

**AN ORDINANCE
AMENDING SECTION 1125.06, LANDSCAPING
REQUIREMENTS, OF THE CODIFIED ORDINANCES OF
THE VILLAGE OF CHAGRIN FALLS BY ENACTING NEW
SUBSECTION (f) RELATING TO MAINTENANCE OF
LANDSCAPING AND REPLACEMENT OF LANDSCAPING.**

WHEREAS, Section 1125.06 of the Codified Ordinances establishes landscaping requirements for residential districts; and

WHEREAS, Section 1125.06 requires a landscape plan to be submitted to and approved by the Chief Administrative Officer prior to the issuance of a zoning certificate; and

WHEREAS, Section 1125.06 requires all portions of a lot not used for permitted structures or paved areas, to be properly planted with grass or other suitable vegetative ground cover and maintained in good condition; and

WHEREAS, Section 1125.06 does not establish a maintenance standard for other landscaping, including trees, shrubs and bushes; and

WHEREAS, this Council desires to establish a maintenance standard for all landscaping required by an approved landscape plan; 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 1125.06, Landscaping Requirements, of the Codified Ordinances of the Village of Chagrin Falls be, and the same is hereby amended to read and provide, in its entirety, as follows:

"1125.06 LANDSCAPING REQUIREMENTS.

A zoning certificate for development under regulations of this chapter shall not be issued unless a plan which demonstrates compliance with the following landscaping requirements has been approved by the Administrator.

(a) General. All portions of a lot not used for permitted structures, parking areas, driveways or walkways shall be properly planted with grass or other suitable vegetative ground cover and shall be maintained in good condition.

(b) Tree Lawn. A strip of grass-covered land at least seven feet in width, known as the tree lawn, shall be reserved in a location between the roadway curb and the sidewalk adjacent to each lot where a sidewalk exists or is proposed.

(c) Existing Vegetation. In the development of new dwellings, existing trees and other significant vegetation shall be retained, wherever feasible.

(d) Street Trees. Trees shall be planted so that for every lot there is at least one tree on each tree lawn abutting a street. The minimum diameter of such trees shall be three inches at twelve inches above ground level. The requirement of tree plantings on tree lawns shall not be applied to lots on which an existing mature tree is so situated in a yard that it would impede the eventual growth of a tree located on the tree lawn. Trees which have such undesirable characteristics as excessively thick foliage, low branches, unpleasant odors, susceptibility to disease or large root systems shall not be planted on the tree lawn nor in any yard area within ten feet of the street right of way line. Examples of such trees are poplar, willow, cottonwood, American elm, Basswood, box elder, ailanthus, mountain ash, Oregon maple, silver maple, coniferous trees and nut and fruit trees.

(e) Lots Abutting Arterial Roads or Freeways. For lots in which a rear or side yard abuts an arterial road or freeway as designated by the County Engineer, a vegetative visual barrier shall be planted along the affected lot line. Such visual barrier may consist of either a dense row of evergreen trees, a continuous strip of high shrubbery, at least six feet in height at maturity, or a combination of low shrubbery and trees which together form a continuous visual barrier. The barrier selected shall be one which is effective in the particular application, as determined by the Administrator.

(f) Maintenance of Landscaping and Replacement of Landscaping. All landscaping required by this section 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 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 existing Section 1125.06, Landscaping Requirements, of the Codified Ordinances of the Village of Chagrin Falls, and any other ordinance in conflict herewith, be and the same are hereby repealed.

SECTION 3. 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.

**ORDINANCE NO.: 2011-60 (AS AMENDED)
INTRODUCED BY: MR. PATTON**

#3

SECTION 4. 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 5. 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 14, 2011



Council President

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

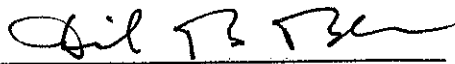
Approved by the Mayor

November 15, 2011



Mayor

I hereby certify that Ordinance No. 2011- 60 was duly enacted on the 14 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