

Sec. 26-5. Landscaping standards

A property owner shall provide and maintain landscaped areas within all developments according to the standards of this Code.

- (a) *Definitions.* For purposes of this section, the following terms shall have the meanings herein provided:

Canopy tree means any self-supporting woody plant with one well-defined trunk and a distinct and definite formed crown that attains a height of at least 30 feet at maturity.

Diameter means average diameter of a tree measured four feet above the ground level.

Ground cover means a spreading plant, including sods and grasses less than 18 inches in height, used for erosion control.

Landscape development means trees, shrubs, ground cover, vines or grass installed in plant areas, having a minimum of ten square feet of actual plantable area and a minimum inside dimension on any side of 18 inches.

Noncanopy tree means any self-supporting woody plant with one or more trunks that attains a height of at least 15 feet at maturity.

Shrub means a woody perennial plant differing from a perennial herb by its woodier stem and from a tree by its low stature and habit of branching from the base.

- (b) *Landscaping required.*

1. If a property owner proposes to erect a building or structure, the building official shall not issue a building permit or certificate of occupancy unless the following criteria are satisfied:
 - a. A minimum of ten percent of the lot is devoted to landscape development; and
 - b. A minimum of 18 diameter inches of canopy trees are provided per acre; and
 - c. A minimum of the ten percent of the required landscape development shall be developed with noncanopy trees and shrubs.
2. If a property owner proposes to enlarge a building constructed before September 1, 1999, the building official shall not issue a building permit or

certificate of occupancy for such expansion unless the building site is landscaped. The property owner shall landscape the building site in accordance with subsection (b) (1) above; provided, however, such landscaping need not exceed the percentage increase in gross building area of the building.

TABLE INSET:

(Gross Building Area New) (Gross Building Existing)	×	(required landscaping if site was new)	=	landscaping required for expansion of building constructed before September 1, 1999
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3. The application for building permit shall include a landscape development plan which provides for landscaping required by this section.

(c) *Required distribution of landscaping.* Landscaping required under subsection (b) shall be equally dispersed according to the following criteria:

1. *Adjacent to building area.*

TABLE INSET:

<u>s.f. building</u> s.f. lot	×	10% of lot	=	Minimum required landscape development adjacent to building area
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2. *Parking and drives.*

TABLE INSET:

(s.f. of required <u>parking & drives</u>) (s.f. of lot)	×	10% of lot	=	Minimum required landscape development interior to parking area
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3. *Other areas.* The remaining landscaping requirements shall be equally dispersed in the remaining area of development.

4. *[Exceptions.]* The building official may waive the distribution requirements for 50 percent of the canopy trees required in subsection (b) (1) b. to preserve existing trees.

(d) *Landscape maintenance and planting area.*

1. Each canopy tree planted under subsection (b) shall be in a planting area whose radius is not less than six feet measured from the tree trunk to the near edge of the landscaped area.
 2. All canopy tree plantings shall be within a curb barrier to prevent access by vehicular traffic.
 3. The property owner shall either employ an irrigation or sprinkler system or have a hose connection within 150 feet of all landscaping.
 4. The property owner shall maintain and protect landscaped areas and shall replace all dead landscaping within 45 days after notification by the building official. The building official may, however, extend the replacement period based upon seasonal considerations. Replacement plantings shall be equal to the types of plantings proposed on the landscape development plan.
 5. The area of any site devoted to landscaping required by subsection (b) shall not be reduced by any building expansion or development.
 6. Nothing in this section shall be construed to require an owner that expands a building to landscape more than ten percent of the site.
- (e) *Credits; minimum requirements.* The property owner may reduce the minimum required landscaping to seven and one-half percent where the conditions specified below occur.
1. Trees that are newly planted or already established and growing shall receive credit against the landscaped requirements as follows:
 - A. Twelve inches or greater diameter, 20 square feet per inch of diameter;
 - b. Three to 12 inches, 10 square feet per inch of diameter;
 - c. Less than 3 inches, no credit.
 2. This credit shall be in addition to the planting area in which the tree is contained provided:
 - a. No tree shall be considered as a credit unless it is in a planting area whose least dimension is the radius of the crown spread of the tree measured from the trunk center, unless a landscape architect or arborist says in writing that the proposed area is sufficient; in no case, however, shall the building official give credit for a tree with a planting area less than a radius of six feet measured from the tree trunk to the near edge of the landscaped area.

- b. If, during construction of any structure or other improvements related thereto, the owner, contractor or any of their agents or employees, place solvents, materials, construction machinery, or temporary soil deposits within six feet, or the radius of the crown spread, as defined above, whichever is greater, of any tree used for credit, then the building official shall disallow the credits for such trees.
3. The Building Official shall allow a ten percent credit off the total square footage and/or tree requirement for sites where an irrigation or sprinkler system is provided for the entire landscaped area.

(f) *Visibility triangles and sight distances.*

1. When a driveway intersects a public right-of-way or when the subject property abuts the intersection of two or more public rights-of-way, all landscaping within the site triangle shall provide unobstructed cross visibility at a level between three and eight feet. Trees having over eight feet of clear trunk with limbs and foliage trimmed in such a manner as to not extend into the cross visibility area shall be allowed, provided there is no traffic hazard.
2. A property owner shall maintain landscaping in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or to obstruct or interfere with the view of the driver of approaching, emerging or intersecting traffic or to prevent a traveler on any street from obtaining a clear view of approaching vehicles for a distance of 250 feet along the street.

(g) *Exemptions.* The provisions of this section shall not apply to the following:

1. Property fronting on either side of S.H. 105/S.H. 321 between Wells Avenue and Truman Street for a depth of 100 feet from the right-of-way line;
2. Property fronting on either side of Washington Avenue between Wells Road and Birch Street for a depth of 100 feet from the right-of-way line; and
3. Property located within the area bounded on the west by Jordan Avenue to Fostoria Street, east to Mason Avenue, north on Mason Avenue to Lincoln Street, from Lincoln Street to Fenner Avenue, south on Fenner Avenue to Dallas Street, west on Dallas Street to Washington Avenue.

(Ord. No. 644, § 1, 1-20-2000)

Sec. 26-6. Residences to front on public streets.

A building or other structure, including a manufactured home, used for residential purposes shall be located on a public street. Utilities shall not be connected to a residential building or structure that does not comply with this section. This section does not apply to buildings or structures lawfully used for residential purposes on February 11, 2003.

(Ord. No. 708, § 1, 2-11-2003; Ord. No. 764, § 1, 3-8-2005; Ord. No. 769, § 1, 5-10-2005)

Secs. 26-7--26-35. Reserved.

Sec. 22-231. Permits.

(a) *Future uses.* Except as specifically provided in subsections (a)(1), (2) and (3), no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone unless a permit shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this article. If such determination is in the affirmative, the permit shall be granted as follows:

- (1) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.
- (2) In the areas lying within the limits of the approach zones but at a horizontal distance of not less than 5,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zone.
- (3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in these exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this article except as set forth in section 22-228(5).

- (b) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of Ordinance No. 361 or any amendments to this article or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (c) *Nonconforming uses abandoned or destroyed.* Whenever the joint airport zoning board determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- (d) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this article may apply to the board of adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this article.
- (e) *Hazard marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the city at its own expense to install, operate and maintain such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(Code 1969, § 5-86)

Sec. 102-104. Maximum height of vegetation and fences.

No person shall plant, grow or maintain in any restricted area any plant, hedge, shrub or other growth, except trees, or erect or construct a fence, at a height greater than three feet.

(Code 1969, § 24-41; Ord. No. 680, § 1, 12-11-2001)

Sec. 102-105. Minimum clearance of trees.

Any trees planted, grown and maintained in any restricted area shall not have branches or foliage extending from the trunk at a height lower than 15 feet from the street gutter flow line.

(Code 1969, § 24-42)

Secs. 102-106--102-135. Reserved.