

TITLE ONE - Street and Sidewalk Areas

CHAPTER 903 - Sidewalk Construction¹¹

Sections:

Footnotes:

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Cross reference— Construction or repair at owner's expense - see Ohio R.C. 729.01 et seq.; Notice to construct or repair sidewalks - see Ohio R.C. 729.03

903.01 - PLANS AND SPECIFICATIONS.

All sidewalks constructed within public right-of-way in the City shall be made and constructed in accordance with the latest edition of the City of Columbus Standard Construction Drawings for sidewalk and Federal ADA Guidelines. Construction shall be made according to the requirements of the City of Columbus Construction and Materials Specifications in force at the time of construction (as determined applicable by the Inspector), a copy of which is on file in the City Engineer's Office.

(Ord. 34-62. Passed 11-5-62; Ord. No. [0032-2016](#), § 1(Exh. A), 4-18-16)

903.02 - RESERVED.

Editor's note— Ord. No. [0032-2016](#), § 1(Exh. A), adopted April 18, 2016, repealed § 903.02, which pertained to exhibit a attached to building permit and derived from Ord. 34-62. Passed 11-5-62.

903.03 - WIDTH OF SIDEWALKS.

Sidewalks are to be four feet in width in residential districts. In all other districts, sidewalk widths are to be governed by the City Engineer.

(Ord. 34-62. Passed 11-5-62; Ord. No. [0032-2016](#), § 1(Exh. A), 4-18-16)

903.04 - PERMIT FEE.

The fee for a sidewalk permit shall be in accordance with the Building and Zoning Fee Schedule.

(Ord. 17-69. Passed 5-19-69; Ord. No. [0032-2016](#), § 1(Exh. A), 4-18-16)

903.05 - GUARANTEE OF BUILDER, OWNER.

Sidewalks must be guaranteed by the builder or owner for a period of one year for construction and material.

(Ord. 34-62. Passed 11-5-62.)

903.99 - PENALTY.

Whoever constructs a sidewalk in the City without having first obtained a permit therefor, shall be fined ~~not more than \$50.00 and double the permit fee costs~~ as outlined in the Building and Zoning Fee Schedule.

(Ord. 34-62. Passed 11-5-62; Ord. No. [0032-2016](#), § 1(Exh. A), 4-18-16)

CHAPTER 905 - Streets²¹

Sections:

Footnotes:

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Cross reference— Dedication and acceptance - see Ohio R.C. 723.03; Change of name, vacating and narrowing streets - see Ohio R.C. 723.04 et seq.

905.01 - DIRECTOR OF PUBLIC SERVICE TO SET SIGN STANDARDS.

The Director of Public Service shall choose suitable standards of design, design material and color for street name signs, posts and the method of installation. Such standards shall be in accordance with all State and Federal requirements.

(Ord. 35-64. Passed 8-17-64; Ord. No. [0032-2016](#), § 1(Exh. A), 4-18-16)

905.02 - SIGNS TO BE FURNISHED BEFORE FINAL SUBDIVISION STREET ACCEPTANCE.

- (a) Before the final acceptance of any subdivision streets by the Director of Public Service, City Engineer, and Council, the developer shall furnish or agree to furnish, all initial signage and posts designed and manufactured to City specifications. The developer shall further arrange to install such signs and posts or have the Department of Public Service and Engineering install the same at locations to be marked upon the proposed subdivision plat and according to the City specifications.
- (b) Such signage may include, but is not limited to, street name signs, stop signs, yield signs, no parking signs, pavement markings, school zone indicators, including posts, and any other traffic control devices deemed necessary or appropriate by the City Engineer.
- (c) As an alternative, the developer may furnish to the Department of Public Service and Engineering, money to purchase and install such initial signage whenever it is deemed practicable. Such money may also be charged against the developer's escrow, if necessary, to assure reimbursement to the City.
- (d) Expenses for any initial signs or devices installed by the City under this section shall be charged to the developer at the actual cost per sign, device or other material, plus actual labor for each installation.

(Ord. 14-86. Passed 3-4-86; Ord. No. [0032-2016](#), § 1(Exh. A), 4-18-16)

905.03 - RESERVED.

Editor's note— Ord. No. [0032-2016](#), § 1(Exh. A), adopted April 18, 2016, repealed § 905.03, which pertained to cul-de-sac fee and maintenance fund and derived from Ord. 28-82. Passed 4-6-82.

905.04 - CREATION OF ROADWAY IMPROVEMENT DISTRICTS.

Council may, from time to time, designate areas within the City as special Roadway Improvement Districts. The regulations, rates, and fees applicable shall apply to Roadway Improvement Districts created by Council unless Council shall otherwise provide.

(Ord. 0033-2003. Passed 2-18-03.)

905.05 - YMCA PLACE ROADWAY IMPROVEMENT DISTRICT.

- (a) There is hereby established an area known as the YMCA Place Roadway Improvement District for the purpose of constructing roadway improvements to serve the District and to recover the cost of said roadway improvements by means of a per acre fee, as described herein, with said YMCA Place Roadway Improvement District most particularly described in Exhibit A and map as shown on Exhibit B, with both exhibits attached to the original Ordinance 0033-2003, passed February 18, 2003.
- (b) The boundary zone consists of 23.68 acres which consists of Franklin County Parcel Identification numbers: 170-001817, 025-011840, 025-011837, 025-011230, 025-011482, and 025-012709, of record on January 22, 2003.
- (c) As development occurs in the subject area, the developers shall pay an acreage fee in the amount of \$6,123.00 per acre. This fee is based upon the total composite acreage of the bound area described. Furthermore all right of way, park land and easement dedication required by annexation, rezoning and final development plan approvals are non-exempt from this acreage fee.
- (d) The said district formed by this described boundary is being assessed for roadway improvements known as YMCA Place. Additional requirements and/or improvements may be required as a result of annexation, rezoning, final development plan approval, and site utility engineering review.

(Ord. 0033-2003. Passed 2-18-03.)

CHAPTER 907 - Driveways and Curb Cuts³

Sections:

Footnotes:

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Cross reference— Construction or repair at owner's expense - see Ohio R.C. 729.05; Repairing curbs - see Ohio R.C. 729.07; Driveway drainage - see S. & P S. Ch. 907;

907.01 - PLANS AND SPECIFICATIONS.

All driveway approach construction and curb cut construction shall henceforth be made and constructed in accordance with the City of Columbus Standard Drawings, Current Version Such plans and specifications of the City of Columbus shall apply only where the street and curb grades are already determined and actually constructed, or are to be constructed, at the time the curb cut or driveway approach is put in.

(Ord. 0053-2013. Passed 3-18-13; Ord. No. [0032-2016](#). § 1(Exh. A), 4-18-16)

~~907.02 - COPY OF CITY OF COLUMBUS STANDARD DRAWING ATTACHED TO BUILDING PERMIT.~~

~~The Chief Building Official shall henceforth attach a current copy of such City of Columbus Standard Drawing to each building permit issued in the City.~~

(Ord. 0053-2013. Passed 3-18-13; Ord. No. [0032-2016](#). § 1(Exh. A), 4-18-16)

907.03 - INSPECTION.

The owner, builder or contractor making a curb cut or constructing a driveway approach in the Municipality shall inform the Chief Building Official who shall thereupon inspect the project after the forms are in place and before the concrete is poured.

(Ord. 0053-2013. Passed 3-18-13.)

907.04 - WIDTH OF DRIVEWAY CURB CUTS.

Any driveway curb cut made for a commercial or industrial establishment shall not be less than 25 feet, nor more than 35 feet in width and there shall be at least six feet between curb cuts, unless approved otherwise by the City Engineer. In no case shall curb cuts or openings encroach on the limits of a minimum 20-foot radius curb circle at the intersections of streets. If a larger radius exists at such intersections, no encroachment shall be permitted on the limits thereof.

(Ord. 0053-2013. Passed 3-18-13.)

907.99 - PENALTY.

Any person, firm, corporation, partnership or association violating any provision of this chapter shall be guilty of a minor misdemeanor on the first offense. On a second or subsequent offense, if less than 12 months have elapsed since the last offense of the same provision, a person, firm, corporation, partnership or association is guilty of an unclassified misdemeanor. See Section 501.99 for penalties applicable to any misdemeanor classification. Each day such violation takes place shall constitute a new offense.

(Ord. 0053-2013. Passed 3-18-13.)

CHAPTER 908 - Sidewalk Dining and Non-Permanent Amenities Installed Within Public Right-of-Way

Sections:

908.01 - RULES AND REGULATIONS.

Any company, corporation, persons or individuals wishing to use or occupy public sidewalk or other real property within the public right-of-way for those purposes including, but not limited to, sidewalk seating and/or dining, placement of removable railing or other barricades in conjunction with said seating and/or dining, installation of removable awnings in conjunction with said seating and/or dining, installation of bike racks, flower boxes, movable planters, benches, placement of temporary signage, and any other uses authorized in these rules and regulations must apply for and obtain written consent from the City of Gahanna. Such consent shall be given in the form of a lease for use that is commercial in nature, which shall be approved by City Council, and shall be executed by the Mayor or a permit for use that is considered to be a private amenity in nature, which shall be approved and executed by the Director of Public Service or designee. Issuance of a Chapter 908 Lease/Permit will not relieve the applicant from the responsibility to obtain any permit required by the City for the actual installation of said non-permanent amenities.

(Ord. 0084-2012. Passed 4-16-12.)

908.02 - GENERAL PROVISIONS.

- (a) *Authority.* Chapter 908 of the Codified Ordinances of the City of Gahanna regulates placement of non-permanent amenities in, and the limited use and occupation of, public sidewalk or other real property within the public right-of-way, and authorizes leases, subsequent to City Council approval and execution by the Mayor and/or permits executed by the Director of Public Service or designee to grant permission for such uses.
- (b) *When Required.* Any company, corporation, persons or individuals wishing to use or occupy public sidewalk or other real property within the public right-of-way for those purposes including but not limited to sidewalk seating and/or dining, placement of removable railing or other barricades in conjunction with said seating and/or dining, installation of removable awnings in conjunction with said seating and/or dining, installation of bike racks, flower boxes, movable planters, benches, placement of temporary signage, must apply for and obtain written consent from the City of Gahanna. Nothing in these rules and regulations shall relieve the applicant from the responsibility to obtain any other permits required by Gahanna City Code, specifically Parts 11 and 13, before proceeding with the installation of the proposed amenities.
- (c) *Application.* Applications for right-of-way lease permits shall be made through the Department of Public Service. All requests shall be on forms approved by the Department. No use of public sidewalk or other real property within public right-of-way for the above referenced purposes shall be allowed prior to City execution of a lease agreement or issuance of a permit.
- (d) *Review and Approval.* Each application shall be reviewed by the appropriate Departments and Divisions within the City which may include but are not limited to the Development Department, the Public Service Department, the Public Safety Department, and/or Planning Commission to determine that a) the public health, property, safety and welfare of the City will not be negatively impacted upon the granting of a lease or the issuance of a permit; and b) that the granting of the requested lease or permit will be consistent with the policy of the City as set forth in Section 908.01.
- (e) *Liability.* The applicant shall acknowledge acceptance of the premises in "as is" condition with absolutely no warranties, implied or expressed, by the City as to the condition or suitability of the premises for the intended use. The granting of a lease or execution of an agreement does not relieve the applicant from any liability for any damage that might occur to the public sidewalk or other real property within the public right-of-way as a result of their use or occupancy of said premises. Additionally the individuals obtaining the lease or permit shall forever indemnify and hold harmless the City and all of its agents, employees and representatives from and against all claims, damages, losses, suits and actions, including attorney's fees, arising or resulting from the use of the premises by them, their agents, representatives, employees, patrons, customers, business invitees and guests or any other person or persons who may use said premises. Further they shall obtain and maintain liability insurance in the amount of \$1,500,000.00 and shall name the City as an additional insured on said

policy. A copy of the Certificate of Insurance shall be provided to the City and shall become a part of any lease or permit issued by or on behalf of the City.

(Ord. 0084-2012. Passed 4-16-12.)

908.03 - FORM OF APPLICATION.

- (a) *Sidewalk Dining and Ancillary Uses*. The request for a lease must be submitted in writing and must contain the following information:
- (1) Name of applicant or agent making the lease request.
 - (2) Address of the applicant or agent.
 - (3) Phone number of applicant or agent.
 - (4) Name and phone number of a 24-hour emergency contact if not the same as the applicant.
 - (5) Name of business.
 - (6) Site location; include property address and County Auditor Parcel number.
 - (7) Certificate of Appropriateness from Planning Commission if required by the Planning and Zoning Administrator.
 - (8) Written explanation of proposed use of site (food service, food & liquor service, outdoor seating only, etc.).
 - (9) Proposed hours of operation.
 - (10) Plans as required by Section 908.04.

(Ord. 0084-2012. Passed 4-16-12.)

908.04 - PLANS.

- (a) *Sidewalk Dining and Ancillary Uses*: The written request for a lease shall be accompanied by a detailed description of the proposed use of the right-of-way and a sketch of the premises including, but not limited to the following information:
- (1) Width of the sidewalk from back of curb to the face of the building.
 - (2) Description of all items within the area from back of curb to back of utility strip (include signs, parking meters, trees, news boxes, etc. in the utility strip).
 - (3) Total length and width of area desired.
 - (4) Distance to nearest cross walk.
 - (5) Distance to nearest intersection.
 - (6) Type, size and method of installation of fencing if desired.
 - (7) Type, size and method of installation of awning if desired.
 - (8) Location of all existing parking meters, bus stops, traffic signs, traffic signals, light poles, fire hydrants, trees, planters, newspaper boxes, mail boxes, bike racks, advertising benches, trash receptacles, doorways, driveways, pedestrian ramps and all other decorative items within the public right-of-way.

(Ord. 0084-2012. Passed 4-16-12.)

908.05 - RESTORATION.

At such time as any right-of-way lease agreement or permit is terminated, regardless of which party initiates the termination, any facilities installed within those premises occupied pursuant to Chapter 908 shall be removed and the premises shall be restored as nearly as possible to the pre-occupied condition by the party having the lease or permit with the City.

(Ord. 0084-2012. Passed 4-16-12.)

908.06 - EMERGENCY REPAIRS.

When any public agency, or any private utility company or corporation must make emergency repairs to any utilities located in, over, across, under or through the occupied premises, the lessee shall immediately upon notification of such need, remove or cause to be removed any facilities located within the occupied premises. Upon completion of any emergency repairs those facilities removed to allow such repairs may be reinstalled by the party having a lease or a permit with the city. Failure by the lessee or permit holder to immediately remove facilities when notified of the need to do so may result in the City removing said facilities with the cost of such removal being assessed to the lessee or permit holder. Additionally such failure may result in the termination of the lease or permit.

(Ord. 0084-2012. Passed 4-16-12.)

908.07 - INSPECTIONS.

The City shall have the right to inspect the occupied premises at any time without serving advanced notice of such inspection.

(Ord. 0084-2012. Passed 4-16-12.)

908.08 - FEES.

Sidewalk dining and ancillary uses: For uses deemed by the City to be private amenities to the public right-of-way including but not limited to flower boxes, planters, bike racks and benches a one-time fee of \$25.00 per application will be required. For uses deemed by the City to be commercial in nature including but not limited to sidewalk dining or kiosks, an initial fee of \$100.00, due at the time the original application is submitted and a fee of \$25.00 for any subsequent annual renewal will be required. Any material change in the scope or purpose for which the original lease was issued will require a \$100.00 fee to process the modification.

(Ord. 0084-2012. Passed 4-16-12.)

908.09 - REVOCATION/TERMINATION NOTIFICATION AND REMOVAL.

- (a) *Revocation/Termination.* The City reserves the right to revoke or terminate any right of-way lease or permit granted pursuant to Chapter 908 in the event a) the party having the lease or permit violates any material provision of said chapter; b) the City determines the occupied premises are necessary for any public purpose inconsistent with or antagonistic to the purpose for which said lease or permit was granted; c) a material change in the public use of the right-of-way occurs.
- (b) *Notification.* Notification of the requirement to remove facilities installed pursuant to a lease or permit shall take the form of a written notice to the lessee or permit holder sent overnight delivery or regular certified mail.

- (c) *Removal.* If such lease or permit is revoked or terminated for any reason other than an emergency, those facilities installed pursuant to Chapter 908 shall be removed and restored per Section 908.05 at the sole expense of the lessee or permit holder within 15 days of receipt of a written notice to remove. Failure to remove such facilities shall result in the City removing and restoring the facilities with the cost of such removal being assessed to the lessee or permit holder.

(Ord. 0084-2012. Passed 4-16-12.)

908.99 - PENALTY.

Whoever violates any provision of Chapter 908 shall be deemed guilty of a misdemeanor of the third degree, or imprisoned for not more than 60 days or both. Any such violation shall constitute a separate offense on each successive day continued.

(Ord. 0084-2012. Passed 4-16-12.)

CHAPTER 909 - Driveway Drainage⁴¹

Sections:

Footnotes:

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Cross reference— Driveways - see S. & P. S. Ch. 907; Obstructing drainage - see S. & P. S. Ch. 911

909.01 - REQUIREMENTS PRIOR TO CONSTRUCTION.

Before commencing the construction, enlargement, alteration, repair or removal of any building or other structure, or the excavation therefor, in which it is desired or may be necessary to drive across the curb, tree lawn or sidewalk, the person obtaining the permit shall cut the curb for a sufficient width at the location of the contemplated permanent driveway so as to prevent damage to the remainder of the curb. If there is no curbing, he shall install in the ditch paralleling the street, tile of sufficient size to prevent the backing up of water in such ditch and shall cover such tile with crushed stone or gravel to the level of the existing road for a width sufficient to allow trucks carrying building supplies to pass over. Thereafter, no vehicle shall be driven across the curb, tree lawn, sidewalk or ditch except by way of such curb cut and proposed driveway. Such person shall take such further action as may be necessary to prevent the formation of ruts, depressions or other obstacles or hazards to pedestrian travel along such tree lawn or sidewalk. All of such work shall be done under the supervision and to the satisfaction of the Chief Building Official, who shall have the authority to determine the width, depth and manner of cutting the curb or laying tile, and the type of protection of the sidewalk and tree lawn.

(Ord. 0121-2007. Passed 6-18-07.)

909.02 - TEMPORARY DRIVEWAY TO BE INSTALLED BEFORE BUILDING CONSTRUCTION.

Before commencing the construction, alteration or repair of any such building or other structure or the excavation therefor, the owner shall construct a driveway of gravel or crushed stone from the curb extending

to the farthest point where building materials will be unloaded. When such structure is completed, such driveway shall be completed in accordance with the requirements then in force as to the construction of driveways.

(Ord. 33-64. Passed 7-20-64.)

909.03 - DRIVEWAY PIPE REQUIREMENTS.

Any or all pipe installed under driveways shall meet the following requirements: pipe is to be reinforced concrete pipe or of a design as approved by the City Engineer. The diameter shall be not less than 12 inches, and have a minimum length of 20 feet. It shall be tongue and groove reinforced pipe with joints sealed either by sewer-tite or oakum and mortar. The cost, and maintenance of the driveway pipe shall be absorbed by the owner of the property where it is to be installed.

(Ord. 0121-2007. Passed 6-18-07.)

909.04 - FEES.

All driveways shall be constructed in accordance to standards established by the City Engineer. The fee for driveway inspection herein shall be as established in the Development Building and Zoning Fee Schedule set forth in Section ~~148.12~~ 5.10 in Part One of These Codified Ordinances.

(Ord. 0121-2007. Passed 6-18-07; Ord. No. [0032-2016](#), § 1(Exh. A), 4-18-16)

909.99 - PENALTY.

Whoever violates the provisions of this chapter shall be fined not more than \$50.00 and costs.

(Ord. 50-64. Passed 10-5-64.)

CHAPTER 911 - Diverting or Obstructing Drainage or Watercourses^[5]

Sections:

Footnotes:

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Cross reference— Water pollution - see Ohio R.C. 715.08, 743.24 et seq.; Driveway drainage - see S. & P. S. Ch. 909; Stormwater management policy - see P. & Z. Ch. 1193

911.01 - PERMIT REQUIRED; FEE, APPLICATION.

No person, firm or corporation or any other business entity shall obstruct or cause the obstruction or diversion of any ditch, drain or watercourse of any kind, natural or artificial, in the Municipality, by constructing or erecting therein a culvert, dam or by making any other obstruction of any kind therein or thereon; without first obtaining a permit to do so from the Director of Public Service, A fee of \$5.00 and all engineering costs shall be charged for such permit. The person, firm or corporation desiring such permit

shall apply in person or by a duly authorized representative to the Director of Public Service. Such application shall be accompanied by an engineer's drawing showing the location of the intended culvert, dam or other obstruction of any kind, the property upstream which would be affected thereby, elevations, contours, etc., and any other information needed by the City Engineer who must advise the Director of Public Service. No permit shall be granted by the Director of Public Service for the construction or erection of a culvert, dam or other obstruction of any kind which would cause the water to flow back and flood any public street or alley, or to become stagnant in a way prejudicial to the public health, or which would not be of sufficient size and capacity to accommodate the quantity of storm water runoff necessary to meet the requirements of the Stormwater Design Manual as specified in Chapter 1193 of the Codified Ordinances. The City Engineer must approve the project before the Director of Public Service may issue a permit.

(Ord. 191-97. Passed 10-7-97.)

911.02 - NOTICE TO REMOVE OBSTRUCTION OR DIVERSION; FAILURE TO COMPLY.

The Director of Public Service shall serve notice upon the owner or upon the person having the care and control of any lot or parcel of land through which any ditch, drain or watercourse of any kind, natural or artificial, passes to remove within 15 days after the service of such notice, any culvert, dam or other obstruction of any kind which causes water to flow back and flood any public street or alley, or to become stagnant or to be diverted from the natural or designed course in a way prejudicial to the public health and which is not of sufficient size and capacity to accommodate the flow of water resulting from a storm occurring with a frequency of one in 100 years, as determined by the Stormwater Design Manual specified in Chapter 1193 of the Codified Ordinances of Gahanna. Failure or refusal of the owner or of the person having the care and control of such lot or parcel of land to comply with such notice shall be deemed a misdemeanor and subject to the penalty hereafter provided. If the owner or the person having the care and control of such lot or parcel of land fails or refuses to comply with such notice, the Director of Public Service may also authorize the work required by such notice to be done at the expense of the Municipality, and the amount of money so expended shall be recoverable from the person upon whom such notice was served by a civil action in any court of competent jurisdiction.

(Ord. 191-97. Passed 10-7-97.)

911.03 - DRAINS AND CONDUITS DISCHARGING ON ADJACENT PROPERTIES.

Conductors into Gutters or Storm Sewers. All water from sumps, sump pumps, gutters or downspouts which would flow by gravity over a public sidewalk or over adjacent property shall be carried by means of conductors away from such adjacent property into the gutter, natural stream or storm sewer. If the curb outlets provided are not used or are not sufficient in number, any curb cuts made shall be drilled.

(Ord. 191-97. Passed 10-7-97.)

911.99 - PENALTY.

Any person, firm or corporation convicted of violating any of the provisions of this chapter shall be fined not less than \$25.00 and not more than \$500.00 and the cost of prosecution. Each day such owner or person fails to comply with any order issued under the provisions of Section 911.02 shall constitute a separate offense.

(Ord. 191-97. Passed 10-7-97.)

CHAPTER 913 - Landscaping Requirements⁶¹

Sections:

Footnotes:

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Cross reference— 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. 541.06

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 insure public safety or to preserve or enhance the symmetry and beauty.
- (b) The Director of Public Service 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, 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.
- (c) The Director of Public Service 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)

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 the following list of 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:

Box Elder	Silver Maple
Dogwood	Redbud
Buckeye	Catalpa (Except Seedless)
Mulberry	Willow species
Black Locust (Except Purple Robe)	Ginko (Female)
Siberian Elm	Tree-of-heaven
Fruit Trees	Cottonwood
Evergreens	Crabapple Species (Limited)
Poplar species	Ash species
Hawthorns (Except Thornless Species)	
Honey Locust (Except Thornless Species)	

- (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.)

913.06 - LANDSCAPING FOR ACCESSORY BUILDINGS.

- (a) Any accessory building shall be screened whenever located in any professional office zone, commercial or office, commerce and technology zone or multi-family zone or when located on property abutting any residential zone, freeway or arterial street prohibiting driveway access. Structures may be grouped together; however, screening height requirements will be based upon the tallest of the structures.
- (b) *Location of Screening.* A continuous (having 100 percent opacity) planting, hedge, fence, wall of earth, which would enclose any accessory building on four sides with provisions for access by gate is required. The average height of screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed ten feet in height. Whenever an accessory building is located next to a building wall, perimeter landscaping material, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for the side of the accessory building if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever accessory buildings are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for accessory buildings.
- (c) Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

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

913.07 - LANDSCAPE MATERIALS, SPACING AND LOCATION.

The City Landscape Board 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 of species whose roots are known to cause damage to public roadways or other public works 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, workmanshiplike 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 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. Violation of these installation and maintenance provisions shall be grounds for the Building Department to refuse a building occupancy permit or institute legal proceedings.

(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, structure or street work, 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 plans to the Zoning Officer at the time of the final plat, who shall forward them to the Landscape Board for approval. 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) 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 trees should be of the same shape, texture and size with up to three different species planted continuously on any given street.
 - (6) 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.

- (7) The maximum spacing for large trees shall be 50 feet, for medium trees, 40 feet, and 30 feet for small trees.
- (8) The Street Tree Landscape Plan shall not include any trees on the injurious plants list (913.04).
- (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 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.* 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.* The Landscape Board shall determine that poplar, willow, silver maple, and cottonwood trees shall not be planted in the street tree lawn, or within a drainage or utility easement. The City Landscape Board must approve, prior to planting, all species of trees to be planted in the street tree lawn. (Refer to Definitions, Section 913.04, for other "injurious plants".)
- (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/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.

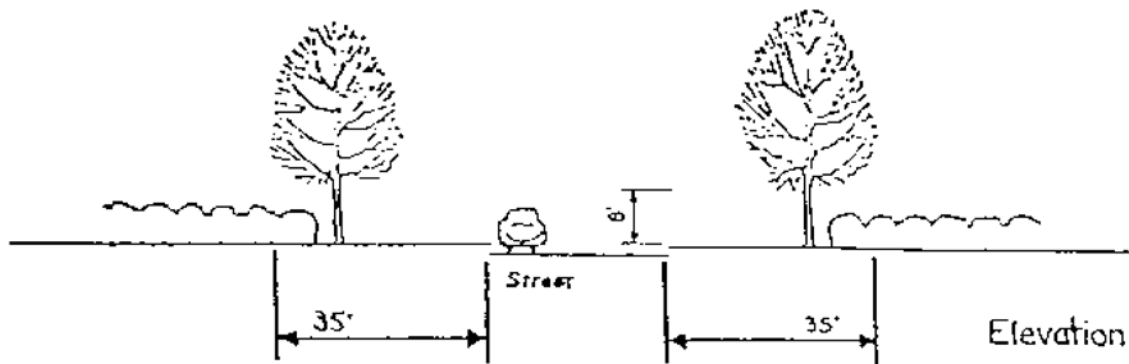
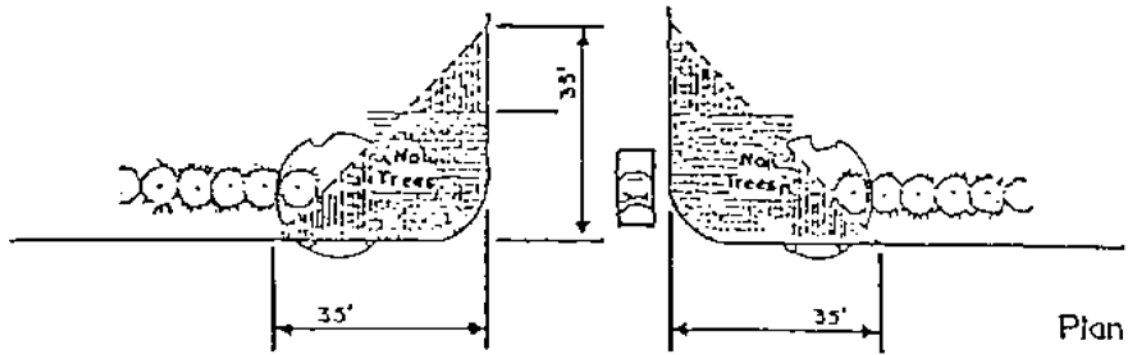
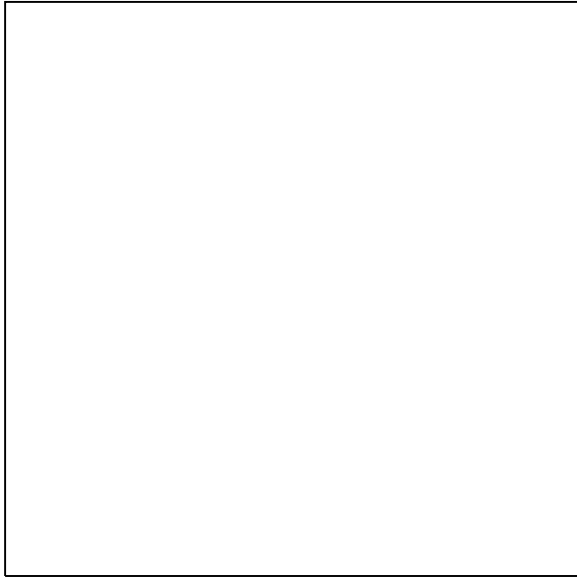
(Ord. 0107-2011. Passed 6-20-11; Ord. No. [0069-2015](#), § 1(Exh. A), 7-6-15; Ord. No. [0032-2016](#), § 1(Exh. A), 4-18-16)

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 will be required to replace such trees at his own expense, with the replacement tree having a minimum diameter of two 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)

CHAPTER 914 - Tree Preservation, Planting and Replacement

914.01 - PURPOSE.

The purpose of this chapter is to preserve, protect and enhance, to the greatest extent possible, the City's existing trees and to enhance the built environment through the preservation, replacement and planting of trees while allowing for the reasonable development of lands. It is further intended that this chapter encourage that every effort shall be made during the architectural and site engineering layout and design, including grading and utility placement, to preserve as many trees as possible. Code parameters were guided by the principles and standards of the International Society of Arboriculture (ISA). The ISA website may be found at www.isa-arbor.com.

(Ord. No. [0066-2016](#), § 1(Exh. A), 8-15-16)

914.02 - APPLICABILITY.

- (a) This chapter shall apply to all requests which require Final Development Plan (FDP) approval or single family residential which requires Final Plat approval. This Chapter's requirements are in addition to the requirements found within other chapters within this Code.
- (b) All sites which have previously received FDP or Final Plat approval shall be exempt from these provisions.
 - (1) Modifications to sites which qualify as exempt pursuant to Section 914.02(b) that require approval of an FDP or Final Plat after the approval date of this chapter must comply with the provisions herein.
- (c) This chapter shall also apply to removal of protected trees as outlined and defined in Section 914.06.

(Ord. No. [0066-2016](#), § 1(Exh. A), 8-15-16)

914.03 - DEFINITIONS.

- (a) *Aggregate Diameter*. The combined diameter of multi-trunked trees measured at breast height (see diameter at breast height).
- (b) *Caliper Inches*. The Diameter in inches of a tree trunk measured 12 inches above the existing grade or proposed planted grade. This measurement is used for nursery grown trees.
- (c) *Diameter at Breast Height (DBH)*. The diameter in inches of a tree measured at 54 inches above ground as per the International Society of Arboriculture (ISA) standards.
- (d) *Dwelling Unit*. Means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit, for the exclusive use of a single family maintaining a household. For the purposes of this Chapter, dwelling unit shall include single family residential and multifamily residential such as apartments, condominiums, and townhomes.
- (e) *Final Development Plan (FDP)*. Shall have the same meaning and process as provided in Chapter 1108.
- (f) *Final Plat*. Shall have the same meaning and process as provided in Chapter 1105. The requirements contained within this Chapter shall only apply to plats for single family residential.
- (g) *Impervious Surface*. Land areas that have been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop, blacktop, and other materials, or artificially compacted so as to provide, in the judgement of the Director of Public Service, a non-pervious surface.

- (h) *Preferred Tree Species.* A Protected Tree that has a species type that is identified within Section 914.08.
- (i) *Protected Tree.* A tree having a DBH of 6 inches or larger or an aggregate diameter of 15 inches DBH or larger.
- (j) *Shade Tree.* A tree grown with a main objective of generating shade; producing approximately 1,000 square feet or more of shade at maturity.

(Ord. No. [0066-2016](#), § 1(Exh. A), 8-15-16)

914.04 - LANDSCAPE PLAN.

- (a) A landscape plan shall be filed in conjunction with an FDP or Final Plat for single family residential, with the Zoning Division. The landscape plan must be filed and approved by the City of Gahanna Planning Commission prior to any construction activity. The landscape plan shall consist of the following:
 - (1) Drawn to a legible scale not to exceed 1"=50';
 - (2) Location of preserved protected trees and trees to be planted, indicating species type and size. Size of trees to be planted shall be determined by caliper inches;
 - (3) Location of protective fencing;
 - (4) Location of structures, ingress, egress, parking areas, drainage facilities, utility lines and other pertinent improvements;
 - A. Landscape plans filed in conjunction with a plat for single family are not required to show the location of structures or ingress and egress for individual lots.
 - (5) Site grading.
- (b) The City Arborist shall review the landscape plan for compliance with the applicable regulations and shall provide comments regarding the appropriateness of the plan during the staff review process. All tree work to comply with the American National Standards Institute (ANSI) A300 standards of tree care operations.

(Ord. No. [0066-2016](#), § 1(Exh. A), 8-15-16)

914.05 - MINIMUM TREES REQUIRED.

- (a) There shall be trees planted within the property boundaries for all new construction or land development for which an FDP or Final Plat is required.
 - (1) All projects for which an FDP is required in which there are new structures, parking areas, loading areas, or other impervious surfaces shall plant a minimum of one shade tree caliper inch per 1,000 square feet of impervious surface unless located within the Planned Industrial District (PID) zoning districts. Projects located within the PID are required to plant a minimum of one shade tree caliper inch per 5,000 square feet of impervious surface.
 - A. Tree caliper inches required shall be rounded to the nearest whole number.
 - B. For projects in which development already exists, tree caliper inches required shall be based on the amount of new impervious surface.
 - (2) Planting requirements for single family residential Final Plats are as follows:
 - A. A minimum of six shade tree caliper inches per dwelling unit shall be planted on lots one half acre or less in size.

- B. A minimum of 12 shade tree caliper inches per dwelling unit shall be planted on lots larger than one half acre in size.
- (b) Protected Trees and Preferred Tree Species that are preserved onsite may be substituted for the requirements above. Each Protected Tree and Preferred Tree Species preserved shall be given credit based on the DBH of the tree.
 - (1) Preserved trees between six and 19 inches in DBH are awarded credit on an inch for inch basis.
 - (2) Preserved trees 20 inches or larger in DBH are awarded 1.5 credits per inch.
 - (3) Preserved trees that are Preferred Tree Species, with a minimum DBH of 20 inches are awarded two credits per inch.
 - (4) In order to receive credit for preservation of Protected Trees and Preferred Tree Species, the following conditions must be met:
 - A. The preserved tree is deemed healthy by the City Arborist.
 - B. No construction activity will be allowed within ten feet of the dripline of the tree.
 - C. Protective fencing will be installed prior to construction activity at ten feet beyond the drip line of the tree.
 - D. Finished grades on the site, or other improvements, are not dramatically changed in the vicinity of the tree that may change the environmental conditions to cause degradation to the tree(s).
 - (c) The Tree Replacement Fund may be used for projects that after a reasonable effort are unable to provide the required tree inches onsite. A fee as set forth in the Building and Zoning Fee Schedule shall be required of every caliper inch that is not planted onsite.
 - (d) New tree plantings shall be no less than one and one-half caliper inches in diameter and shall be no larger than two and one-half caliper inches in diameter and meet the ANSI Z60.1 standards for nursery stock.
 - (1) Relief from this requirement may be granted at the discretion of the Director of Parks & Recreation or designee.

(Ord. No. [0066-2016](#), § 1(Exh. A), 8-15-16)

914.06 - TREE REMOVAL.

- (a) A tree removal permit is required for the removal of a protected tree not approved in conjunction with an FDP or Final Plat.
 - (1) No more than 25% of the protected trees on a site may be removed with a tree removal permit. Requests to exceed this percentage may be granted at the discretion of a committee comprised of the Directors of Planning & Development, Public Service & Engineering, and Parks & Recreation Departments. The applicant shall provide substantial justification to support the need to clear more than 25% of a site's protected trees. At a minimum, the following factors should be addressed:
 - A. Species type and size to be removed;
 - B. Condition of tree(s) to be removed;
 - C. Whether the tree(s) pose a safety hazard;
 - D. Economic viability of site without tree removal.
 - (2) An appeal of the committee's decision related to Section 914.06(a)(1) may be filed in writing to the Board of Zoning and Building Appeals within ten days after such decision is made.

- (3) City owned properties zoned to permit noncommercial development and properties zoned residential and developed with single family homes are exempt from obtaining a tree removal permit.
- (b) Removal of protected trees prior to receiving a permit or tree removal that violates a permit shall be subject to a fine.
 - (1) The fine shall be determined based on the number of protected trees that were illegally removed or damaged. Fines will be calculated using the Tree Replacement Value or Trunk Diameter Method most current addition.
 - (2) The Director of Parks & Recreation or designee shall perform a site inspection of the property to determine the extent of tree removal. A written report documenting the findings of the site inspection shall be prepared by the Director of Parks & Recreation or designee. The amount of the fine shall be based on findings of the site inspection as documented in the written report.
 - (3) Properties which have been determined to have had illegal removal of protected trees shall not receive any permits until all fines have been paid.

(Ord. No. [0066-2016](#), § 1(Exh. A), 8-15-16)

914.07 - CONSTRUCTION ACTIVITIES.

- (a) During all phases of construction, all steps necessary to prevent the destruction or damage to protected trees and trees to be planted shall be taken.
 - (1) All required protective fencing or other physical barriers must be in place around the tree preservation area consistent with the approved landscape plan and approved by the Parks & Recreation Director (or designee) prior to the beginning of construction.
- (b) Any protected tree damaged during construction or damaged as a result of such construction shall be repaired according to accepted International Society of Arboriculture standards. Trees damaged beyond repair during construction shall be replaced based on the credit received pursuant to the approved Landscape Plan. A revised Landscape Plan must be filed in accordance with 914.04 documenting any changes and may be administratively approved.
- (c) All trees required by this chapter shall be maintained in a healthy condition. Any required tree that does not thrive or is removed for any reason within two years of installation shall be replaced with a new tree(s) that conform to the requirements of this chapter.

(Ord. No. [0066-2016](#), § 1(Exh. A), 8-15-16)

914.08 - PREFERRED TREE SPECIES.

- (a) Quercus - Oak trees
- (b) Acer saccharum - Sugar Maple
- (c) Ulmus Americana - American Elm
- (d) Platanus occidentalis - American Sycamore
- (e) Fagus grandifolia - American Beech
- (f) Liquidamber styraciflua - Sweetgum
- (g) Taxodium distichum - Bald Cypress
- (h) Aesculus glabra - Ohio Buckeye
- (i) Carya ovata - Shagbark Hickory

- (j) Gymnocladus dioica - Kentucky Coffeetree
- (k) Juglans Nigra - Black Walnut
- (l) Asimina Triloba - Pawpaw
- (m) Tilia Tomentosa - Silver Linden

(Ord. No. [0066-2016](#), § 1(Exh. A), 8-15-16)

914.99 - PENALTY.

Any person who is convicted of violating 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, per day per occurrence. A separate and distinct violation shall be deemed to have occurred for each protected tree unlawfully removed and/or not replaced in violation of any of the sections aforesaid.

(Ord. No. [0066-2016](#), § 1(Exh. A), 8-15-16)

CHAPTER 915 - Material Standards⁷¹

Sections:

Footnotes:

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Cross reference— Sidewalk construction - see S. & P.S. 903.01; Driveway and curb cut construction - see S. & P. S. 907.01; Subdivision improvements - see P. & Z. Ch. 1107

915.01 - DETERMINATION.

The City by and through the Director of Public Service shall determine the standards of material to be incorporated into improvements of public work construction in accordance with standards developed and promulgated by the Director or as determined and set forth in this chapter.

(Ord. 64-80. Passed 5-20-80.)

915.02 - SPECIFICATIONS.

(a) The following concrete specifications are hereby adopted by the City:

Class	Description	Portland Cement Cement content (pounds)	Entrained Air (percent)	Slump (inches)
A	Sewer Backfill	280	No Air	4 + 1

B	Base Paving (Residential)	380	3 - 5	4.5 max.
C	Structures	600	4 - 8	4 + 1
E	Base Paving (Arterial)	510	3 - 6	3 max.
F	Walks	560	4 - 8	4 max.
	Curbs	560	4 - 8	3 max.
	Approaches	560	4 - 8	4 max.
	Exposed Paving	560	4 - 8	

- (b) If the City is contracted with a State of Ohio Federal Highway Administration project that could require different cement content, entrain air, and/or slump than those described in subsection (a) hereof, such Federal or State specifications shall apply for such Federal or State related project.
- (c) In the City all exposed aforesaid concrete placed shall have an approved curing compound or curing procedure applied at the time the concrete is being placed; and, secondly, no class F cement may be placed during the winter months when temperatures are anticipated to be below 2°C for a period of seven days after placement.

(Ord. 64-80. Passed 5-20-80.)