

**AN ORDINANCE
AMENDING CHAPTER 1142, LANDSCAPING
REGULATIONS, OF THE CODIFIED ORDINANCES OF THE
VILLAGE OF CHAGRIN FALLS BY ENACTING NEW
SECTION 1142.09, RELATING TO MAINTENANCE OF
LANDSCAPING AND REPLACEMENT OF LANDSCAPING.**

WHEREAS, Chapter 1142 of the Codified Ordinances establishes landscaping regulations for all zoning districts, except for one family and two family residential districts; and

WHEREAS, Section 1125.06 establishes landscaping regulations for one family and two family residential districts; and

WHEREAS, legislation amending Section 1125.06 by enacting new subsection (f) relating to the maintenance of landscaping and replacement of landscaping was recently introduced; and

WHEREAS, this Council desires to establish a similar maintenance and replacement of landscaping standard for all landscaping regulated by Chapter 1142; and

WHEREAS, this ordinance was referred to the Planning and Zoning Commission for report and recommendation; and

WHEREAS, upon receiving the report and recommendation of the Planning and Zoning Commission, this Council held a public hearing in accordance with Section 1113.04 of the Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That Section 1142.09, Maintenance of Landscaping and Replacement of Landscaping, of the Codified Ordinances of the Village of Chagrin Falls be, and the same is hereby enacted to read and provide, in its entirety, as follows:

**"1142.09 MAINTENANCE OF LANDSCAPING AND REPLACEMENT OF
LANDSCAPING.**

All landscaping required by this Chapter 1142 shall be maintained in good condition and, when necessary, shall be replaced with landscaping comparable to the landscaping required by the approved landscape plan. Any tree, shrub, or bush that, due to its condition, shall be replaced, at a minimum, with a tree, shrub, or bush that is comparable to the type and height of the tree, shrub, or bush specified for initial planting in the approved landscape plan. Any request to plant or maintain landscaping that is not comparable to the landscaping required by the approved landscape plan shall be reviewed by the Administrator and approved only if such landscaping is an improvement and enhancement, as determined by the Administrator, to the originally approved plan. The Administrator, in considering whether or not

landscaping is an improvement and enhancement, shall consider the intent of Chapter 1142, the need for a visual barrier, the intent of the original landscaping plan, the adjacent properties, the current site conditions, including soil conditions and the success of a certain species growing in the area, and any other factor deemed relevant by the Administrator.”

SECTION 2. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 3. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 4. That this Ordinance shall become effective upon its adoption by Council and signature by the Mayor or as otherwise may be provided for in the law.

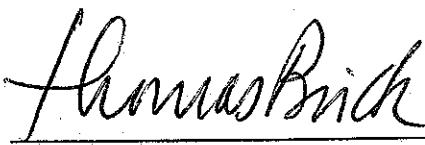
PASSED: November 28, 2011



Council President

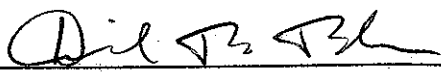
Submitted to the Mayor for
his approval on this
29 day of November, 2011

Approved by the Mayor
November 29, 2011



Mayor

I hereby certify that Ordinance No. 2011- 65 was duly enacted on the 28 day of November, 2011, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council