



City of Gahanna

200 South Hamilton
Road
Gahanna, Ohio 43230

Signature

Ordinance: ORD-0023-2023

File Number: ORD-0023-2023

AN ORDINANCE TO AMEND THE CITY OF GAHANNA CODE PART NINE STREETS AND PUBLIC SERVICES CHAPTER 914 - TREE PRESERVATION, PLANTING AND REPLACEMENT - Defining Hazardous Tree and Allowing for Hazardous Tree Removal without Permit

WHEREAS, the Department of Planning considered a series of changes to sections of the Codified Ordinances of the City of Gahanna to clarify requirements and streamline the permitting experience for internal and external customers; and

WHEREAS, the Planning Commission held a public hearing on April 12, 2023, during a regular meeting session, to consider the Department's recommended changes; said meeting held pursuant to notice and according to law; and

WHEREAS, the Planning Commission recommended amending Section 914.03 - Definitions - to include a definition of a hazardous tree; and

WHEREAS, the Planning Commission recommended amending Section 914.06 - Tree Removal - to include language that allows for the removal of a hazardous tree without permit.

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

Section 1. That City Code Chapter 914 - Tree Preservation, Planting, and Replacement - is hereby amended as set forth in EXHIBIT A, attached hereto and made a part herein.

Section 2. That this Ordinance shall be in full force and effect after passage by this Council and 30 days after date of signature of approval by the Mayor.

At a regular meeting of the City Council on June 5, 2023, a motion was made by Bowers, seconded by Padova, that this Ordinance be Adopted. The vote was as follows:

Ms. Angelou, yes; Ms. Bowers, yes; Ms. McGregor, yes; Ms. Padova, yes;
Mr. Renner, yes; Mr. Schnetzer, yes; Mr. Weaver, yes

President

Stephen A. Renner
Stephen A. Renner

Date

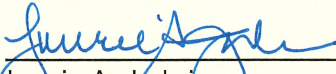
6/15/2023

Attest by

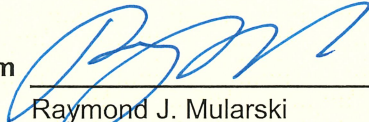
Jeremy A. VanMeter
Jeremy A. VanMeter
Clerk of Council

Date

6/5/2023

Approved by the Mayor 
Laurie A. Jadwin

Date 6.6.2023

Approved as to Form 
Raymond J. Mularski
City Attorney

Date 6-7-2023

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) *Hazardous Tree*. Trees that have been determined to be dead, dying, diseased, or unstable live trees (due to structural defects or other factors) that are within striking distance of people or property. Hazardous trees have the potential to cause property damage, personal injury, or fatality in the event of a failure and may be removed pursuant to Chapter 914.06.
- (h) *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 and Engineering, 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; Ord. No. 0096-2018, § 1(Exh. A), 12-3-18)

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.
- (c) A permit shall not be required for the removal of protected trees that have been determined to meet the definition of a hazardous tree per Chapter 914.03.
 - (1) Hazardous tree determination shall be made by the Director of Parks and Recreation or their designee prior to tree removal. A documented inspection is required to determine a tree meets the definition of hazardous prior to tree removal.

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