One evergreen tree shall be planted for every fifteen feet of length of the buffer strip. In addition to the evergreen trees, one deciduous tree shall be planted for every thirty feet of length of buffer strip. For landscaping and buffer yards within the required front yard, three accent shrubs for every ten feet of length of buffer shall be planted in addition to the required evergreen trees and deciduous trees. (See subsection (i) hereof for a list of suggested plantings.)
- (h) In no case shall a fence, shrub, or evergreen be located within three feet of the right-of-way line.
- (i) Suggested plantings for landscaping buffer strips shall be as follows:

| Suggested Plantings | Required Size for Planting Stock | | | | | | | | | | | | |
|--|---|------------|-------------------------|---------------|------------------------|-------------|------------------------------|-----------|--|---------|--|------|--|
| <p>Evergreen Trees: Canadian Hemlock Japanese Black Pine White Pine</p> | <p>All evergreen trees shall be a minimum of six to eight feet in height.</p> | | | | | | | | | | | | |
| <p>Deciduous Ornamental Trees: Flowering Crabapple Flowering Cherry Smoke Bush Clump Birch Dogwood Redbud Rose of Sharon</p> <p>Accent Shrubs: Viburnum Mock Orange Butterfly Bush</p> <p>Spirea Cottoneaster</p> | <p><u>Required Size of Planting Stock</u></p> <p>All deciduous ornamental trees shall be a minimum caliper of one and three-quarter (1 3/4) inches.</p> <p>All deciduous shrub plantings shall be a minimum of two to three feet in height.</p> | | | | | | | | | | | | |
| <p><u>Trees that are not permitted in off-street parking areas or buffer strips:</u></p> <table border="0"> <tr> <td>Box Elders</td> <td>Poplars and Cottonwoods</td> </tr> <tr> <td>Silver Maples</td> <td>Chinese Tree of Heaven</td> </tr> <tr> <td>Fruit Trees</td> <td>All thorned trees and shrubs</td> </tr> <tr> <td>Nut Trees</td> <td></td> </tr> <tr> <td>Willows</td> <td></td> </tr> <tr> <td>Elms</td> <td></td> </tr> </table> | | Box Elders | Poplars and Cottonwoods | Silver Maples | Chinese Tree of Heaven | Fruit Trees | All thorned trees and shrubs | Nut Trees | | Willows | | Elms | |
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(Ord. 13-95. Passed 3-21-95.)

1280.04 REMOVAL OF SOIL; REQUIREMENTS BEFORE PERMIT ISSUED.

(a) No person shall strip and remove or permit the stripping and removal of any topsoil, loam, sand, gravel, or other substance from any land in any use district unless he or she is the holder of, or in accordance with, a permit issued pursuant to the provisions of this section. Any person, firm, or corporation desiring such a permit shall file with the Building Inspector a written application giving the following information:

- (1) The full name and address of the applicant; in the case of a partnership, the name and address of each partner; and in the case of a corporation, its principal officers;
- (2) A description of the land on which such operations are to take place;

- (3) When such operations are to commence and be completed;
- (4) The method of stripping and removal;
- (5) The depth of such loam, topsoil, sand, gravel or such other substance in or upon such land;
- (6) The amount proposed to be stripped or removed and the amount to remain;
- (7) The method of drainage during operations and after completion;
- (8) The topography of the land after removal;
- (9) What reseeded or replanting is to be done after completion;
- (10) The ultimate use to be made of the land after removal;
- (11) A statement that the applicant will bear the expense of a Village inspector and can post a performance bond as required herein; and
- (12) Such information as the Building Inspector may deem proper.

Where the applicant is not the owner, written consent for such operation by the owner must be filed with the application.

(b) After investigating such application, the Building Inspector shall forward the same, together with his or her report, to the Board of Zoning Appeals, which shall set the matter down for public hearing in accordance with the procedure provided herein for the granting of applications for similar uses, conditional uses, and changing from one nonconforming use to another. Upon the hearing of such application, the Board shall give the same consideration to the same rules and regulations set forth under Chapter 1264 for the granting of applications for similar uses, conditional uses, and changing to a new nonconforming use. If the Board determines that the granting of such application will not act adversely to the public health, safety and welfare of the Village, it shall grant such application, and in granting the same may attach such conditions relating to the method of stripping and removal, the term of the permit, the amount of loam, topsoil, sand, gravel or other substance to be removed, the reseeded and replanting after completion, the drainage of the land during and after such operations, and such other conditions as the Board may deem reasonable and proper for the protection of the public health, safety and welfare of the Village. All such conditions shall be made part of the permit, shall be endorsed thereon and shall constitute limitations thereon. In the case where topsoil or loam is to be removed, at least three inches shall be left on the land not to be stripped or removed.

(c) The granting of such application shall be subject to the provisions of Section 1264.05(e), providing for the disapproval of the same by Council.
(Ord. 73-94. Passed 10-4-94.)

1280.05 REMOVAL OF TREES; REQUIREMENTS BEFORE PERMIT ISSUED.

(a) In order to prevent undue soil erosion, pollution of natural waterways, and interference with drainage and the natural supply of water, no person shall remove or destroy or permit such removal or destruction by cutting, burning, bulldozing, or by any other means, trees having a diameter of four inches or more measured at a distance of six inches above the ground

level from any land in any use district, unless he or she is the holder of, or in accordance with, a permit issued pursuant to the provisions of this section.

These regulations shall apply only to the removal or destruction of trees located on land that remains in a natural state of growth, such as entire parcels, portions of parcels, and buffers.

These regulations do not apply to the following:

- (1) Land that has been landscaped; and
- (2) Trees which are dead.

(b) Any person, firm, or corporation desiring such a permit shall file with the Building Inspector a written application giving the following information:

- (1) The full name and address of the applicant; in the case of a partnership, the name and address of each partner; and in the case of a corporation, its principal officers;
- (2) A description of the land on which such operations are to take place;
- (3) When such operations are to commence and be completed;
- (4) The method of removal or destruction;
- (5) The number, dimension, common name, and location of all trees upon such land having a diameter of four inches or more measured at a distance of six inches above the ground level;
- (6) The number, dimension, common name, and location of all trees upon such land having a diameter of four inches or more measured at a distance of fourteen inches above the ground level proposed to be removed or destroyed, and the same information for trees that are to remain;
- (7) What reseeded or replanting is to be done after completion;
- (8) The ultimate use to be made of the land after removal;
- (9) A statement that the applicant will bear the expense of a Village inspector and can post a performance bond as required herein; and
- (10) Such information as the Building Inspector may deem proper.

Where the applicant is not the owner, written consent for such operation by the owner must be filed with the application. (Ord. 73-94. Passed 10-4-94.)

(c) After investigating such application, the Building Inspector shall give the same consideration to the same rules and regulations set forth under Chapter 1264 for the granting of applications for similar uses, conditional uses, and changing to a new nonconforming use. If the Building Inspector determines that the granting of such application will not act adversely to the public health, safety and welfare of the Village, he or she shall grant such application, and in granting the same may attach such conditions relating to the method of removal and destruction, the term of the permit, the number of trees to be removed or destroyed, the reseeded and replanting after completion, and such other conditions as the Building Inspector may deem reasonable and proper for the protection of the public health, safety and welfare of the Village. All such conditions shall be made a part of the permit, shall be endorsed thereon and shall constitute limitations thereon. (Ord. 50-96. Passed 7-2-96.)

(d) The granting of such application shall be subject to the provisions of Section 1264.05(e), providing for the disapproval of the same by Council.
(Ord. 73-94. Passed 10-4-94.)

