



City of Gahanna

200 South Hamilton
Road
Gahanna, Ohio 43230

Signature

Ordinance: ORD-0066-2016

File Number: ORD-0066-2016

TO ENACT CODE CHAPTER 914, TREE PRESERVATION, PLANTING AND REPLACEMENT, OF PART NINE, STREETS AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

WHEREAS, Chapter 914, Tree Replacement, of the Codified Ordinances of the City of Gahanna, was repealed by City Council in 2013; and

WHEREAS, the Planning and Development Department, has proposed a new code section that would set standards for tree replacement and help ensure that Gahanna will maintain its beneficial environment; and

WHEREAS, the purpose of the code language is to preserve, protect and enhance the City's built environment through preservation, replacement, and planting trees while allowing for the reasonable development of lands.

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

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

Section 2. That Part Nine, Streets and Public Services Code, of the Codified Ordinances of the City of Gahanna is hereby amended to reflect this new Chapter.

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 8/15/2016, a motion was made by Jamie Leeseberg, seconded by Brian D. Larick, that this Ordinance be Adopted as Amended. The motion passed.

Yes: 7 Angelou, Leeseberg, Renner, Schnetzer, Larick, Metzbower and McGregor

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.

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.

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.

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;
 - i. 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.

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.

- i. Tree caliper inches required shall be rounded to the nearest whole number.
 - ii. 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:
 - i. A minimum of six (6) shade tree caliper inches per dwelling unit shall be planted on lots one half (½) acre or less in size.
 - ii. A minimum of twelve (12) shade tree caliper inches per dwelling unit shall be planted on lots larger than one half (½) 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 (6) and nineteen (19) inches in DBH are awarded credit on an inch for inch basis.
 2. Preserved trees twenty (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" are awarded 2 credits per inch.
 4. In order to receive credit for preservation of Protected Trees and Preferred Tree Species, the following conditions must be met:
 - i. The preserved tree is deemed healthy by the City Arborist.
 - ii. No construction activity will be allowed within 10' of the dripline of the tree.
 - iii. Protective fencing will be installed prior to construction activity at 10' beyond the drip line of the tree.
 - iv. 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 (1-½) caliper inches in diameter and shall be no larger than two and one-half (2-½) 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.

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:
 - i. Species type and size to be removed;
 - ii. Condition of tree(s) to be removed;
 - iii. Whether the tree(s) pose a safety hazard;
 - iv. 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.

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.

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

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.

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