

Village of Buckeye Lake
Landscaping and Screening Regulations
Ordinance Number: 2011 - 04

SECTION 1: PURPOSE

The intent of these landscaping and screening regulations is to promote and protect the public health, safety and welfare of the Village of Buckeye Lake, Ohio, through the preservation and protection of the environment. In addition, these regulations are intended to achieve, among others, the following purposes:

- To promote the proper utilization of landscaping and screening as a buffer between certain land uses and to minimize the possibility of nuisances including potential noise, glare and visual clutter of parking and service areas.
- To protect, preserve and promote the aesthetic appeal, character and value of the Village of Buckeye Lake neighborhoods.
- To establish a minimum standard for the consistent appearance of plant material in the community landscape.
- To soften the appearance of building masses and paved areas and reduce generation of heat and storm water run-off.
- To ensure the preservation of existing trees and natural wooded areas and encourage replacement of damaged or removed trees during construction and or development.

SECTION 2: SITES AFFECTED

The Landscape, and Screening, plans for both new and existing sites, as required in this ordinance shall describe the proposed number of plants, location, type, and size at planting of the proposed vegetation, landscaping and screening elements, and street trees. A tree replacement plan shall be required, if applicable, and in accordance with Section 5 of this ordinance.

- (a) **New Sites.** No zoning permit shall be issued hereafter for any development or the construction of any building, structure or vehicular use except where a final landscape plan for such development or construction has been approved by the Tree and Landscape Commission according to the procedures set forth in this ordinance.
- (a) **Existing Sites.** No building, structure or vehicular use area shall be constructed or expanded unless the minimum landscaping and screening required by this ordinance is provided to the extent of the alteration or expansion, but not for the entire property of which the alteration or expansion is a part unless the alteration or expansion is substantial. An alteration or expansion to an existing property is substantial when:
- (1) In the case of a building or structure that does not involve additional land; the square footage of the expansion exceeds twenty-five percent (25%) of the existing building.
 - (2) In the case where additional land is involved, the additional land or the expanded square footage of a structure exceeds twenty-five percent (25%) of the existing site or structure.
 - (3) Land as used herein includes land for open space, parking or building uses.
 - (4) Single-family and two-family residences shall be exempt from Section 11.

SECTION 3: DEFINITIONS

ACCESSORY USE OR STRUCTURE. "Accessory use" (or "structure") means a use, object or structure constructed or installed on the same lot as, and of a nature subordinate and customarily incidental to the principal (primary) use, object or structure of a lot.

AGRICULTURE. "Agriculture" means the production, keeping or maintenance, for sale, lease or personal use, of plants and /or animals useful to humans, including but not limited to: forages and crops; dairy, poultry and livestock including products breeding and grazing thereof; trees and forest products; or lands devoted to a soil conservation or forestry management program.

APPLICANT. "Applicant" means a person, corporation or other legal entity submitting an application to the Village for legislative or administrative approval including, but not limited to, zoning amendments, subdivision or lot splits, conditional uses, development plan approval, variances or appeals. The applicant shall be the owner of the property for which action is being sought or be its representative who shall have express written authority to act on behalf of the owner.

BERM. "Berm" means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BUFFER OR BUFFER ZONE. "Buffer" or "buffer zone" means a unit of land, together with a specified type and amount of planting thereon and any required structures that are intended to eliminate or minimize conflicts between land uses.

CERTIFICATE OF OCCUPANCY. "Certificate of occupancy" means a certificate issued by the Planning Commission that declares that a building, structure or zoning lot may lawfully be employed for specific uses. Such structure(s) and use(s) shall conform fully to the provisions of this Ordinance.

CERTIFICATE OF ZONING COMPLIANCE. "Certificate of zoning compliance" means a certificate issued by the Planning Commission, which declares that plans for a proposed structure, building, use, or zoning lot conform to the provisions of this Ordinance.

CONDITIONAL USE PERMIT. "Conditional use permit" means the permit indicating approval by the Planning Commission for a specific conditional use.

DEVELOPMENT. "Development" means the construction of a new principal structure on a lot; the expansion or relocation of an existing principal structure on a lot; the use of open land for construction of a principal structure; the use of open land for any non-agricultural use that does not involve the construction of a principal structure, including (but not limited to) paving, mining, drilling (but not including soil testing or the first water well on a parcel), and dredging; plus the preparation of land for a use, including (but not limited to) demolition, grading, excavating, or filling of land, as well as the removal of more than 10 trees of greater than 6-inch DBH; but does not include a homeowner's lot with an existing home.

Development also includes the construction, expansion, or relocation of an accessory structure that is larger or taller than the principal structure; involves lights, noise, or odors that can be detected more than 100 feet distant from the lot lines; or involves inflammable or explosive materials; but does not include a homeowner's lot with an existing home.

DEVELOPMENT PLAN. "Development plan" is a plan prepared to scale, showing accurately and with complete dimensioning the boundaries of the site, the location of buildings, landscaping,

parking areas, access drives, signs, outdoor storage areas and any other features that comprise a proposed development.

PRELIMINARY DEVELOPMENT PLAN. "Preliminary development plan" is a plan indicating the overall concept of development for an entire site.

FINAL DEVELOPMENT PLAN. "Final development plan" is a plan indicating the exact data of the various features proposed for development and including the elements as required by the Planning Commission.

DIAMETER AT BREAST HEIGHT (DBH). "Diameter at breast height" means the diameter of a tree trunk measured in inches at a height 4.5 feet above ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point below the split.

DISTRICT. "District" means a portion of the municipality within which specific regulations and requirements, or various combinations thereof, shall apply under the provisions of this Ordinance.

DWELLING, SINGLE-FAMILY. "Single family dwelling" means a dwelling consisting of a single dwelling unit used for residential purposes by one family.

DWELLING, TWO-FAMILY. "Two-family dwelling" means a dwelling consisting of two (2) dwelling units, which may be either attached side by side, or one above the other, with each dwelling unit having a separate entrance, and each occupied by one family.

EASEMENT. "Easement" means authorization by a property owner for the use, for a specified purpose, of a designated area of his/her property by another.

FENCE. "Fence" means any structure composed of wood, steel or other material, including plant material, erected in such a manner and positioned to enclose or partially enclose any premises or part of any premises. Structures, which have solely an ornamental purpose and which do not serve the purpose of enclosing or partially enclosing premises or of separating premises from adjoining premises, shall not be included within the definition of the word "fence".

GRADE, FINISHED. "Finished grade" means the average level of the finished surface of ground adjacent to the exterior walls of the building after final grading and normal settlement.

GRADE, NATURAL. "Natural grade" means the elevation of the undisturbed natural surface of the ground prior to any recent excavation or fill.

LOT. "Lot" means a parcel of land that is a lot of record in the Licking County Recorder's office.

MAJOR TREE. "Major Tree" means a living tree with a diameter at breast height measurement of six (6) inches or more.

OUTDOOR STORAGE. "Outdoor storage" means the keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except for merchandise placed in an area for outdoor display.

OUTSTANDING TREE SPECIES. "Outstanding tree species" means a tree which may be designated by the Tree and Landscape Commission if one or more of the following criteria is met;

- The tree is rare;
- The tree is more than 100 years of age;
- The tree has been connected with a significant historical event;
- The tree is of an outstanding trunk diameter, or drip line for a tree of its species;

- The quality of the tree foliage is outstanding for a tree of its species;
- The location, shade value, fragrance, erosion control, aesthetic features or scenic enhancement of such tree is of special importance to the Village.

PARKING SPACE, OFF-STREET. "Off-street parking space" means a permanently surfaced rectangular area, exclusive of any driveways or circulation areas, accessible from a street or alley, designed for parking a motor vehicle

RIGHT-OF-WAY. "Right-of-way" means a strip of land taken or dedicated for use as a public way.

SETBACK. "Setback" means the required minimum horizontal distance between a property line or other line and a structure, parking lot, or use.

SETBACK LINE. "Setback line" means the line established by the Zoning Ordinance, generally parallel to and measured from the lot line, defining the limits of a yard in which no building or other structure may be located aboveground, except as may be provided in this Ordinance

SHADE TREE. "Shade Tree" means a tree with foliage that usually sheds annually and is planted primarily for its high crown of foliage or overhead canopy.

SHRUB. "Shrub" means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

SITE DBH. "Site DBH" means the total combined diameter at breast height of all major trees existing on a site.

STREET, PRIVATE. "Private street" means a local private way or driveway that provides vehicular access to more than one residential structure that is not and will not be dedicated to public use, but which is owned and maintained by an association, person, corporation or similar private entity.

STREET, PUBLIC. "Public street" means an avenue, highway, road, thoroughfare, boulevard, parkway or other way proposed for vehicular traffic, and any existing State, County, or Village street or way shown upon a plat heretofore duly approved, filed and recorded in the office of the County Recorder that has been dedicated or deeded to the public for public use and which affords principal access to abutting property. Included is the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulder, gutters, sidewalks, division strips or other areas within the street lines.

STREET RIGHT-OF-WAY. "Street right-of-way" means a strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, tree lawn strips, sidewalks, water lines, sewer lines, lighting, and drainage facilities.

SUBDIVISION. "Subdivision" means the division of a lot, tract or parcel into two or more lots, tracts or parcels or other divisions of land.

TREE BANK. "Tree Bank" means a public site designated by the Village of Buckeye Lake Tree and Landscape Commission where a property owner or developer shall donate and plant required replacement trees when it is not feasible to plant the required trees on their project site.

TREE BANK FUND. "Tree Bank Fund" means an account maintained by the Village of Buckeye Lake that receives cash payments in lieu of planting required replacement trees. Such

funds shall be used by the Tree and Landscape Commission for tree preservation, reforestation on public property and other related activities.

USE, CONDITIONAL. "Conditional use" means a use, other than a principal use permitted by right, which may be permitted within a district, if specified conditions are met as set forth in the Zoning Regulations and which requires a conditional use permit.

USE, PERMITTED. "Permitted use" means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

YARD. "Yard" means an open space on the same lot with a principal use or building extending between a building or structure and the adjoining lot lines, unoccupied and unobstructed from the ground upwards, except as otherwise permitted by this Ordinance.

YARD, FRONT. "Front Yard" means a yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

VARIANCE. "Variance" means a modification of the strict terms of the relevant regulations.

SECTION 4: GENERAL LANDSCAPING AND MAINTENANCE OF YARDS

Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.

- (a) Each lot shall maintain open space with landscaping in compliance with the minimum percentage of the area of the lot specified in the zoning district regulations.
- (b) All screening shall be free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.
- (c) Trees and shrubs shall be arranged to create varied and attractive views and plant material should provide a variety of color displayed throughout the year.
- (d) The required landscaping shall be maintained in healthy condition by the current owner and replaced when necessary. Replacement material shall conform to the original intent of the landscape plan.
- (e) Vehicle parking shall not be permitted in landscaped areas.

SECTION 5: TREE PRESERVATION AND REPLACEMENT REQUIREMENTS

- (a) A Tree preservation and replacement plan shall be required as part of the applications for a tree clearance permit and be drawn to an appropriate scale and include, at a minimum, the following information:
 - (1) The location, common name, and size of all existing Major Trees. The Village may at its discretion, accept an estimate of the number and size of trees on a site when the site exceeds three (3) acres. In considering estimates the Village may allow the use of techniques such as site photographs, aerial photographs, and site visits etc.
 - (2) Identification of the Tree preservation area(s), including all existing Major Trees that will be preserved and remain on site after construction and development.
 - (3) Identification of all major trees that will be removed from the site as permitted in c. (1-7) of this Section.
 - (4) The location, common name, and size of all replacement trees to be planted on the site as required by this Section.
 - (5) If all required replacement trees cannot be accommodated on site, the plan shall indicate where and how the applicant proposes to replace the balance of the required trees as required by this Section.

- (b) In all districts, all possible efforts shall be made to preserve and replace all trees and natural vegetation areas. The laying out of streets, lots, utilities, structures, and parking areas shall avoid the unnecessary destruction of heavily wooded areas or outstanding tree species. Whenever possible heavily wooded areas shall be designated as parkland or as natural environmental preserves.
- (c) No land shall be cleared of trees without having first obtained a permit according to (g) of this section. All trees having a DBH of six (6") inches or greater shall be preserved in their current location and the condition unless specifically exempted in the following instances;
 - (1) Trees within public property and right-of-ways or utility easements.
 - (2) Trees needing to be removed for the construction, operation and maintenance of drainage facilities and sanitary storm sewers as approved by the Village.
 - (3) Trees needing to be removed for public streets and improvements as approved by the Village.
 - (4) Tree removal in time of emergency or which pose potential danger to life or property.
 - (5) Trees within the ground coverage of proposed structures or within twelve (12') feet from the perimeter of such structure(s).
 - (6) Trees within the driveway to service a single-family home.
 - (7) Trees needing to be removed that, in the judgment of the Tree and Landscape Commission, are dead, damaged, diseased, interfere with the installation or repair of utility lines, or are an inappropriate or undesirable species for that specific location.
 - (8) Trees needing to be removed on an individual single-family with an existing residential dwelling.
 - (9) Tree removal on any land recognized by the Village upon which bona fide agricultural or commercial nursery or tree farm uses are being conducted.
- (d) Wherever possible, exempted trees shall be relocated and replanted on the subject site as an alternative to destruction. The tree bank option shall be available when the destruction of trees exempted under the terms of (5) or (6) above cannot be relocated and replanted;
 - (1) **Tree Bank Option.** If it is determined that destruction of trees exempted under the terms of (c) (5) or (6) following the submission of documented evidence that the relocation and replanting is impossible or impractical, due to the size, characteristics, or location the remaining balance of required replacement trees shall be planted on a designated Tree Bank site.
 - (2) **Tree Bank Fund Option.** If a Tree Bank site cannot accommodate the required replacement trees, the replacement fee for each tree shall be allocated to the Tree Bank Fund according to the schedule of fees established by Tree and Landscape Commission and approved by Council.
- (e) For every tree having a DBH of six (6") inches or greater that is destroyed in the course of development or construction under the terms of (c) (5) or (c) (6) above, new trees shall be planted on the subject site having a total DBH of no less than six (6) inches. No single replacement planting shall have a DBH of less than one-and three quarters (1.75") inches.
- (f) For every tree having a DBH of six (6") inches or greater that is destroyed in the course of development or construction for which a replacement as specified in the required landscape plan, is not provided within one year of the date of the destruction or within the extension period granted by the Tree and Landscape Commission, the Tree and Landscape Commission may find the owner or applicant in violation of this ordinance, and assess a fine in accordance with Section 14 of this ordinance.
- (g) A tree clearance permit will be issued by the Tree and Landscape Commission or its designee upon approval of the Tree Preservation and Replacement Plan. The fee for a tree clearance permit shall be \$150.00. Collected fees shall be placed in the Tree Bank Fund. The Tree and Landscape Commission shall waive the fee requirements for permits involving 5 trees or less.

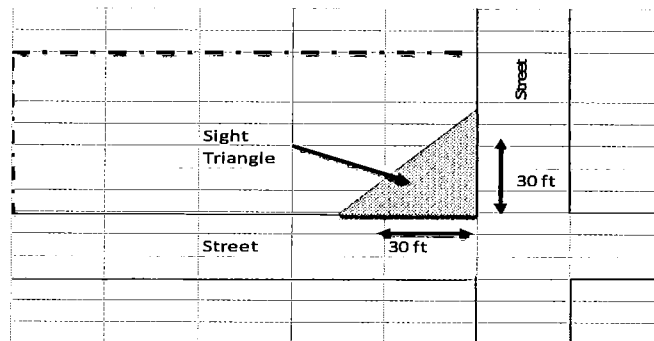
- (h) The tree preservation and replacement requirements of this Section shall be in addition to landscaping and screening requirements in this ordinance.

SECTION 6: STREET TREE PLANTING REQUIREMENTS

In all zoning districts, developments larger than 3 acres shall plant and maintain shade trees along public and private streets in compliance with the following:

(a) **Species and Location Requirements.**

- (1) Trees shall be limited to species characterized as hardy, long-lived shade trees, as approved by the Tree and Landscape Commission.
- (2) Trees shall be planted and spaced pursuant to Ordinance 2009-17, Section 10.
- (3) Trees are to be planted adjacent to the right-of-ways of roads within and abutting the development as approved by the Tree and Landscape Commission.
- (4) Each tree at the time of installation shall have a minimum DBH of 1.75 inches.
- (5) Trees shall be planted an adequate distance from intersections so that at full maturity such planting shall ensure the unobstructed visibility of motorists and pedestrians.
 - A. In any District on any corner lot, no planting exceeding a height of three (3') feet shall be located or maintained within a clear sight triangle formed by the right-of-way lines of two intersecting streets, and a line drawn between two points, each measuring thirty (30) feet from the intersection of the right-of-way lines



(b) **Planting Procedures.**

- (1) The applicant shall provide a map, drawn to an appropriate scale and illustrating the location and species of shade trees to be planted, to the Tree and Landscape Commission at the time of application.
- (2) The applicant shall provide the Tree and Landscape Commission with a state inspection certificate and a certificate for tree species authenticity for each tree within five (5) days of planting.
- (3) All nursery tags shall remain on planted trees until removed by the Tree and Landscape Commission or its designee.

(c) **Maintenance.** The applicant shall be required to maintain the trees for two (2) years after the trees are planted and to replace any tree that dies within such two-year guarantee period.

- (1) Upon completion of the street tree planting, the applicant shall contact the Tree and Landscape Commission
- (2) The two-year guarantee period shall begin after the inspection and approval of the Tree and Landscape Commission
- (3) A final inspection shall be made at the end of the guarantee period.

- A. The applicant shall notify the Tree and Landscape Commission thirty days (30) prior to the end of the guarantee period to schedule the final inspection.
- B. All trees not exhibiting a healthy, vigorous growing condition, as determined by the Tree and Landscape Commission or its designee, shall be replaced at the expense of the applicant, developer or builder.
- C. If the Tree and Landscape Commission or its designee determines that replacement of a tree is required, such replacement shall occur within thirty (30) days of the date the Tree and Landscape Commission inspection report is submitted to the applicant. The two-year guarantee period shall begin anew for each replacement tree.

SECTION 7: LANDSCAPING REQUIREMENTS FOR FRONT YARDS

Except for lots devoted to single-family and two-family dwellings, all areas within the required building and parking setback, excluding driveway openings, shall be landscaped and maintained in compliance with the following:

- (a) Shade tree shall be provided and spaced pursuant to Ordinance 2009-17, Section 10.
- (b) Each tree at the time of installation shall have a minimum of 1.75 inch DBH.
- (c) One shrub shall be provided for every ten (10) linear feet of lot frontage or fraction thereof.
- (d) All areas not devoted to trees and shrubs shall be planted with grass, ground cover or other live landscape treatment, excluding paving or gravel.
- (e) The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials.

SECTION 8: SCREENING AND BUFFERING WHEN A LOT ABUTS A RESIDENTIAL DISTRICT OR USE

Screening and buffering along the entire length of a common boundary or area affected as determined by the Tree and Landscape Commission shall be provided in accordance with the following regulations and shall be approved by the Tree and Landscape Commission, as part of the development plan.

- (a) **Required for the Following:** Screening and buffering shall be required according to the following:
 - (1) When a lot in any non-residential district abuts a residential district;
 - (2) When a lot in an R-3, MHP, GB-Commercial, WB, or M-1 District abuts an R-1, R-2, R-3 or WR.
 - (3) When a lot in a residential district is devoted to a non-residential use.
- (b) **Width of Buffer.** Each required buffer shall have a minimum width equal to the parking setback required for the district.
- (c) **Screening.** When the natural vegetation within the required buffer does not form a solid, continuous, visual screen or does not have a minimum height of six (6) feet along the entire length of the common boundary or area affected, screening shall be installed in compliance with the following:
 - (1) **Screening Materials.** Screening within the buffer shall consist of one or more of the following:
 - A. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid, continuous visual screen within three (3) years after the initial installation.
 - B. Non-living opaque structures such as a solid masonry wall or a solid fence that is compatible with the principal structure.

- C. A fence with openings through which light and air may pass together with a landscaped area at least ten (10) feet wide. A chain link fence shall not be permitted.
 - D. A landscaped mound or berms at least five (5) feet wide, with no more than a 3:1 slope.
- (2) **Location.** The location of the wall, fence, or vegetation shall be placed within the buffer to maximize the screening effect, as determined by the Tree and Landscape Commission and in accordance with zoning regulations.
- (3) **Height of Screening.** The height of screening shall be in accordance with the following:
- A Visual screening by walls, fences, or mounds in combination with vegetation, fences or walls shall be a minimum of six (6') feet high measured from the natural grade, and comply with zoning regulations, except as set forth in subsection B. below.
 - B Whenever the required screening is located within a front yard or within thirty (30) feet of a parking lot drive, or driveway entrance, the required screening shall not exceed a height of three (3) feet.
 - C When used alone, vegetation shall be of six (6) feet high, as measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than two (2) years after the initial installation.

SECTION 9: SCREENING AND LANDSCAPING OF PARKING LOTS:

- (a) **Landscaping on the Interior of Parking Lots.** All new parking spaces and their associated driving aisle shall be defined by landscaped curbed islands, as described more fully elsewhere in this ordinance and be in accordance with applicable Sub-division and Zoning regulations. In addition to those parking lot islands, larger parking lots shall provide additional intervening or Midway Islands to break up the sea of asphalt, to provide shade for cars and pedestrians, and to be areas to absorb run-off. As such, additional interior landscaping of parking lots shall be provided in accordance with the following requirements:
- (1) For any parking area designed to accommodate forty (40) or more vehicles, a minimum of 5 percent (5%) of the parking lot shall be planted as landscaped island areas.
 - A. Landscaped islands shall be developed and distributed throughout the parking lot in order to;
 - (i.) Define major circulation aisles and driving lanes; and
 - (ii.) Provide visual and climatic relief from broad expanses of pavement.
 - B. Each island shall be a minimum of six (6) feet in any horizontal dimension;
 - C. Within the landscaped islands, one (1) shade tree shall be provided for every ten (10) parking spaces. Each tree, at the time of installation, shall have a minimum DBH of 1.75 inches.
 - D. Shrubs or low spreading plant materials shall be planted within required landscaped islands in such a way that there is no impairment to the visibility of motorists or pedestrians.
 - E. Landscaped areas adjacent to the perimeter of the parking area shall not be counted as interior parking lot landscaped areas.
 - (2) For the purpose of this Section the area of a parking lot shall be the total vehicular surface area including circulation aisles.
- (b) **Screening Along Public Streets and Perimeter of Parking Areas.** Whenever parking areas consisting of five (5) spaces or more are located such that the parked cars will be visible from a public street, screening in addition to the interior landscaping required in subsection (A)

above, shall be provided and maintained, as required in section 8(c), between the parking area and the street right-of-way.

- (1) All shrubs, berms, walls, and fences shall not exceed height of three (3) feet.
- (2) Such landscaping and/or screening shall be located parallel to and within five (5) feet of the edge of the parking lot.
- (3) Berms, with vegetation, are preferred.

SECTION 10: SCREENING OF ACCESSORY USES:

For all single-family attached (more than two units per structure) and multiple-family developments; non-residential districts; and for non-residential conditional uses in residential districts, screening of accessory uses shall be provided according to the following:

- (a) **Trash Receptacles.** Trash receptacles shall be screened on a minimum of 3 sides according to requirements of Section 8(c).
- (b) **Loading and Service Areas.** Each loading area shall be screened along any perimeter that can be seen from a street right-of-way or adjoining property according to the screening requirements of Section 8(c).
- (c) **Outdoor Storage.** Permitted accessory outdoor storage of goods, supplies or equipment used in the operation of an establishment shall be screened according to the requirements of Section 8(c).

SECTION 11: APPROVAL PROCESS FOR REQUIRED LANDSCAPING, FENCES AND WALLS:

Proposed landscaping, fences or walls required to fulfill the standards and criteria of this ordinance shall be reviewed and approved, by the Tree and Landscape Commission, as part of a development plan pursuant to the Village of Buckeye Lake Sub-division and Zoning regulations.

- (a) **Fences and Walls.**
 - (1) When a fence or wall is proposed at a separate time from any other development the fence or wall may be approved according to the Zoning Regulations and without the Tree and Landscape Commission's approval.
 - (2) Fences and walls shall comply with the regulations as may be set forth by the Planning Commission and in accordance with Article 11 of the Zoning Regulations.
- (b) **Required Landscaping.** When landscaping is required, no certificate of occupancy shall be issued until the required landscaping is completed as certified by the Tree and Landscape Commission or its designee's inspection, unless a performance bond of sufficient amount to cover the cost of materials and labor to complete the required landscaping has been posted and accepted.
- (c) **Maintenance.** The applicant shall be required to maintain the required landscaping for two (2) years after the items are planted and to replace any that dies within such two-year guarantee period.
 - (1) Upon completion of the planting, the applicant shall contact the Tree and Landscape Commission.
 - (2) The two-year guarantee period shall begin after the approval of the Tree and Landscape Commission.
 - (3) A final inspection shall be made at the end of the guarantee period.
 - A. The applicant shall notify the Tree and Landscape Commission within thirty (30) days prior to the end of the guarantee period to schedule the final inspection.
 - B. All plantings not exhibiting a healthy, vigorous growing condition, as determined by the Tree and Landscape Commission or its designee's, inspection, shall be replaced at the expense of the developer or builder.

- C. If the Tree and Landscape Commission determines that replacement of a planting is required, such replacement shall occur within thirty (30) days of the date the Tree and Landscape Commission or its designee's inspection report is submitted to the applicant. The two-year guarantee period shall begin anew for each replacement tree.

SECTION 12: APPEALS

A written appeal of any decision or action of the Tree and Landscape Commission to the Village of Buckeye Lake Council is permitted and must be filed within seven days after notice of such decision or action. The appeal may contain any information deemed relevant by the applicant.

- (a) Appeals shall be reviewed by the Council and hearing shall be granted if requested in writing by the applicant at the time the appeal is filed.
- (b) Written replies to any appeal shall be issued by the Council within 15 days after said appeal is reviewed, which in no event shall be later than 30 days after the appeal is filed.
- (c) The Council may uphold, reverse or modify the decision of the Tree and Landscape Commission based on its determination of whether the activity satisfies the purposes and provisions of this ordinance.

SECTION 13: VARIANCE

The Tree and Landscape Commission may grant a variance, upon written request in specific cases of hardship or unusual circumstances; where there have been reasonable efforts to save trees of having a DBH six (6) inches or greater, endangered species and stands of trees. Variances shall not be granted on the grounds of convenience or profit.

- (a) A variance from the terms of this ordinance shall not be granted by the Tree and Landscape Commission unless and until a written request for variance is submitted to the Tree and Landscape Commission or its designee containing:
 - (1) Name, address and phone number of applicants.
 - (2) Legal description of property.
 - (3) Description of nature of variance requested.
- (b) Variance requests shall be reviewed by the Tree and Landscape Commission and a hearing shall be granted if requested in writing by the applicant in the variance request.
- (c) Variance requests shall be ruled on by the Tree and Landscape Commission, in writing, no later than 15 days after it is reviewed, which in no event shall be later than 30 days after the request is filed.

SECTION 14: PENALTY

A person or entity that violates any provision of this Ordinance or who fails to comply with any notice issued pursuant to provision of this Ordinance, upon being found guilty of the violation, shall be subject to a fine of not less than \$100.00 and not more than \$1000.00 such fines to be deposited in the Village Tree Bank Fund.. Each day during which any violation of the provisions of the Ordinance shall occur or continue shall be a separate offense. If, as the result of the violation of any provision of this Ordinance, the injury, mutilation or death of a tree, shrub or other plant located on Village-owned property is caused, the cost of repair or replacement of such tree, shrub or other plant, shall be borne by the party in violation.

SECTION 15: FLEXIBILITY

The standards and criteria in this ordinance establish the Village's objectives and levels of landscaping intensity expected. However, in applying these standards, the Tree and Landscape Commission may:

- (a) Adopt a "Planting Manual" and "Plant List" establishing minimal requirements to use as guidelines for meeting the provisions of this chapter.
- (b) Exercise discretion and flexibility with respect to the placement and arrangement of the required elements to assure that the objectives of this district are best satisfied.

Passed: _____, 2010

Date Signed by Mayor: _____, 2010

Witness:

Charlene Hayden, President of Council

Richard Baker, Mayor

Recommended Trees Species for the Village of Buckeye Lake

*****SIZES AND DESCRIPTIONS MAY VARY
DEPENDING ON SITE PLACEMENT! *****

SMALL TREES – Mature height under 30', suitable under utility wires

Adams Crabapple – *Malus 'Adams'*: height – 25'; habit - dense rounded; fall color – orange-red; fruit – red, persistent.

Adirondack Crabapple – *Malus 'Adirondack'*: height – 10'; habit – V shaped upright; fruit – orange-red persistent; flowers – red buds, white flowers with red tinge.

Centurion Crabapple – *Malus 'Centurion'*: height: 20' – 25'; fruit – cherry-red ½"; habit - upright; fall foliage: green; flowers – rose-red.

Excalibur Crabapple – *Malus 'Excalibur'*: height: 8'; fruit – tiny golden yellow; habit – upright dwarf; flowers – red buds open to white.

Harvest Gold Crabapple – *Malus 'Harvest Gold'*: height: 20' - 25'; fruit – golden, ½"; habit – upright; flowers - white; fruit persists into spring.

Madonna Crabapple – *Malus 'Madonna'*: height: 16' – 20'; fruit – red; habit – compact, upright; flowers – white, double.

Prairifire Crabapple – *Malus 'Prairifire'*: height – 20'; habit – upright spreading, foliage – reddish-green and yellow in the fall; flowers – coral red; fruit – dark red.

Red Jewel Crabapple – *Malus 'Red Jewel'*: height – 15'; habit- mounded spreading form; fruit – cherry red ½" persist to April, foliage – excellent dark green; flowers – white.

Corneliancherry Dogwood – *Cornus mas*: height: 20' - 30'; habit- rounded; flowers- yellow, March.

Thornless Cockspur Hawthorn – *Crataegus crusgalli*: height: 15'– 20'; habit – globose , dense branches; flowers – white in clusters; fruit – ½" red persistent, used for wildlife; foliage gray green, purple/red in fall.

Winter King Green Hawthorn - *Crataegus viridis 'Winter King'*: height – 20-25'; habit – rounded, fall color – purple to red; flowers – white cluster; fruit – red and persisting.

Lavalle Hawthorn – *Crataegus x lavallei*: - height – 15-30', habit – oval to round; flowers – white clusters; fall color – bronzy to coppery red; fruit – red that persist into the winter.

Ohio Pioneer Dotted Hawthorn – *Crataegus punctata* var. *inermis* 'Ohio Pioneer': height: 20'- 25'; fruit; dark brick-red; habit - rounded; fall foliage – grayish/green; flowers - white clusters; thornless.

Vaughn Hawthorn – *Crataegus phaenopyrum* x *Crataegus crusgalli* 'Vaughn': height - 15 - 20'; fruit – glossy, orange-red, 3/8"; habit – rounded; fall foliage – grayish-green; flowers – white.

Washington Hawthorn – *Crataegus phaenopyrum*: height: 25-30'; fruit – bright glossy red; shape – oval rounded; fall foliage – orange to scarlet to purplish, thorns.

Ivory Silk Tree Lilac - *Syringa reticulata* 'Ivory Silk': height - 20'–30'; shape – rounded; fruit – clusters of capsules; fall foliage – green; flowers – 6-10" white panicles; attractive flowers in early July, flowers at a young age.

Amur Maackia – *Maackia amurensis*: height - 20'-30', shape- rounded, fruit – pod, flower – 4-6" white racemes June – July.

Amur Maple - *Acer ginnala*: height: 15' – 20'; shape - globose to ovate; foliage – green to red/orange in fall.

Paperbark Maple – *Acer griseum*: height – 20 - 30'; shape – upright oval to rounded; fall color – russet red to red; exfoliating bark makes this tree interesting.

Tartarian Maple – *Acer tataricum*: height – 15 - 20' sometimes 30'; shape – rounded; fall color – yellow, red to reddish brown.

Red Bud – *Cercis canadensis*: height – 20' – 25'; flowers – dark pink, early before foliage, fruit – small pod; shape - irregular; fall color – sometimes yellow.
'Alba' – white flower selection. Naturally grows as an understory tree, site carefully.

Serviceberry species – *Amelanchier* species: height – 25' – 30'; fruit – red, birds love them; shape – oval, upright; foliage – orange/red in fall; flowers – white clusters.

Blackhaw Viburnum – *Viburnum prunifolium*: height – 12-15'; shape – rounded; flowers – white clusters in May; fruit – blueish black and eatable.

Nannyberry Viburnum – *Viburnum lentago*: height – 18' possibly 30'; shape – upright, open; flowers – white clusters in May; fruit – blueish black, winter food for birds

MEDIUM TREES – Mature size being 30'-60'.

Black Alder – *Alnus glutinosa* height – 40-60'; shape – pyramidal when young then irregular; fruit – woody strobile; adaptable, does well in wet or dry sites, full sun or partial shade, nitrogen fixer.

Autumnalis Higan Cherry – *Prunus subhirtella* variety **Autumnalis**: height: 20-40'; flowers – semi-double pink; habit – oval upright; Higan cherry are the most cold, heat and stress tolerant of the cherry group.

Amur Cork Tree – *Phellodendron amurense*: height: 35' – 45'; shape – ovate; fruitless; foliage – yellow fall color, male cultivar only.

Jackii Crabapple – *Malus 'Jackii'*: height: 30-40'; fruit – maroon ½"; shape - upright and rounded; foliage – glossy green, yellow in the fall.

Lacebark or Chinese Elm - *Ulmus parvifolia*: height: 50'; fruit – whitish, winged ¼"; shape – rounded; fall foliage – yellow to wine.

Goldenraintree – *Koelreutaria paniculata*: height: 25' to 40'; shape - globose; flower – yellow June-July; foliage – blue/green leaflets, yellow in fall; fruit – bladder like papery green capsules turning brown.

American Hornbeam – *Ostrya virginiana*: height: 30'-40'; shape conical to globose with age; foliage – green, yellow in fall; flowers – catkins; fruit nutlets in bunches, Prefers some protection, understory tree.

European Hornbeam – *Carpinus betulus*: height: 35'- 40'; shape – conical becoming ovate, wide spreading; foliage – green-yellow in fall; flowers – catkins with bracts; fruit – leafy cluster with nutlets.

Upright European Hornbeam - *Carpinus betulus 'Fastigiata'*: height: 30-40; shape – upright oval dense; fall color – yellowish. Grown for its dense upright habit.

Red Horsechestnut – *Aesculus x carnea*: height- 30-40'; shape – round to broad-rounded; flowers- rose red 6-8" panicles. **'Briotii'** – flowers deeper red and larger.

Crimean Linden – *Tilia x euchlora*: height – 40-60' and half that in spread; fall color – possibly yellow-green.

Legend American Linden – *Tilia Americana 'Wendell'*: height: 50'; shape – broadly conical; foliage – dark green; flowers – pale yellow, attracts bees; fruit – ½" nutlets.

Littleleaf Linden – *Tilia cordata*: - height: 45' – 65'; fruit – tan globes ¼"; shape – compact, pyramid; **'Corinthian', 'Greenspire', 'Glenleven'**- cultivars.

Hedge Maple – *Acer campestre*: height – 25 - 45'; shape – rounded; fall color – yellow; can tolerate alkaline soils. **'Queen Elizabeth'**-cultivar

Celebration Maple – Acer x freemanii ‘Celebration’: height: 45’; fruit – seedless; shape – upright, oval; fall foliage - orange-red; flowers – greenish-yellow.

Norwegian Sunset Maple – Acer truncatum x Acer platanoides ‘Norwegian Sunset’: height; 35’ – 45’; fruit – winged, 1 ½””; shape – upright oval; fall foliage – orange-red; flowers - greenish-yellow.

Pacific Sunset Maple – Acer truncatum x Acer platanoides ‘Pacific Sunset’: height: 30’- 40’; fruit – winged, 1 ½””; shape – upright, rounded; fall foliage – red; flowers – greenish yellow.

Sawtooth Oak – Quercus acutissima: height: 40’-50’; fruit – acorn; shape – rounded.

Aristocrat Callery Pear – Pyrus calleryana ‘Aristocrat’: height: 30’ – 50’; shape – conical to ovate; foliage – green-yellow to bronze in fall; fruit – ½” pome; flower – white.

Cleveland Select Pear – Pyrus calleryana ‘Cleveland Select’: height: 35’ – 40’; shape - upright, narrow habit; fruit – russet, ½””; fall foliage – gold-red; flowers – white.

Hardy Rubber Tree – Eucommia ulmoides: height: 40’ – 60’; rounded to broad spreading; foliage – green-yellow/green in fall; flower dioecious - not showy; fruit – 1 ½” capsule; lustrous dark green foliage, slow grower.

LARGE TREES – Mature size being 60+ feet.

Baldcypress – Taxodium distichum: height: 50-70’; habit – pyramidal; foliage – yellow-green in the spring, linear lanceolate, orange to pink to soft brown in the fall; a deciduous conifer that adapts well to wet or dry sites, landscape tree mostly, but also used as street trees.

River Birch- Betula nigra: height – 40-70’; habit – oval maturing to rounded; fall color – yellow and has handsome exfoliating bark.

Kentucky Coffeetree – Gymnocladus dioicus: height: 55’–75’; foliage – blue-green leaflets, yellow in fall; flowers – green or yellow-white clusters; fruit – 4” to 10” reddish brown pods on females.

American Elms- Improved = Ulmus Americana: ‘Valley Forge’, ‘Princeton’, ‘New Harmony’: height 60-80’, medium to fast growing; shows tolerance to Dutch Elm disease.

Ginkgo (male only) Ginkgo biloba: height: 50’–80’; shape – irregular; foliage – fan shaped yellow in fall; fruit – none on males; *wide* unless upright selection is chosen distinctive and historical interest. Male cultivars; ‘Autumn Gold’, ‘Fairmont’, ‘Lakeview’, ‘Mayfield’, ‘Palo Alto’, ‘Princeton Sentry’, ‘Sinclair’

Honeylocust species (Thornless only) *Gleditsia triacanthos* var. *inermis*: height: 40' – 70'; shape – ovate; foliage – green/yellow in fall; flowers – inconspicuous; fruit – long brown pods; lacy appearance, casts light shade easy to clean up in fall.

Horsechestnut – *Aesculus hippocastanum*: height: 50-75+; shape – upright oval to rounded; flowers- yellowish 5-12" terminal panicles; foliage – early to leaf out, yellowish brown in fall; fruit – spiny dehiscent.

Silver Linden species - *Tilia tomentosa*: height: 50' – 70'; shape – conical to ovate; foliage – green with silver underside, yellow in the fall; flowers – yellowish-white, fragrant; fruit - 1/3" nutlet; attractive and tolerates heat and drought better than most lindens. 'Sterling' – cultivar

Cucumbertree Magnolia- *Magnolia acuminata*: height 50-80'; shape- broad rounded; flower- perfect, greenish yellow- May; native to Ohio.

Black Maple – *Acer nigrum*: height: 60' - 75'; shape – ovate; fall color - yellow; flowers – yellow/green before leaves appear; fruit – 1" samara.

Norway Maple – *Acer platanoides*: height: 40' – 75'; shape – ovate to globose; flowers – greenish, yellow, abundant; foliage – green-yellow to brown in fall; fruit – 2" samara.

Sugar Maple species – *Acer saccharum*: height: 60' - 75'+; fruit – winged, 1-1 3/4"; shape – oval to rounded; fall foliage – orange, red; flowers – yellow green. 'Commemoration', 'Green Mountain' – cultivars.

Bur Oak – *Quercus macrocarpa*: height 70' – 90'; shape – ovate; foliage - 5-8" fiddle shape rounded lobes, yellow brown in fall; flowers – inconspicuous; fruit acorns; durable wide range of soils, massive, more tolerant of city conditions than most Oaks.

Chinkapin Oak – *Quercus muehlenbergii*: height – 50-70'+,; shape – open rounded crown, wide spreading with age, fall color- yellow to orangish brown; will grow in alkaline soils.

English Oak – *Quercus robur*: height: 60' to 80'; shape ovate to globose; foliage 3-5" lobes, brown in fall; flowers – inconspicuous; tolerant of drought and resistant to some limited root space, upright forms also available.

'Skymaster' – cultivar - height: 50' – 60'; shape – pyramidal; fall foliage – green.

Northern Red Oak – *Quercus rubra*: height: 60' – 80'; fruit – acorn; shape – ovate, open; fall foliage – bright reddish, golden brown; flowers – inconspicuous.

Pin Oak – *Quercus palustris*: height: 55' to 75'; shape – conical to ovate; foliage – 3 – 6' lobes, bronze in fall; flowers – inconspicuous; fruit – acorns.

Scarlet Oak – *Quercus coccinea*: height – 70-75' by 40-50' in width, fall color – scarlet to russet red. May develop chlorosis problems in certain sites.

Shingle Oak – *Quercus imbricaria*: height: 40' – 60'; shape – conical to globose; foliage - 3' – 6" laurel like leaves, green, yellow/brown to russet red in fall; fruit acorns;

attractive and tolerant to city conditions, leaves persist into winter and can be used for screening.

Shumard Oak – *Quercus shumardi*: height: 60' – 80'; fruit – acorn; shape – broad, rounded; fall foliage – reddish-brown; flowers – inconspicuous.

Swamp White Oak - *Quercus bicolor*: height: 60' – 80'; shape – ovate; foliage - 4" – 8" lobes, yellow brown in fall; flowers – inconspicuous.

Japanese Pagodatree – *Sophora japonica*: height: 50-75'; shape – upright spreading; flowers – creamy white panicles July- August, fruit – pod, fall color – occasional yellow.

London Planetree – *Platanus x acerifolia*: height: 70-100'; shape – pyramidal in youth, open wide spreading with age; bark – olive green to creamy, exfoliating.

Dawn Redwood – *Metasequois glyptostroboides*: height: 65' - 100'; shape - conical; foliage – deciduous needles, yellow to orange/brown in fall; flowers – inconspicuous; fruit – 1" pendulous cones.

Sweetgum – *Liquidambar styraciflua*: height: 60' - 75'; fruit – horned balls, 1-1 ½"; shape - pyramidal; fall foliage – green, yellow, scarlet and purple; star shaped leaves, best if planted in the spring.

Tuliptree- *Liriodendron tulipifera*: height: 70-90', shape – oval-rounded; foliage- golden yellow to yellow in fall; flowers- tulip like- greenish yellow petal with orangish interior- beautiful flower.

Black Tupelo or Black Gum – *Nyssa sylvatica*: height: 40' – 70'; shape conical; foliage – glossy dark green, yellow/orange and scarlet in fall; flowers – inconspicuous; fruit – ½" blue, eaten by birds and mammals.

ORDINANCE NO. 2011-04

AN ORDINANCE ENACTING AND ADOPTING LANDSCAPING AND SCREENING REGULATIONS FOR THE VILLAGE OF BUCKEYE LAKE, OHIO.

WHEREAS, the Tree and Landscape Commission for the Village has requested and recommended that Council adopt regulations related to landscaping and screening,

NOW, THEREFORE, Be It Ordained by the Council of the Village of Buckeye Lake, State of Ohio:

SECTION 1: That the Landscaping and Screening Regulations attached hereto and incorporated herein are hereby ADOPTED.

SECTION 2: That this ordinance shall take effect and be enforced from and after the earliest period allowed by law.

ADOPTED: MAY 9, 2011.

ATTEST: Tim Mott Clerk of Council
Charlene C. Hayden President of Council

Date filed with Mayor: MAY 9, 2011.

Date approved by Mayor: MAY 9, 2011.

Richard E. Baker
Richard E. Baker, Mayor

Approved as to form: _____
Richard S. Bindley, Solicitor

RESOLUTION or ORDINANCE NO. 2011-04

DATE 5-9-11

DESCRIPTION _____

1st Reading _____ 2nd Reading _____ 3rd Reading X

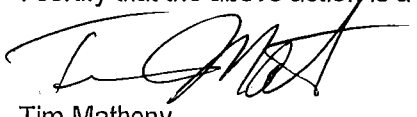
Motion to SUSPEND the Rules - 1st _____ 2nd _____

	<u>YEA</u>	<u>ABSTAIN</u>	<u>NAY</u>	
CARROLL, Clay	_____	_____	_____	
HARTMAN, A. Kaye	_____	_____	_____	
THOMPSON, Donna	_____	_____	_____	
HAYDEN, Charlene	_____	_____	_____	
HILDEBRANDT, Hilde	_____	_____	_____	
PETERSON, Jeryne	_____	_____	_____	
RUTON, Arletta	_____	_____	_____	
TOTALS	_____	_____	_____	MOTION PASSES/FAILS (Majority Required)

Motion to ADOPT the Motion - 1st HARTMAN 2nd PETERSON

	<u>YEA</u>	<u>ABSTAIN</u>	<u>NAY</u>	
CARROLL, Clay	<u>✓</u>	_____	_____	
HARTMAN, A. Kaye	<u>✓</u>	_____	_____	
THOMPSON, Donna	_____	_____	<u>✓</u>	
HAYDEN, Charlene	<u>✓</u>	_____	_____	
HILDEBRANDT, Hilde	<u>✓</u>	_____	_____	
PETERSON, Jeryne	<u>✓</u>	_____	_____	
RUTON, Arletta	<u>✓</u>	_____	_____	
TOTALS	<u>6</u>	_____	<u>1</u>	MOTION <u>PASSES</u> /FAILS (Majority Required)

I certify that the above action is a true and accurate account of the proceedings.



Tim Matheny
Clerk of Council