Shade Tree Commission
Minutes
June 13, 2019 at 7:00 pm
Athens City Council Chambers

Meeting Attendees: David Ingram, Nancy Walker, Emilie Wood, David Sincoff, Lee Gregg, Jim Dyer, and John Kotowski

1. Title 33: Tree Permit, Right-of-Way Issues, Public Land
   a. None

2. Title 37: Landscape Ordinance Issues
   a. None

3. Ron Lucas report
   a. River sweep is schedule for Saturday June 15, please volunteer. The Soil and Water Conservation District is the organizer.
   b. The last ash tree in our parks is slated for removal from the South Side Park. There have been 35 removed.
   c. Our next Tree City US award will be our 30th and we should volunteer to host the award ceremony.
   d. Earth Day was celebrated at the Morrison-Gordon School. Ron gave a presentation about the importance trees and how to help them grow.
   e. Athens in Bloom, we are making efforts to improve on our floral impact. The judging with be July 25 and 26.
   f. Q. for Ron: will we have hanging baskets downtown? A: yes, we will also have some planters too.

4. Other
   a. Meeting with the Mayor arranged by Council Member Kotses including David Ingram and Nancy Walker
      i. We reviewed many of the issues that the STC has had with the City. In particular lack of consultation on City projects that involve trees, that is mandated in Title 33. The mayor was given a summary of all the parts of the City code concerning trees, a copy is attached to these minutes.
      ii. The mayor is undertaking the hiring of a new code enforcement director and we will have an opportunity of discussing with that person the enforcement of Title 37
      iii. We discussed the issues around Title 41. Specifically, the STC is asked to approved plans too early in the process for those plans to be definitive.
      iv. We discussed long term planning and how the City should develop and establish long term landscaping for the City. Examples of street furniture for trees, shrubs, and flowers were discussed from Waynesboro VA, and Buckhannon WV. These examples are attached to these minutes. It was recognized that all this will take commitment of resources to implement

long term plans and for accountability in the administration for a budget and the outcomes of any plans.

b. Athens in Bloom
    i. Planning for street modifications that will accommodate the necessary street furniture for future years was discussed. These structures could accommodate trees as well as flowers and shrubs. This will probably involve the City Planer, Paul Logue.
    ii. The tour for the judges is being developed and if there are any particular sites that should be included should be given to Nancy.
    iii. There will be awards made by the local Athens in Bloom, nominations should be made through Facebook and Twitter by June 30.
c. Recognition by the STC of volunteer tree planting in the City.
    i. Ron agreed that this would be a good idea, subject to the approval of the City and consultation with the STC.

5. Minutes of the May 9, 2019
    a. Motion to approve the minutes from David Sincoff, seconded by John Kotowski. The minutes were approved without objection

6. Next meeting is July 11, 2019 at 7:00 PM in the Council Chamber

Trees and Landscaping in the City of Athens

In 1990 City Council Member Nancy Bain sponsored Title 33 which led to the establishment of the Shade Tree Commission (STC). (See appendix A for a list of all sections of the City Code that refer to trees and or the STC including a copy of Title 33.) There are five commissioners and two alternates, all volunteers that live in the city, nominated by the Mayor and appointed by the City Council. There is also one member of the City Council appointed to the STC as a non-voting member. The point of contact for the STC with the City for Title 33 issues is the Service Safety Director, who usually designates the Assistant Service Safety Director for that role.

The duties of the STC and the obligations of the City to the STC are detailed and reasonable. Unfortunately, the City does not budget or plan resources nor does it fulfill its obligations under Title 33. The City does not consult the STC on developments in the City, for example, the recent plans for East State St. or the swimming pool. Two things we have managed to maintain over many years through the dedication of the Assistant Service Safety Director are our Tree City USA status and our Arbor Day celebrations. The recent interest in America in Bloom has highlighted a lack of commitment and of resources dedicated to the maintenance of the appearance of the City in terms of City trees and landscapes. Indeed, as far as the STC is aware there are no longer any employees in the either Parks & Recreation or Engineering & Public Works who have time budgeted for tree care or landscape duties.

In the early 2000s the Athens 2020 Comprehensive plan was developed and adopted. That plan called for 40% tree coverage of the City. This was based on the advice the consultants from the Davey Group who pointed out that similar rural cities had such a level of tree coverage while ours for closer to 25%. The 40% benchmark as provided the basis for changes to landscape requirements as well as the minimum green space/permeable space requirements for commercial developments.

In 2002 the City of Athens Council approved Title 37 Landscape Regulations (see Appendix 1 for details). The STC was given the role of reviewing and approving landscape plans for commercial developments. The point of contact for the STC with the City for Title 37 is the Director of Code Enforcement. The Law Director recently made clear to the STC that, since the Code Office does not retain copies of approved landscape plans, it is necessary for the minutes of STC to include the approved landscape plans in order that the Code Enforcement Office can have a chance of enforcing Title 37.

As can be seen in the attached Appendix 1, as well as Titles 33 and 37, there are many instances where the City Council has added important requirements to the City Code regarding trees and landscaping. However, over the years successive administrations have failed to support those actions through dedicating resources to these ends. We recently have seen a commitment to providing resources for printing and distributing a brochure on the benefits of trees.

Appendix 1 References to trees and/or the Shade Tree Commission in the Athens City Code
(accessed 3-June-2019)

Title 5 - Public Utilities

5.02.02. - Definitions.

(I) "Special haul items" means solid waste that is too large or otherwise unsuitable to fit easily into a normal packer truck, including, but not limited to, furniture, carpeting, springs, mattresses; household appliances, inert building materials currently banned from the landfill, and other solid waste from repairs, or tree limbs, tree trunks or shrubbery over 24 inches in length.

Title 9 - General Regulations

9.03.01. - Use of flammable decorative materials unlawful.

(A) No person shall employ, use or cause to be used for decorative purposes in any store show window or elsewhere in any store, any flammable decorative material, including flammable curtains, draperies, streamers, surface coverings applied over the building interior finish for decorative, acoustical or other effect, and also flammable cloth, cotton batting, straw, vines, leaves, trees and moss.

(B) No person shall employ, use or cause to be used, any of the materials specified in the first paragraph of this section, for decorative purposes for any social, religious, recreational or political assemble, festival or other gathering.

9.10.02. - Noxious weeds, grass to be cut.

Every owner responsible for maintenance of any lot or land within the city shall be required to cut all noxious weeds, grass or other types of vegetation, other than trees or shrubs, growing or being upon the lots or land as aforesaid by cutting to a height not over eight inches. Any growth of such noxious weeds, grass or other vegetation, other than trees or shrubs, over such height or reaching maturity is hereby declared a nuisance.

9.12.21. - Trees, shrubs, and vines..

It shall be unlawful for the owner, lessee, renter, or person in possession or control of any real property within the city to permit or allow any tree, vine, shrubbery, or other growing thing located thereon to extend upon or over the public sidewalks and streets within the city in such a manner as to prevent the free and unobstructed movement of traffic upon any part thereof.

9.12.22. - Sidewalks and gutter.

(B) "Sidewalk Area" refers to sidewalks as well as tree pits, tree lawn, landscaping islands, and any other land situated between a sidewalk and the street curb.

9.16.06. - Tampering with grave markers.

No person shall, without lawful authority, remove or maliciously injure a tomb, monument, gravestone, grave marker or other marker erected to perpetuate the memory of a soldier or sailor of the United States or other person, or a fence, railing or other work in or around a cemetery or burial place, or a tree, shrub, plant or other adornment therein, nor shall any person drive thereon for the purpose of plowing or cultivating such cemetery ground.

Title 11 - Business Regulations

11.10.07. - Trades required.

The following trades shall comply with all of the information listed within Athens City Code Chapters 11.10.01 through 11.10.07 in order to work within the City of Athens: General contractors, property managers, electricians, plumbers, HVAC, fire protection, concrete/masonry, security systems, landscaping/sprinkler systems, tree service, roofing, steel erection, fences, pools, paving, carpentry/framing, signs, siding/windows, waterproofing, excavation, refrigeration, hydronics, drywall, decks, fireplaces, stucco and finish, solar panels and insulation, tree trimming, and other similar trades as applicable.

Title 21 - Subdivision Regulations

21.03.09. - Preliminary plan requirements.

(A) The preliminary plan application shall include:

(1) Complete application form available from the planning commission.

(2) Signed variance application form and fee set forth in the appendix (if applicable).

(3) Five copies of the preliminary plan containing all required information.

(B) The preliminary plan shall be submitted in the following form:

(1) Drawn at a scale between 100 feet to the inch and ten feet to the inch.

(2) On one or more sheets 24 by 36 inches or 18 by 24 inches in size, clearly and legibly drawn.

(3) The original shall be drawn on mylar material. Copies shall be blue or black line paper prints.

(C) The preliminary plan shall contain the following information:

(1) Proposed name of the subdivision, location by section, range, township, or other survey.

(2) Boundaries and acreage.

(3) Name, address, and telephone number of the owner, developer, professional, surveyor and professional engineer with appropriate numbers and seals.

(4) Scale of the plat, north point legend and a vicinity map of a scale not less than 2,000 feet to an inch, and date of survey.

(5) Name of adjacent subdivisions, owners of adjoining parcels and location of common boundary lines extended to 200 feet beyond the boundary of the subdivision.

(6) Topographic contours with intervals no greater than two feet at five percent slope, no greater than five feet for slopes over five percent and less than or equal to 15 percent, and no greater than ten feet for slopes greater than 15 percent.

(7) Location, width, and names of existing streets, railroad rights-of-way, easements, parks, buildings, corporation and township lines; wooded areas, orthophoto of the subdivision at a scale acceptable to the service-safety director, location and species of all trees over six inches diameter at breast height in areas proposed to be disturbed, water courses, drainage patterns, water bodies, and topographic features.

(8) Location of floodways, floodplains, and other areas, natural or human-made, that may be hazardous.

(9) Location of environmentally sensitive areas.

(10) Soil types, derived from the USDA Soil Survey for Athens County. An interpretive soil report, prepared by the Athens Soil and Water Conservation District is recommended.

(11) Layout, number, dimensions of each lot, and setback lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plan will be made more legible).

(12) Parcels of land reserved for public use or reserved by covenant for residents of the subdivision.

(13) Point of ingress/egress or driveway locations and the distance to any existing driveway(s); potential streets or common access drive layouts for adjacent land intended for future development.

(14) Type of water supply and wastewater disposal proposed, approximate locations and dimensions of all proposed utilities and sewer lines, easements, drainage tiles, water mains, culverts, or other underground utilities within the tract or adjacent thereto.

(15) Known cemeteries, historical or archeological sites.

(16) Copy of proposed covenants and restrictions, and a schedule outlining the order of development of each section of phase of the subdivision. If a homeowners association or an improvements maintenance agreement is proposed, include sample copies of each agreement.

(17) Planning commission preliminary review fee: $500.00 and $30.00 per lot.

(D) Additional information for the preliminary plan. The following information does not apply to all projects and may be requested during the site review or required during review and approval of applications:

(1) Statements of proposed use of lots, giving type and number of dwelling units and/or type of business or industry.

(2) Conceptual plan for commercial and industrial development, showing proposed parking, loading areas, alleys, pedestrian walkways, streets, points of vehicular ingress/egress to the development and landscape features.

(3) A drawing of all present and proposed grades and facilities for storm water drainage in cases where natural drainage is altered and proposals to abate erosion and storm water damage.

(4) A feasibility study on sewer and water facilities for land developments of two or more dwelling units.

(5) Screening, buffering and/or noise abatement measures.

(6) Preliminary engineering designs of any new bridges or culverts proposed in the project.

(7) Other information, impact studies, items, or provisions deemed necessary or prudent to create buildable sites and to promote the public health, safety, and welfare.

(8) The developer shall be responsible to cover the costs of inspection, processing, and review that are incurred by the planning commission, and said fee shall be paid prior to approval by the city council. Reimbursed funds shall be deposited into the general fund and credited into the engineering expense line provided the reimbursement is a current year expenditure.

(9) Any subdivision plat filed with the city for a tract to be developed as condominium property shall be consistent with the declaration prepared and filed pursuant to Sections 5311.05 and 5311.06 of the Revised Code. The city shall receive copies of Ohio Revised Code Chapter 5311.01(P) "Condominium Instruments" at the time the condominium subdivision plat is filed with the city.

21.05.18. - Sidewalks and graded areas.

(A) Sidewalks shall be required in all subdivisions on both sides of all streets.

(B) Sidewalks shall be placed in the right-of-way, parallel to the street, unless an exception has been permitted to preserve topographical or natural features or trees that are six inches in diameter at breast height, or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation. In commercial and in high-density residential areas, sidewalks may abut the curb.

(C) Pedestrian-way easements ten feet wide may be required by the planning commission through the center of blocks to provide circulation or access to schools, playgrounds, shopping or other community facilities.

(D) Sidewalks shall measure five feet in width; wider widths may be necessary near pedestrian generators and employment centers.

(E) Sidewalks and graded areas shall be constructed according to the specifications set forth in these regulations. Sidewalks shall be five feet wide and four inches thick except at points of vehicular crossing where they shall be at least six inches thick. At vehicular crossings, concrete sidewalks shall be reinforced with welded wire fabric mesh or an equivalent. Concrete sidewalks shall be Class C concrete having a 28-day compressive strength of 4,500 p.s.i. Paving materials other than concrete, such as stone or brick, will require approval by the service-safety director before construction can begin.

21.05.07. - Rights-of-way.

(A) The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain the roadway, curbs, sidewalks, utilities, graded areas and shade trees.

(B) The R/W of a new road that is a continuation of an existing road shall in no case be continued at a width less than that of the existing street.

(C) The R/W for roads shall be in accordance with the major thoroughfare plan, and shall provide for future development.

Table 3: Right-Of-Way Recommended Standards:

Street Type	R-O-W Width (Feet)
Major Arterial	120-300
Minor Arterial	80-100
Major Collector	64-80

Street Type	R-O-W Width (Feet)
Minor Collector	60-80
Local Industrial	60-80
Local Street/Road	50-60
Marginal Access Street	50
Alley	20-28
Cul-De-Sac	50

21.07.05. - Landscape plan.

A landscape plan shall be submitted for all subdivisions and planned unit developments within the city in accordance with the city's landscaping ordinance, Title 37, have a street tree plan approved by the shade tree commission and post a bond for future installation of the plan.

21.07.06. - Site protection and general planting requirements.

(A) Protection of existing plantings: Maximum effort should be made to save fine or exceptional plant specimens. No material or temporary soil deposits shall be placed within the dripline of shrubs and trees designated on the landscape plan to be retained. Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.

(B) Removal of debris: All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed of in accordance with the law. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas, subject to approval by the planning commission.

(C) Topsoil preservation: Topsoil shall be temporarily stored and later redistributed on all regarded surfaces so as to provide at least four inches of even topsoil cover to all disturbed areas of the development and shall be stabilized by seeding or planting.

(D) Slope plantings: Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one foot vertical to three feet horizontal shall be

planted with ground cover appropriate for the land use and for the soil conditions and water availability.

(E) Additional landscaping: In residential developments, besides the screening and street trees required, additional plantings or landscaping elements may be required throughout the subdivision where necessary for climate control, privacy, or other reasons in accordance with the landscape plan approved by the shade tree commission taking cost constraints into consideration. In non-residential developments, all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass or other ground cover, shrubs, and trees as part of the landscape plan approved by the shade tree commission.

(F) Planting specifications: Deciduous trees shall have at least a one and a half-inch caliper at planting. Size of evergreens and shrubs shall be allowed to vary depending on setting and type of shrub. Only nursery-grown plant materials shall be acceptable, and all trees, shrubs, and ground covers shall be planted according to accepted horticultural standards. Dead and dying plants shall be replaced by the subdivider during the following planting season.

(G) Plant species: The plant species selected shall be hardy for the climate in Athens County and appropriate in terms of function and size.

21.07.07. - Shade trees.

Shade trees shall be installed on both sides of all streets in accordance with the developer's landscape plan, approved by the shade tree commission. Subdivisions planned for wooded sites will not need shade trees planted along roadways as long as the shade tree commission agrees that there are sufficient and acceptable trees remaining in the right-of-way adjacent to the street.

21.09.09. - Arrangement of commercial uses.

When a PUD includes commercial and/or manufacturing uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with streets. Planting screens or fences shall be provided on the perimeter of the commercial and/or manufacturing areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, installation of trees, shrubs and other plants, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the commission.

21.09.18. - Final plan application requirements.

An application for approval of the final development plan shall be filed with the zoning administrator by at least one owner of property for which the PUD is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for the final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

(A) A survey of the proposed development site, showing the dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.

(B) All the information required on the preliminary plan; the location and sizes of lots; location and proposed density of dwelling units; nonresidential building intensity; and land uses considered suitable for adjacent properties.

(C) An estimated schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and roads; streetscapes; landscaping, lighting and sidewalks; a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing/building; estimated nonresidential population by type of housing/building; estimated nonresidential population. anticipated construction timing for each unit; and standards for height, open space, building density, parking areas, population density, and public improvements, whenever the applicant proposes any exception from standard zoning districts requirements or other sections governing development.

(D) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earth work required for site preparation and development.

(E) Site plan, showing building(s), parking, various functional use areas, circulation, and their relationship and a tabulation of the number of acres in the proposed project for various uses reviewed by the Athens Area Commission on Disability.

(F) Preliminary building plans, including proposed unit plans for review by the Athens Area Commission on Disability.

(G) A landscaping plan that has been reviewed by the shade tree commission, lighting, sidewalk and open space plans.

(H) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.

(I) A fee as established by ordinance.

21.11.01. - Definitions.

A long section with many definitions, this is just a sample with the word tree in:

Dripline: An imaginary curved line, on the ground, that is vertically below the outermost limit of leaves or needles on trees and shrubs.

Improvements: Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control for drainage facilities, utility lines, landscaping including the replacement or addition of trees and shrubs or other plants, and other related matters normally associated with the development of raw land into building sites.

Right-of-way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography of treatment) such as grade separation, landscaped areas including trees and shrubs or other plants, viaducts, and bridges. (See Public way)

Title 23 - Zoning Code

23.03.13. - Sign regulations.

(S) Prohibited signs:
(5) Public areas. No sign shall be placed on any curb, sidewalk, post, pole, hydrant, bridge, wall, tree or other surface located on public property or over or across any public street except as expressly authorized by the mayor.

23.04.09. - Open Space Zone.

(B) Principal permitted uses:
(1) Natural areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands, woodland swamps (hydric soils), prairies, wetlands (hydric prairies), savannah, and other types of natural areas. Maintenance is limited to removal of litter, dead trees and other plant materials. Natural water courses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.

23.08.05. - Development and maintenance of parking areas and structures and loading/unloading.

23.08.05. - Development and maintenance of parking areas and structures and loading/unloading.

Every parking area for four or more cars, any structure used as a parking garage, or any loading area, or the portion of any access drive or driveway on the city right-of-way shall be developed and maintained in accordance with the following requirements. Plans for such areas shall be reviewed, approved or modified by the service-safety director or designated agent to insure compliance with these regulations.
(A) Off-street parking areas or structures and off-street loading areas shall be effectively screened. The screening shall be on the sides which adjoin, abut, are adjacent to, or face premises situated in any residential zone or institutional building. Landscaping plan is required and must be submitted to the Athens City Tree Commission for review, and recommendation forwarded to the service-safety director for approval.

Title 27 - Land Development

27.03.04. - Plan content.

Where a proposed development will be located in a zone of moderate or severe landslip potential, will affect a stream channel, or will consist of one or more acres and will, therefore, under Section 27.03.02, require approval of development plans prior to commencement of earth disturbing activities, those plans shall contain, at a minimum, the information that is specified below. The service-safety director shall be the judge of the adequacy of methods of information collection and analysis. The director shall have the right to require any additional information as he or she may deem necessary to determine compliance with the requirements of this title, and he shall also have the right to waive individual informational requirements, if he concludes on the basis of preliminary information that they are not necessary to determine such compliance.

(A) All plans: All required plans shall include the following:

(1) Names, addresses, and telephone numbers of the property owner(s), the applicant (if other than the owner), the qualified professional person(s) who prepared the plan(s), and the person(s) who will be responsible for the development area.

(2) Certification by the qualified professional person(s) who prepared the plan(s) that the project as proposed has been designed using sound, prudent engineering practices to meet all applicable requirements of this title.

(3) Certification by the person(s) who will be responsible for the development area that all earth disturbance, construction, and development will be in substantial conformity with the plan for the development area that has been submitted to and approved by the city service safety director in accordance with the terms of this title.

(4) Title, scale, direction, legend, and date of all maps and dates of all field work and reports. Maps shall be drawn to a scale of no less than one inch to 100 feet (scale 1:1200) and shall have dimensions no larger than 24 by 36 inches. Maps may be combined, so long as all required information is clearly depicted.

(5) Proposed construction sequence and time schedule for all earth disturbing activities and for all permanent and temporary measures proposed to minimize the potentially negative effects thereof.

(6) With respect to existing conditions:

(a) A map showing the existing topography of the development area and of adjacent land within 100 feet of its boundaries. A topographic map shall use a contour interval appropriate to portray clearly the surface conformation and drainage pattern of the area. For development areas of less than one acre, a statement of average slope may be substituted for this map.

(b) A description of the predominant soil types, their distribution, and their limitations for the proposed use.

(c) A map showing the location of existing buildings and other structures and their uses; utilities; permanent, intermittent, and ephemeral streams (material composition of beds to be identified); water bodies; drainage facilities; vegetative cover; areas of pavement or other artificial cover (streets, roads, driveways, parking areas, sidewalks, and the like); sensitive water areas; and other significant natural or man-made features on the development area and adjacent land within 100 feet of its boundaries. If no sensitive water areas, as defined in this title, exist within the area depicted on this map, a statement certifying the same shall be appended to the map.

(d) A vicinity map at a scale of not less than 2,000 feet to the inch showing the development area in relation to existing roads and nearest existing thoroughfares, permanent streams, and sensitive water areas.

(7) With respect to proposed development activities: maps, plans, and descriptions of the following:

(a) A grading plan showing the location, slope, cut, fill, and finish elevation of the surfaces to be graded. For fills, results of laboratory and field density analyses shall be included.

(b) Plans and practices for safe disposal of runoff water, slope stabilization, erosion control, and drainage (such as waterways, lined ditches, diversions, grade stabilization structures, retaining walls, and surface and subsurface drains), and for maintenance, where required.

(c) Location of and plans for proposed buildings and other structures.

(d) Kinds of utilities and proposed areas of installation.

(e) Proposed paved areas.

(f) Makeup of proposed surface soil (upper six inches) on areas not covered by buildings, structures, or pavement. Description shall be in such terms as, but not limited to: original surface soil, subsoil, sandy, heavy clay, stony.

(g) Proposed kind of cover on areas not covered by buildings, structures, or pavement. Description shall be in such terms as, but not limited to: lawn, turfgrass, shrubbery, trees, forest cover, riprap, mulch.

(B) Plans for development in landslip potential areas or to affect stream channels: Plans for proposed development areas of all sizes in zones identified by the city as having moderate or severe landslip potential or development that will affect stream channels shall include, in addition to items specified in Section 27.03.04(A) above, an evaluation of land stability and a description of measures proposed to minimize negative effects of development. Such evaluation shall be based upon site specific, on site investigation by a qualified professional person and shall include the following information:

(1) A statement of the identity, condition, strength, and distribution of existing bedrock and soils, an assessment of the effects of geologic conditions on the proposed development, a stability analysis, and recommendations for grading and slope protection based on such analysis. The statement shall include data from soil borings, as well as a map of the locations of borings and of predominant soil types and their distributions.

(2) Hydrological characteristics of the surface and subsurface and their relation to the ability of the subject parcel to support the proposed development and recommendations for grading, control of surface and subsurface water, and slope protection.

(3) The identity, condition, and distribution of existing vegetative cover (trees and other plants), an assessment of their effect on drainage and erosion, and recommendations for clearing and planting.

(4) Location and description of off site but related areas identified by the city as being of moderate to severe landslip potential that may affect or be affected by the proposed development.

(5) A permit fee shall be established by separate ordinance.

(C) Plans for parcels of one acre or more: Plans for parcels of one acre or more shall include the following, in addition to information required in Sections 27.02.04(A) and (B), above:

(1) Location of the area and its relation to its general surroundings, including:

(a) A drainage analysis.

(b) Identification and description of off-site areas susceptible to sediment deposits or to erosion caused by accelerated runoff.

(c) Identification and description of offsite areas that may pose runoff and erosion problems for the development area.

(2) Design computations and applicable assumptions for all structural measures for erosion and sediment pollution control and stormwater management. Volume and velocity of flow must be given for all surface water conveyances and outlets.

(3) Certification by persons responsible for development that all earth disturbance, construction, and development will be done pursuant to the plan and to specifications set forth in "Rainwater and Land Development Manual (ODNR, the most recent edition available from the Division of Soil and Water Conservation)".

(4) A permit fee shall be established by separate ordinance.

(D) Plans for subdivisions and parcels of five or more acres: Plans for all subdivisions and for parcels of five acres or more shall include, in addition to information required in Sections 27.03.04(A), (B), and (C), above, a stormwater management plan to show how the runoff will be transported from the site, stored, and released into receiving waters. This plan shall include the following:

(1) Results of computations of runoff rates and volumes prior to and following proposed development, as prescribed in Section 27.02.04(E) "Stormwater Control for Larger Development Areas."

(2) Location and design of all stormwater conveyance, detention, and retention structures.

(3) To ensure the continued functioning of stormwater control facilities, the following information shall be identified to the satisfaction of the service-safety director:

(a) The name, address, and 24-hour telephone number(s) of the person or entity responsible for continued maintenance of the stormwater control structure and the mechanism establishing responsibility.

(b) Maintenance requirements and schedules.

(c) Permanent access and access easements required to perform inspection and maintenance of stormwater control structures and stormwater conveyance systems.

(4) A permit fee shall be established by separate ordinance.

27.04.02. - Definitions.

(T) Farm: Land or water devoted to agriculture.

(1) Farm or agricultural activities (Ohio Revised Code 902.01):

(1) Farming;

(2) Ranching;

(3) The production or cultivation of agricultural or horticultural commodities including, without limitation, field crops, tobacco, fruits, vegetables, mushrooms, timber, nursery stock, ornamental trees, sod, or flowers;

(4) Animal or poultry husbandry and the production of poultry and poultry products, livestock, equine or furbearing animals, and wildlife, including raising, breeding, shearing, grazing or other feeding;

(5) Dairy production;

(6) Beekeeping and related apiarian activities and the production of honey, beeswax, honeycomb, and other related products;

(7) Viticulture, winemaking, and related activities;

(8) On site storing, handling, and processing incidental to the production of the foregoing agricultural or horticultural products and commodities.

Title 33 - Shade Tree Commission

33.01.01. - Commission membership.

There is hereby established a shade tree commission consisting of seven members and two alternates, all residents of the City of Athens, to be appointed as follows:

(A) Five members, who shall be the voting members, and two alternates, to be appointed by the mayor with the approval of council.

(1) All members shall serve without compensation;

(2) All members appointed by the mayor, with the approval of council, shall serve two-year terms. The two alternates appointed by the mayor, with the approval of council, shall serve two-year terms. The commission shall appoint its own chairperson from among its voting members. In the event of the death or resignation of any member, a successor shall be appointed from the alternates to serve the unexpired term for which such member had been appointed.

(B) A member of city council and the mayor, or his/her designee; who will serve as nonvoting ex-officio members.

(Ord. No. 0-87-09, § I, 7-20-2009)

33.01.02. - Duties of the commission.

The duties of the said "shade tree commission" shall be as follows:

(A) To study the problems and determine the needs of the City of Athens, Ohio, in connection with its tree planting program;

(B) To recommend to the proper authority, the type and kind of trees to be planted upon such city streets or parts of city streets or in parks as is designated;

(C) To assist the properly constituted officials of the City of Athens, Ohio, as well as the council and citizens of the city in the dissemination of news and information regarding the selecting, planting and maintaining of trees within the corporate limits, whether the same be on private or public property, and to make such recommendations from time to time to the council as to desirable legislation concerning the tree program and activities for the municipality;

(D) To provide regular and special meetings at which the subject of trees insofar as it relates to the municipality may be discussed by the members of the commission, officers and personnel of the city and its several divisions and all others interested in the tree program.

(Ord. No. 0-87-09, § I, 7-20-2009)

33.01.03. - Prohibitions.

(A) No person shall plant, prune or move any tree or shrub on any public area of the City of Athens, Ohio, without first obtaining permission from the service-safety director's office, whose permission shall be given in writing and, except in an emergency as determined by the service-safety director, rendered after seeking the advice and consultation of the shade tree commission whose advice may include a requirement to compensate the city to the value of the tree to be removed.

(B) Upon application by the adjacent property owner, the shade tree commission may advise the service-safety director to permit the adjacent property owner to prune branches below eight feet in height and two inches in diameter of trees in the city right-of-way. Persons permitted to perform such pruning may do so until such time as they are notified by the service-safety director that they are no longer permitted to person such work.

(C) The shade tree commission will maintain a list of qualifications that persons or companies shall meet in order to perform work for hire on pruning, removing or planting of trees on public property.

(Ord. No. 0-87-09, § I, 7-20-2009)

33.01.04. - Planning.

When the service-safety director is to plan, design, and budget for a city project to build a new street or widening existing streets by including the planting of street trees in the base bid with

grass seeding; plans for the planting or preserving of shade trees are to be approved by the shade tree commission, but are subject to budget limitations imposed by council.

(Ord. No. 0-87-09, § I, 7-20-2009)

33.01.05. - Subdivision development.

Any new street developed in a subdivision by private developer and dedicated to the city shall have a street tree plan approved by the shade tree commission and post a bond for future installation of the plan. This requirement would be added to the list of subdivision regulations.

(Ord. No. 0-87-09, § I, 7-20-2009)

33.01.06. - Utility companies.

Utility and construction companies must protect street trees from damage while performing any work near city trees and are held responsible for replacement if existing trees die resulting from performance of their construction or repairs. Determination of damages should be made by a qualified arborist whose services are paid by the city.

(Ord. No. 0-87-09, § I, 7-20-2009)

33.01.07. - Penalties.

(A) Any person found to have removed or to have caused through their actions the removal of a tree in a public place without the consent of the service-safety director as described in Section 33.01.03 shall either replace the tree with one of similar type and size, as determined by the shade tree commission, or be required to plant at the site of the removal or elsewhere, as determined by the shade tree commission and with the agreement of the service safety director, trees equal in diameter at breast height to the one that they removed or caused to be removed, in addition to the penalties provided by the city code, the City of Athens may institute appropriate civil proceedings to enforce compliance.

(B) Any person violating a provision of this Code shall, in addition to any penalty under subsection (A), be deemed guilty of a minor misdemeanor and fined not more than $100.00 for each violation.

(Ord. No. 0-87-09, § I, 7-20-2009)

Title 35 - Cable Communications

35.03.14. - Tree trimming.

A franchisee shall comply with all rules, regulations or procedures as established by the appropriate city official or agency for the purpose of tree trimming or pruning at all times during the term of its franchise agreement. A franchisee shall obtain the permission of the owner of any privately owned tree or other vegetation not in the city's right-of-way before it trims or prunes the same. All persons engaged by a franchisee to provide tree trimming or pruning services shall be deemed an employee or agent of franchisee when engaged in such activity, and in no event shall such person be deemed to be an employee or agent of the city.

Title 37 - Landscaping Regulations

37.01.01. - Intent.

This section is intended to:

(A) Improve the appearance of off-street parking areas, vehicular use areas (those areas used by vehicles for passage or parking that are covered by an impervious surface including, but not limited to parking lots, driveways, etc.), and properties abutting public rights of way;

(B) Reduce heating effects of paved surfaces;

(C) Require buffering between differing land uses;

(D) Minimize runoff soil depletion and erosion thereby helping to reduce flooding;

(E) Lessen the transmission from one lot to another of noise, dust, and glare;

(F) Maintain or improve the unique character of city streets and neighborhoods and to contribute to the general welfare through landscaping;

(G) Maintain the topography and view sheds of the city, and achieve 40 percent tree coverage.

(Ord. No. 0-88-09, § I, 7-20-2009)

- 37.01.02. - Definitions.

- "Hardscape." Hardscape preparations refers to the inanimate elements of landscaping specifically associated with or necessary for the installation of plantings, especially any masonry work or woodwork.

"Impermeable surface." An impermeable surface is one that water will not penetrate, such as concrete or asphalt, and that will not support the growth of large shade trees.

"Permeable surface." A permeable surface in the context of this title is one, such as soil, that will allow sufficient water to penetrate the surface, and that will allow absorption of water and provide nutrients to enable the growth of large shade trees.

"Topography." The topography of a site is its three-dimensional shape.

"View shed." A view shed is an area of land, water, and other environmental elements, such as trees, green space, that is visible from a fixed vantage point. The term is used in urban and rural planning to identify areas of particular scenic and/or historic value that are deemed worthy of preservation.

(Ord. No. 0-88-09, § I, 7-20-2009)

37.01.03. - General.

(A) The requirements of this section are minimum landscaping requirements, and nothing herein shall preclude a developer and the city from agreeing to more extensive landscaping.

(B) Any variations from the standards established by this title on any plat or plan which must be submitted to the planning commission will be reviewed by the [shade] tree commission which shall make recommendations to the planning commission.

(C) Plans submitted to the shade tree commission need to contain the following information: location of property lines; locations of building(s), dumpsters, parking areas, and all vehicular use areas; location of drop lines, water, sewer, electric, and gas lines; and other utilities; a plating list giving the numbers of trees, shrubs and any other plant material by their Latin and common names, and their planted size; a legend showing symbols for the trees and shrubs by species/cultivar; a scale of no more than 30 feet to the inch; a north arrow; contact address for plan review; address of the plan site.

(D) A representative of the individual or entity submitting the plan must attend the shade tree commission meeting at which the plan is to be reviewed.

(E) If the specific application of the landscape requirements will seriously limit functions of the site, the shade tree commission shall have authority to permit consolidation and/or relocation of these landscaped requirements elsewhere within the site or to a public park or right-of-way within the city.

(Ord. No. 0-88-09, § I, 7-20-2009)

37.01.04. - Installation and maintenance.

(A) Installation: If installation of plantings is not completed in a planting season, then landscaping must be installed during the next planting season. All hardscape preparations for the landscape must be complete before the buildings are occupied.

In no case shall any plant material interfere with or cause damage to utility lines, public roadways or other works. Species of trees whose roots are known to cause damage to pavements or other public works should not be planted closer than 15 feet to such public works. A list of

such species is maintained by the shade tree commission. Trees planted must come from a state certified nursery.

(B) Maintenance: The owner of landscaping required by this code shall maintain such landscaping in good condition so as to present a healthy condition, free from refuse and debris. The owner should make provisions for the adequate watering of live plant material. If landscape plantings die, they must be replaced.

(Ord. No. 0-88-09, § I, 7-20-2009)

37.01.05. - Shade tree requirements.

(A) For every 1,527 square feet of impermeable surface at least one large shade tree or two medium sized shade trees shall be planted in a permeable space of at least 240 square feet with a minimum linear dimension of eight feet. Shade trees shall be planted within eight feet from the adjacent impermeable surface except where there is a building of more than one story where the shade trees shall be planted between 15 feet to 20 feet from such buildings. Large shade trees must be planted at least 30 feet from each other and from any medium sized trees. Medium sized trees must be 15 feet from each other. The shade tree commission maintains lists of large and medium sized trees from which the trees are to be selected; any trees not on the list must be approved for use by the shade tree commission.

(B) For every 1,767 square feet of permeable surface, excluding that used in Part A, at least one large shade tree or two medium sized shade trees shall be planted. Large shade trees must be planted at least 30 feet from each other and from any medium sized trees. Medium sized trees must be 15 feet from each other. Healthy trees preserved during site preparation may be counted toward fulfilling the tree requirements.

(C) Vehicular encroachment. Landscaped areas abutting parking spaces must be protected from vehicular encroachment by wheel stops, curbing or other means to prevent vehicles from damaging trees or other landscaping. Vehicles shall not encroach on landscaped areas.

(D) Anyone aggrieved by the requirements of this section may ask for a variance from the shade tree commission.

(Ord. No. 0-88-09, § I, 7-20-2009)

37.01.06. - Buffer landscaping.

(A) Screening, as required by the provisions of this Code, shall be of such nature and density that will screen the activities on the lot from view from the normal level of a first-story window on an abutting lot within five years.

(B) A decorative fence or screening, or such additional shrubs, hedges, fences and/or walls shall be provided for the purpose of obscuring objectionable features or attractive nuisances such as

parking lots, unsightly rear entrances, utility or maintenance structure, loading facilities, swimming pools and recreational areas:

(1) Between residential and business properties.

(2) Between residential properties.

(C) Decorative fences or plantings from six feet in height shall be required to partially screen any parking lot or loading area in any zoning district from any adjoining property or from property located across the street therefrom.

(D) Screening trash collection areas. Trash and/or garbage collection areas for commercial, multifamily residential and industrial uses shall be enclosed on at least three sides by shrubs and a solid wall, or by a fence and shrubbery fence one foot higher than the highest refuse container in the collection area if such area is not within an enclosed building or structure. Such screening shall be situated so as to screen the view of the collection area from adjacent roads and properties. Such wall screening shall be constructed of wood, brick, decorative concrete, block, stone and shrubs. The shrubs chosen will be of a type, when mature, normally expected to grow to one foot higher than the highest refuse container within five years of planting.

(E) The shade tree commission is empowered to authorize a deviation from the strict application of any of the above requirements relative to screening if:

(1) It can be clearly demonstrated that for topographic reasons, a fence, wall, and/or screening as required herein could not possibly screen the activities from view;

(2) A written request is received from the owners of the abutting residential district property that the screening as required herein should be waived or varied based on stated purposes;

(3) It can be clearly demonstrated that it is highly improbable that the abutting property will be developed for residential purposes.

(Ord. No. 0-88-09, § I, 7-20-2009)

37.01.07. - Corner lots.

(A) Landscaping at intersections of a private drive and a public right-of-way, or at intersections of two or more public rights-of-way, shall be maintained at a maximum height of 24 inches or, if planted with trees, trees shall have all branches trimmed to maintain a clear vision of eight feet above the roadway surface, for such distance behind the right-of-way lines as is deemed necessary on a case by case basis by the zoning inspector to insure the public safety.

(B) No landscaping, tree, fence, wall or similar item constructed or installed after the adoption of this code shall be maintained in the vicinity of any corner, street intersection, or access way intersecting a public right-of-way which the zoning inspector determines is an obstruction to visibility or is a traffic hazard.

(Ord. No. 0-88-09, § I, 7-20-2009)

37.01.08. - Residential landscaping.

(A) Application: This section shall apply to all new developments and to alterations to existing buildings which will increase the number of dwelling units. Existing trees may fulfill these minimum requirements. Tree species plant specifications shall meet the specifications set by the tree commission.

(B) Required trees for residential unit types: One large shade tree per unit to be planted on the lot frontage planted at 30 feet from the closest large shade tree, where utilities prevent a large shade tree planting two medium shade trees may be substituted where they are to be planted 15 feet apart. Where there is insufficient frontage trees may be planted within the lot, provided that large shade trees are at least 30 feet apart and medium trees are 15 feet apart, and that no large shade tree is planted within 15 feet of a multiple story structure. Trees planted for this requirement may also be used to meet the requirements of Section 37.01.05. To meet this requirement the trees may be placed in the right-of-way with the consent of the shade tree commission.

(Ord. No. 0-88-09, § I, 7-20-2009)

37.01.09. - Commercial, institutional, and industrial landscaping.

(A) Application: This section shall apply to all new developments, pavement replacing of existing parking lots greater than 25 percent including adding at least one-fourth inch of material to the surface of 25 percent of the parking lot by way of renovating, repaving, or upgrading, and to alterations to existing buildings which will increase the floor area by more than 25 percent, and to alterations, renovations, and improvements to existing buildings where the costs exceed 50 percent of the Athens County Auditor's Valuation. In the case of pavement replacement and existing building alteration, the minimum number of parking spaces required for the use by the Athens City Zoning Code shall not be reduced. Existing trees may fulfill these minimum requirements. Acceptable, healthy trees preserved during site preparation may be counted toward fulfilling the tree requirements of Section 37.01.05.

(B) Required trees: In all business and manufacturing districts, except the downtown business district, an eight-[foot] wide landscape strip shall be required adjacent to the street right-of-way, except where driveways or other openings may be required. This eight-foot wide strip shall be landscaped open space free of any wall, fence, embankment and/or walkway. At least one large or two medium deciduous trees for each 30 feet shall be planted in the landscape strip. Unless utility requirements will only allow small trees to be planted, three small trees shall be planted for each large shade tree required. Trees planted for this requirement may also be used to meet the requirements of Section 37.01.05. Where the city right-of-way at the front of a property exceeds 100 feet, the required eight-foot wide area may be placed in the right-of-way.

(Ord. No. 0-88-09, § I, 7-20-2009)

37.01.10. - Penalties.

(A) Failure to comply. In case any person refuses to comply with an order issued by the office of code enforcement pursuant to the above provisions, in addition to the penalties provided by the City Code, the City of Athens may institute appropriate civil proceedings to enforce compliance with the order.

(B) Penalties. Any person violating a provision of this Code shall be deemed guilty of a minor misdemeanor and fined not more than $100.00. Each day that a person continues to violate a provision of this Code shall constitute a separate and complete offense.

(Ord. No. 0-88-09, § I, 7-20-2009)

41.04. - Procedure for approval.

41.04. - Procedure for approval.

(A) A preliminary review meeting will be held with the service-safety director, or his/her designee, to discuss the general plan outline and identify any issues.

(B) File five print copies and one electronic copy of the site plan and related documents, along with the application fee, as determined by Athens City Council, with the service-safety director. File one print copy at the Athens Community Center. When approvals are required, such as shade tree commission, wellhead protection, and special flood hazard area, such approvals shall be obtained by the appropriate board/commission, as determined by the service-safety director.

(C) The service-safety director, or his/her designee, shall determine if an application for site plan approval is complete. If all information required to accompany the site plan is not provided, the service-safety director shall promptly notify the applicant that the application is not complete, and of the additional items that must be submitted. On the date the service-safety director has determined that the application is complete, he/she shall affix a check list indicating completion along with a listing of any other considerations given for that particular site, the application shall then be stamped as completed and officially filed on such date.

(D) Following the determination that the application is complete, the service-safety director shall forward copies of the application to the other city departments as deemed necessary. The service-safety director and any other city officials shall review the plans for compliance with all minimum requirements of the zoning code and city regulations. Within 15 business days from the date that an application has been stamped complete and accepted for filing, other city officials shall each file a written report with the service-safety director containing findings from their review.

(E) Within 15 business days from the date that the reports in Paragraph 41.04(D) are filed with the service-safety director, the planning commission shall review the application for site plan approval and shall either approve the site plan based upon a determination that the proposed plan is in compliance with all minimum requirements, or shall approve the site plan, subject to conditions, modifications, and restrictions that will ensure that the proposed plan is in compliance with all minimum requirements.

(F) Within ten days after its decision, the commission shall issue a written decision and shall send a copy of such decision to the applicant. If the commission has denied the site plan, the commission shall set forth in the decision the reasons for the denial.

(G) Appeals from a final order, adjudication, or decision of the planning commission may be to the Court of Common Please of Athens County pursuant to Ohio Revised Code Chapters 2505 and 2506.

Title 49 - Management, Administration, and Control of the Use of the City's Public Rights-of-Way

49.03.03. - Obligations upon receipt of a certificate of registration or special right-of-way permit.

49.03.03. - Obligations upon receipt of a certificate of registration or special right-of-way permit.

(A) In addition to the other requirements set forth herein and in the rules and regulations of the city, each provider shall:

(7) Be on notice that removal of trees, or the use of vegetation management programs within the rights-of-way of the city requires prior written approval by the service-safety director or his/her designee. Any such activities, unless an emergency, shall only be performed following the prior written approval of the service-safety director or his/her designee and must be performed in accordance with the then most current standard horticultural and arboreal practices. Emergency removal of trees or the use of vegetation management programs within the rights-of-way of the city may be performed in rights-of-way as described herein and in accordance with the city rules and regulations, but the service-safety director or his/her designee shall be provided notice of such emergency work within two business days of the start of the work. Any additionally required horticultural and arboreal practices and guidelines shall be described in the city rules and regulations. Any non-emergency tree removal or the use of vegetation management programs within the rights-of-way that is performed without the service-safety director or his/her designee's written permission shall subject a person to the penalties provided for in this title and may further require that the tree or vegetation be replaced, at the sole expense of the responsible person, with a healthy tree or vegetation of like kind and quality; and

49.07.06. - Exceptions to permit requirements.

49.07.06. - Exceptions to permit requirements.

The repairing or improvement of streets or other public places under or by virtue of a contract with the city; the maintenance, planting or removal of trees and shrubs from within the right-of-way; and the addition of an overhead customer service line for any utility, which service line does not cross across the edge of pavement limits or extend over pavement at a height of less

than 15 feet above the pavement are excluded from the requirements of this section at the discretion of the service-safety director or his/her designee.
(Ord. No. 0-149-18, § I, 12-10-2018)

49.08.15. - *Tree* trimming.

49.08.15. - Tree trimming.
A permittee shall comply with all rules, regulations or procedures as established by the service-safety director or his/her designee for the purpose of tree trimming or pruning at all times during the term of its permit. A permittee shall provide notice to the owner of any privately owned tree or other vegetation not in the city's right-of-way before it trims or prunes the same. All persons engaged by a permittee to provide tree trimming or pruning services shall be deemed an employee or agent of permittee when engaged in such activity, and in no event shall such person be deemed to be an employee or agent of the city.

(Ord. No. 0-149-18, § I, 12-10-2018)

Chapter 99.01.05. - Applied meanings of words and terms.

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Waynesboro VA

Buckhannon WV