

VILLAGE OF OBETZ  
RECORD OF ORDINANCES



ORDINANCE: 42-16

PASSED: June 13, 2016

**AN ORDINANCE AMENDING CHAPTER 1167 OF THE CODIFIED ORDINANCES RELATED TO LANDSCAPING AND SCREENING**

**WHEREAS**, the Village of Obetz has landscaping and screening standards; and,

**WHEREAS**, the Village desires to modify those standards and provide greater flexibility for the property owners and Zoning Administrator; and,

**WHEREAS**, the Village's street tree regulations are in Chapter 1167; and,

**WHEREAS**, the Village desires to improve the street tree planting process; and,

**WHEREAS**, the Planning and Zoning Commission held a public hearing on April 13, 2016 to review the proposed modifications; and,

**WHEREAS**, the Planning and Zoning Commission recommended approval of the proposed zoning modifications;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OBETZ, OHIO, THAT:**

Section 1. Chapter 1167 is hereby amended to read as follows:

**CHAPTER 1167  
LANDSCAPING AND SCREENING**

**1167.01 PURPOSE.**

The purpose and intent of this chapter is the preservation and promotion of landscaping as a suitable and necessary aspect of land development, as a component of Municipal development character, as an important beneficial element of the microclimate through the provision of shade and as buffers, and to promote the public health, safety and general welfare. It is further the purpose of this Chapter to promote the preservation and, when necessary, replacement of major trees removed in the course of land development, to promote the proper utilization of landscaping as a buffer between certain land uses to minimize conflicts, and to protect, preserve and promote the character of the Municipality.

**1167.02 DEFINITIONS.**

(a) Caliper – Caliper refers to the trunk diameter of a nursery stock or younger tree. The measurement is taken 12 inches above the ground.



(b) Diameter at Breast Height (DBH) – Tree dbh is a standard method for measuring the trunk of a standing tree. When measuring dbh, measure approximately 4.5' from the ground up along the trunk. If the tree's branches or bumps interfere with the dbh measurement, take the measurement below the branch or bump. If a diameter tape is not available, measure tree circumference by wrapping a normal tape measure around the tree at 4.5' from the ground, then divide the resulting circumference in inches by 3.14 to determine dbh.

### **1167.03 PRESERVATION OF TREES AND WOODED AREAS**

(a) Tree Preservation. All trees with a dbh of six (6) inches or more shall be maintained and preserved as part of all existing or proposed non-residential development unless the removal of the trees is approved by the Planning and Zoning Commission. In new development or redevelopment, the location of all driveways, off-street parking and loading areas, and all other improvements, including grading, shall be designed to avoid the destruction of any such existing tree defined herein. Trees may be removed without tree replacement requirements under the following conditions:

- (1) An existing tree will be located within a public right-of-way or easement.
- (2) An existing tree is located within the area to be covered by a proposed structure or within twelve (12) feet from the perimeter of such structure(s) and such structure(s) cannot be located in a manner to avoid removal of an existing tree at the same time permitting desirable, logical and appropriate development of the lot.
- (3) An existing tree will be located within a proposed driveway, off-street parking area or other improvement and relocation of such improvement would not permit desirable, logical, and appropriate development of the lot.
- (4) An existing tree is damaged or diseased.
- (5) The tree is an undesirable species.

(b) Tree Replacement. The replacement of trees shall be as follows:

- (1) Trees with a dbh between 6 inches and 12 inches shall be replaced on a one (1) inch for one (1) replacement basis.
- (2) Trees with a dbh greater than 12 inches but less than 24 inches shall be replaced on a two (2) inch for one (1) replacement basis.
- (3) Trees with a dbh of 24 inches or greater shall be replaced on a three (3) inch for one (1) inch replacement basis.
- (4) The type of replacement tree must be approved by the Zoning Inspector prior to planting. The total number of tree replacement inches is a separate requirement from other planting requirements, including but not limited to, perimeter, interior, street trees, and additional site plantings.
- (5) Payment in Lieu of Tree Replacement. The Planning and Zoning Commission can authorize payment in lieu of tree replacement if the replacement of trees on the site would interfere with the development or make the site overcrowded. Payment will be placed in a dedicated Tree Fund, such funds being used to pay for new trees in other areas of the Village of Obetz. The replacement value of the trees will be calculated on a caliper basis and will be included on the fee schedule adopted by Council.
- (6) Tree Removal Permit Required. In all non-single family residential zoning districts, a Tree Removal Permit must be obtained from the Zoning Administrator prior to the removal of any tree with a dbh of 6" or greater. A Tree Removal Permit shall be required when developing all new residential subdivisions.



(c) Significant Trees. All significant trees, as determined by the Village of Obetz, shall be protected and preserved to ensure that the value provided to Obetz and its citizens by the cultural, historical, biological, or horticultural significance of any tree, is continued into the future.

(d) Wooded Areas. Streets, lots, structures and parking areas shall be laid out to avoid the unnecessary destruction of heavily wooded areas. If heavily wooded areas are destroyed, trees shall be replaced pursuant to the Tree Replacement Provisions included in this Chapter.

#### **1167.04 DEVELOPMENT STANDARDS.**

(a) Planting Requirements for All New Developments or Redevelopment. Whenever a new building is constructed, the property is redeveloped, or the footprint of the building enlarged the following requirements shall be met. These requirements are in addition to the requirements for parking lots.

- (1) Residential Districts, Planned Residential District, and Residential Areas in a Planned Unit Development District. There shall be a minimum of three (3) trees planted per single family residence, doubles, twins or duplexes. Multi-family structures are to include two trees per dwelling unit. Trees may be either small or medium species. Medium or small species trees shall be 2" minimum caliper and clear trunk. No clump or multi-stem form trees are permitted. Trees are to be arranged within the front, side or rear yard areas with emphasis on the front facades. In addition a minimum of one-third (1/3) of the facade (or facades in the case of corner lots) fronting the street or vehicular use area is to be landscaped adjacent to the foundation with a minimum of five (5) shrubs, ground cover or other ornamental plantings. The average initial height of these plantings is to be 24" minimum.
- (2) Residential Subdivisions, Apartment Complexes, and Condominium Complexes. All residential subdivisions containing at least fifty lots or five acres (whichever is less), apartment complexes over sixteen (16) units and condominium complexes over sixteen (16) units, shall construct entry features at all points of ingress and egress. A prominent entry feature of at least 500 square feet shall be constructed at the primary point of ingress and egress to such subdivisions and complexes. If there is more than one primary point of ingress and egress, a smaller entry feature of at least 250 square feet may be constructed at those entrances. Entry features shall consist of landscaping or a combination of landscaping and hardscape materials. Lighting and irrigation shall be included. All entry feature signage shall include wording that states "An Obetz Community".
- (3) Multi-Family Perimeter Treatment. For all multi-family residential uses a fifteen (15) foot landscaped perimeter shall be provided where such development is adjacent to or abuts a residential zoning district or public right-of-way, excluding on-site access drives. Such landscaping shall include a combination of trees (both deciduous and evergreen), shrubs, hedges, earth mounds, and other natural features. No more than fifty (50) percent of natural landscaping material shall consist of turf.
- (4) Neighborhood Commercial District, General Commercial District, Planned Commercial District, Suburban Office and Institution District, Commercial and Office Areas of a Planned Unit Development District.
  - A. Landscaping. In addition to the requirements for off-street parking areas, there shall be thirty (30) square feet of landscaped area and a tree with a dbh of at least two (2) inches for every thousand (1,000) square feet of building ground coverage area, or fraction thereof. All areas of a lot not covered by buildings, structures, paving, or the landscaping shall be covered by a natural turf. Tree planting requirements may be waived by the Zoning Administrator if the quantity of existing trees and their



- aggregate trunk sizes meet or exceed these requirements and are evenly distributed throughout the subject site
- B. Foundation Plantings. There shall be a foundation plantings used to soften the building edges and screen foundations. Foundation planting shall be placed within five (5) feet of the building perimeter when feasible. The Zoning Administrator may modify this requirement if, because of site design considerations such as the location of sidewalks or service areas, this is not feasible. The Zoning Administrator may also allow such plant materials to be grouped together and located in other areas of the site. Landscaping required to meet the requirements of 1167.03(4)(A) may be used in these landscaped areas.
- C. Landscaped Areas Near Entrances. Landscaped areas shall be located adjacent to all public entrances. Landscaped areas shall include a combination of deciduous trees, shrubs, ornamental plantings, perennials, and groundcover. The Zoning Administrator can waive the requirement for trees based on overall site design. Landscaping required to meet the requirements of 1167.03(4)(A) may be used in these landscaped areas.
- (5) Limited Industrial District, Restricted Industrial District, and Planned Industrial District.
- A. Landscaping. In addition to the requirements for off-street parking areas, there shall be fifteen (15) square feet of landscaped area for every thousand (1,000) square feet of building area and a tree with a dbh of at least two (2) inches for every five thousand (5,000) square feet of building ground coverage area, or fraction thereof. All areas of a lot not covered by buildings, structures, paving, or the landscaping shall be covered by a natural turf. Tree planting requirements may be waived by the Zoning Administrator if the quantity of existing trees and their aggregate trunk sizes meet or exceed these requirements and are evenly distributed throughout the subject site
- B. Landscaped Areas Near Entrances. Landscaped areas shall be located adjacent to all public entrances or corners of the building visible from the right of way. Landscaped areas shall include a combination of deciduous trees, shrubs, ornamental plantings, perennials, and groundcover. No more than 50% of the landscaped area shall be turf. The Zoning Administrator can waive the requirement for trees based on overall site design. Landscaping required to meet the requirements of 1167.04(5)(A) may be used in these landscaped areas.

(b) Outdoor Storage Areas. Outdoor storage areas may be screened with a combination of landscaping, earthen mounds, and fencing or walls. Screening is required on all sides of an outdoor storage area visible from a right of way or adjacent property except where an opening is required for access. Access areas should not face a public street. A solid gate shall be used to secure the access point if it is visible from a public right of way. The height of the screening shall be such that none of the items being stored are visible but in no case shall be less than six (6) feet in height. Screening shall have an opaqueness of 100% so as to effectively conceal storage. Landscaping used in combination with earthen mounds, fences, or walls shall include a combination of evergreens, deciduous trees, and shrubs. The Zoning Administrator may waive the screening requirement in industrially zoned areas provided the area is not visible from a right of way.

(c) Parking Lot Screening and Landscaping.

- (1) Screening Parking Lots from the Street. All parking lots must be screened from an adjacent street or right of way; provided, however, that no such



screening shall be required for single family and two family residential uses as follows:

- A. The screen must be a minimum of 42" in height within three (3) years of the date of planting along the full length of the parking lot adjacent to the street.
- B. Screening shall be created using trees, shrubs, mounding, or fences or walls or combination thereof. Landscaping will be required on mounding or along walls and fencing to soften the appearance.
- C. The screen shall have a minimum opaqueness of 75% at all times.
- D. One (1) deciduous tree is required for every 100 feet linear feet of screening. These trees shall be counted toward the requirements of 1167.03(a).
- E. The landscaped area shall be a minimum of five (5) feet in width.
- F. Perimeter landscaping in parking lots shall not interfere with the sight visibility triangle.
- G. For lots with twenty (20) or more spaces, the perimeter of the parking lot may incorporate up to 50% of the required interior lot trees.
- H. For lots with less than twenty (20) spaces, the perimeter of the parking lot may incorporate up to 100% of the required interior parking lot trees.

- (2) Interior Parking Area Landscaping. Any open parking area (including loading areas) containing more than 6,000 square feet or fifteen (15) or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:
- A. All off-street parking areas shall provide one (1) deciduous tree of no less than two (2) inches dbh, for every 3,000 square feet of parking area or for every ten (10) parking spaces.
  - B. Landscaping in parking areas shall be dispersed throughout in peninsulas or islands. Minimum island or peninsula size shall be 200 square feet, with a two (2) foot minimum distance between all trees or shrubs and the edge of pavement where vehicles overhang. Minimum island or peninsula width shall be ten (10) feet. The Zoning Administrator may vary the requirements for minimum and maximum size of parking islands and peninsulas based on the design of stormwater infrastructure or the shape of the lot.
  - C. Landscape islands or peninsulas that do not have trees shall be planted with a combination of shrubs, grass, or other groundcover. No more than 75% of an island or peninsula can be turf or groundcover. Islands or peninsulas cannot be mulch only. They must contain trees, shrubs, turf, groundcover, or a combination thereof.
  - D. Minimum landscaping areas within the interior of the parking area shall be provided at the rate of ten (10) square feet for every 1,500 square feet of parking area. No more than fifty (50) percent of natural landscaping material shall consist of turf.
  - E. The Zoning Administrator may waive the interior parking area landscaping requirements in the loading areas of industrial uses provided the site is under the maximum lot coverage requirements. To balance the site, the Zoning Administrator may require additional landscaping in other areas if not provided in the loading areas.



(d) Screening of Service Courts and Loading Dock Areas.

- (1) All areas used for service, loading and unloading activities shall be screened along the entire lot line(s) if adjacent to or abutting a residential zoning district or public right-of-way.
- (2) Screening shall consist of walls, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least seven (7) feet, and walls and fencing no more than twelve (12) feet in height. Chain link or wood fencing is not permitted. Fencing shall be vinyl and the color of fencing shall be approved by the Zoning Administrator.
- (3) Natural vegetation screening shall have a minimum opaqueness of 75% at all times. The use of year round vegetation, such as pines or evergreens, is required. Vegetation shall be planted no closer than three (3) feet to any property line. Vegetation shall not be planted in the right-of-way.

(e) Screening of Trash Container Receptacles and Other Service Structures.

- (1) Service structures, including, but not limited to, propane tanks, trash dumpsters, recycling dumpsters, clothing collection boxes, electrical transformers, air conditioners/cooling towners, heat pumps, utility vaults which extend above grade, and other equipment or elements providing service to a building or site, are to be screened for all uses except single family residential. Such structures shall be enclosed on all sides by a continuous 100% opaque landscape hedge, solid wall, fence, or earthen mound. If such structure is frequently moved, such as a trash dumpster, a gate or gates shall be permitted on one side. Said gate(s) shall be kept closed to provide full, four-sided screening. Screening shall be one (1) foot higher than the service structure but shall not be required to exceed eight (8) feet in height. If an earthen berm, walls, or fences are used, supplemental landscaping will be required. Plants shall be a minimum height of three (3) feet at the time of planting and shall be spaced no more than five (5) feet apart around the enclosed portion of the screen or on the earthen mound. Electric and gas service shut-off locations shall be landscaped on the sides only in order to permit quick identification and access by emergency personnel.
- (2) Service structures shall not be located in the front yard building setback and shall in no case be in front of the primary structure. Service structures shall be located to the side or rear. Service structures shall conform to side and rear yard setback requirements and for non-residential uses adjacent to a residential zoning district, such service structures shall be located no closer than twenty-five (25) feet to any property line.

(f) Stormwater Retention and Detention Areas. Trees and shrubs shall be planted along the perimeter of stormwater retention and detention areas in such a manner, type, and quantity and location as required by the Zoning Administrator. Trees shall be planted a minimum of twenty (20) feet from the water's edge.

**1167.05 LANDSCAPE STANDARDS.**

Proposed landscape materials should complement existing vegetation, all architectural features and general layout, and should be comprised of indigenous plant material. Landscaping design and materials shall consist of the following:

- (a) Plants. All plant materials shall be living plants that conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Artificial plants are prohibited in all landscaped areas in the Municipality required as per this chapter.



(b) Deciduous Trees. Deciduous trees used to meet these requirements shall have a minimum diameter of two (2) inches measured six inches above the ground. They shall be a species having an average mature crown spread of greater than fifteen (15) feet in Central Ohio and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where eight (8) foot clear wood requirements will control. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. The Village shall maintain a list of trees prohibited in the Village.

(c) Evergreen Trees. Evergreen trees shall be a minimum of five (5) feet in height with a minimum spread of three feet at planting.

(d) Shrubs and Hedges. Shrubs and hedges shall be at least two (2) feet in average height when planted, and where required for screening, shall form a continuous, year-round solid visual screen within five years after planting.

(e) Ornamental Trees. Ornamental trees shall have a minimum diameter of at least one and a half (1 ½) inches measured six inches above ground level.

(f) Earth Mounds. Mounds cannot exceed four (4) feet in height. Mounds shall not exceed a slope ratio of 2:1. Mounds shall be provided with one (1) shrub per five (5) lineal feet. Seventy-five percent (75%) of the species planted must be evergreens not exceeding three (3) feet in height. Shrubs may be grouped together to provide interest provided the total number of required shrubs is used.

(g) Walls and Fencing. Walls and fencing used as screening cannot exceed four (4) feet in height. Walls shall be of a compatible material to the primary structure. Fencing shall be vinyl or wood. Landscaping shall be provided in clusters along the wall or fencing. Walls and fencing shall be provided with one (1) shrub per ten (10) lineal feet. Seventy-five percent (75%) of the species planted must be evergreens not exceeding three (3) feet in height. Shrubs may be grouped together to provide interest provided the total number of required shrubs is used.

(h) Maintenance. Property owner is responsible for maintaining the Landscape Plan as originally approved and for the replacement of plant materials that have died, been damaged, are diseased, or have been removed. Property owner shall maintain landscaped areas in a neat and orderly fashion, free from refuse and debris. The Zoning Administrator may approve the substitution of replacement plant material. Failure to meet the requirements of this section shall constitute violation of this Zoning Code and enforcement and penalty requirements of Chapter 1183 shall apply.

#### **1167.06 STREET TREES.**

Street trees have impacts on pollution, temperature, air quality, water quality, home energy use, and home property value. The installation of street trees is important to the urban environment and shall be coordinated by Obetz. To that end, the property owner shall pay into a Tree Fund whenever a property is developed, redeveloped, or the primary structure enlarged by more than 25%. This applies in all zoning districts as follows:

(a) Public Streets. On public streets, Obetz shall plant the street trees. The following fees apply and shall be paid when property owner applies for a building permit:

- (i) Single Family Residential Unit - \$450 per every house constructed with the exception of houses on corner lots; houses constructed on corner lots shall be charged \$900.
- (ii) All Other Types of Development - \$10 per lineal foot of curb/street pavement frontage on public streets.

(b) Private Streets. Street trees shall be installed on all private streets within a development by the property owner. Trees must be installed within one (1) year following installation of the private street. Certificates of Occupancy for structures will not be issued



until Street Trees are installed. Owner, builder, or developer, shall submit a Street Tree Planting Plan to the Zoning Administrator prior to planting trees. Trees shall be a species approved by the Village of Obetz in the Village's Street Tree Policy kept on file with the Zoning Administrator. Property owner is responsible for the maintenance of Street Trees on private streets.

#### **1167.07 TREE CARE STANDARDS.**

The following tree care requirements shall apply to all trees within municipal-owned property or trees on private property that overhang into public rights-of-way or parks. For the purpose of this section, municipal-owned property shall include all public rights-of-way, parks, and other lands owned by the Municipality.

(a) Trimming Trees on Municipal Property. No person shall cut any tree on municipal property including any Street Tree.

(b) Tree Topping. No person shall as a normal practice, top any tree. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy or disfigure the tree. With an immature tree, removing more than twenty-five percent (25%) of the canopy will be considered topping.

(c) Height of Limbs Over Sidewalks and Streets. Every owner of any tree overhanging any street or public right of way within the Village shall prune the branches so that such branches shall not obstruct light from any street lamp or obstruct the view of any street intersection. There shall be a clear space of eight (8) feet above the sidewalk and fourteen (14) feet above the street.

(d) Utility Companies. Utility companies shall adhere to established guidelines as recommended by the National Arborists Association for line clearance work.

(e) Public Tree Care.

- (1) To ensure that Street Trees thrive, property owners are responsible for the watering and mulching of Street Trees. The Village is responsible for the pruning, removal, and replacement of Street Trees.
- (2) No person or contractor, unless working on behalf of the municipality, shall attach any rope, wire, nails, advertising poster, decoration, decorative lighting, or other contrivance to any tree on Municipally owned property. No person shall permit any fire to burn where such fire or heat therefrom, or heat from any source will injure any portion of any tree on Municipally owned property. No person or contractor, unless working on behalf of the municipality, shall use herbicides or other chemicals on any trees, shrubs or evergreens located on Municipally owned property.
- (4) No person shall excavate any ditch, tunnel, trench, or lay any drive within ten (10) feet from the drip line of any tree, shrub, evergreen, or other plant material standing on any Municipally owned property.
- (5) It shall be unlawful for any person or contractor, unless working on behalf of the municipality, to break, deface, injure, mutilate, kill, or destroy any tree, shrub, or evergreen on any Municipally owned property.

#### **1167.08 SUBMITTAL REQUIREMENTS.**

(a) Procedure. Landscaping Plans shall be submitted to the Zoning Administrator whenever the requirements of this Chapter affect the development or redevelopment of a site. Landscaping Plans can be submitted concurrently with other required applications.

(b) Plan Contents. The Landscaping Plan shall be prepared by a licensed design professional or landscape architect and shall meet the submittal requirements kept on file in the office of the Zoning Administrator. The Zoning Administrator may waive any items if not



applicable to the project. A Tree Preservation Plan shall be included when trees with a dbh of 6" or more are located on the site and are not scheduled for removal.

(c) Criteria For Review. The submitted Landscaping Plan shall be reviewed to determine if proposed improvements comply with the requirements and standards of this chapter and commonly accepted landscaping and design standards. Landscaping Plans are approved by the Zoning Administrator and do not require action of the Planning and Zoning Commission unless the property owner is removing trees with a dbh of 6" or more and is requesting payment in lieu of tree replacement.

Section 2: This Ordinance shall take effect at the earliest time permitted by law.

Passed this 13 day of June, 2016.

**ATTESTS:**

Stacey Boumis  
Stacey Boumis, Clerk of Council

D. Greg Scott  
D. Greg Scott, Mayor

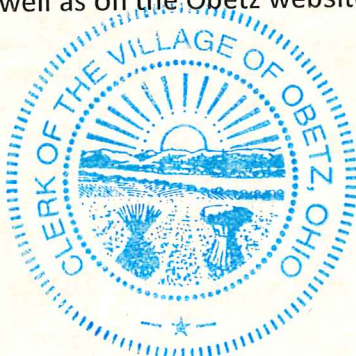
Louise Crabtree  
Louise Crabtree, Council President Pro Tem

**APPROVED AS TO FORM**

[Signature]  
Stephen J. Smith, Esq., Law Director

**CERTIFICATION OF PUBLICATION**

Pursuant to the Village Charter, I, Stacey E. Boumis, Clerk of Council of the Village of Obetz, Ohio, do hereby certify that Ordinance 42-16 was duly posted at 9:00 AM (time) on the 29 day of June, 2015, at the Obetz Government Center, as well as on the Obetz website.



Stacey Boumis  
Stacey Boumis, Clerk

6/29/16  
Date