ORDINANCE NO. 73-2018

INTRODUCED BY: COUNCILWOMAN TERRY DUNCAN

AN ORDINANCE AMENDING SECTION 1218.03, “DEFINITIONS” OF CRITICAL ROOT ZONE IN CHAPTER 1218, ENTITLED “TREE PRESERVATION AND MANAGEMENT” OF THE CODIFIED ORDINANCES OF THE CITY OF OLMBSTED FALLS

WHEREAS, the Shade Tree Commission of the City of Olmsted Falls recommended a revision to the definitions of “Critical Root Zone,” contained in Chapter 1218, Section 1218.03. Now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMBSTED FALLS, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. Section 1218.03(c) of the Codified Ordinances is hereby amended to read as follows: (new material appears like THIS: deleted material appears like this):

SECTION 1218.03(c) DEFINITIONS:
* * *

The following terms are defined for the purposes of this chapter:
(a) Buildable area: The area of construction for a building and parking area, including a distance of fifteen feet around the perimeter of the foundation of the building.

(b) Clearing: Any act that causes a tree or other vegetation to decline and/or die. Such acts shall include, but not be limited to, damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by the storage of materials, by the change of natural grade due to unapproved excavation or filling, or by the unapproved alteration of natural physical conditions.

(c) Critical root zone (CRZ): This is the circular area surrounding a tree that is under the canopy of the tree. THIS IS THE CIRCULAR AREA SURROUNDING A TREE IN WHICH THE TREE’S ROOTS CRITICAL TO ITS SURVIVAL USUALLY WILL BE FOUND, AND WHICH SHOULD BE PROTECTED. THE RADIUS OF THE CRZ IN FEET IS, TYPICALLY, 1.5 TIMES THE DBH IN INCHES. FOR EXAMPLE, IF A TREE’S DBH IS 10 INCHES THEN THE CRZ IS 1.5 TIMES 10, RESULTING IN A CRZ RADIUS OF 15 FEET. THIS FORMULA IS PARTICULARLY USEFUL IN DEALING WITH TREES THAT HAVE BEEN GROWING IN A FOREST OR THAT NATURALLY HAVE A NARROW GROWTH HABIT. RECOGNIZING THAT THE ROOT ZONE VARIES WITH TREE VARIETY, THE ACTUAL RADIUS FOR THE CRITICAL ROOT ZONES SHALL BE APPROVED BY THE CITY ARBORIST.

* * *
SECTION 2. Any and all provisions of the Codified Ordinances of the City inconsistent herewith are hereby repealed, and all other provisions of the Codified Ordinances shall remain in full force and effect.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect at the earliest time allowed by law.

_______________________________
Paul Stibich, Council President

PASSED:________________________

APPROVED: ____________________________  ____________________________
James P. Graven, Mayor                      Date

APPROVED AS TO FORM: ____________________________
Andrew D. Bemer, Director of Law

ATTEST: ____________________________
Angela Mancini, Clerk of Council

First Reading:________________________

Second Reading:________________________

Third Reading:________________________

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