

**ORDINANCE NO. 2023-13**

**AN ORDINANCE  
AMENDING SECTION 521.11, TRIMMING OF TREES, SHRUBS  
AND WEEDS REQUIRED, AND SECTION 1331.04, EXTERIOR  
AREAS OF PROPERTIES; MAINTENANCE; PREMISES  
IDENTIFICATION, AND ENACTING NEW SECTION OF THE  
ORANGE VILLAGE CODIFIED ORDINANCES TO PERMIT  
NATURALIZED LANDSCAPING.**

WHEREAS, it has brought to the Village's attention that "naturalized landscaping" can be environmentally beneficial, without giving the appearance of being a merely yard that is unkempt; and

WHEREAS, Council desires to amend the Village's Codified Ordinances to permit the installation and maintenance of Naturalized Landscaping.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, STATE OF OHIO:**

**SECTION 1.** That existing Section 521.11, Trimming of Trees, Shrubs and Weeds Required, of the Codified Ordinances of Orange Village is hereby amended to provide as follows:

**"521.11 TRIMMING OF TREES, SHRUBS AND WEEDS REQUIRED.**

(a) Trimming of Trees, Shrubbery. The owner of every lot or parcel of land upon which a tree, plant or shrubbery stands with any part thereof upon or overhanging any public street, sidewalk or right of way shall conform to the regulations of this section. If such regulations are not followed, the Village shall cause such trees to be trimmed or cut down and removed in accordance with this section, with the costs to be assessed against the owner of the lot or parcel of land.

(1) The owner shall trim or cause to be trimmed every overhanging tree, plant, or shrub so that a clear height of seven feet between the lowest branch and the street or sidewalk is maintained.

(2) The owner shall trim or remove, as the case may require, every dead, decayed or broken tree, plant, shrub or part thereof, so that the same shall not fall to the street or sidewalk.

(3) The owner shall cut down and remove any tree, plant, shrub or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street or intersection, or to abate any nuisance to protect the life, limb and property of persons, drivers of vehicles, or pedestrians from using any street or sidewalk. Refer to the zoning code for sightline clearances on corner lots.

(b) Definitions. As used in this section, the following definitions shall apply:

(1) “Noxious weed” means any plant which is currently listed as a “prohibited and restricted noxious weed” by the Director of Agriculture in the Ohio Administrative Code.

(2) “Uncontrolled growth” means all grasses and/or weeds growing at a height of eight inches or higher upon any developed property, **except if such grasses are a part of a “Naturalized Landscape”.**

(3) **“Naturalized Landscape” means a designed combination of plants, shrubs and trees that are intended to grow with minimal maintenance, which design has been approved by the Architectural Board of Review.**

(c) Uncontrolled Growth, Nuisance. Uncontrolled Growth, as defined in subsection (b)(2) hereof, within the Orange Village, is hereby declared to be a public nuisance.

(d) Agricultural Use, Exempted. Notwithstanding the provisions of this chapter, any land where grass is grown in conjunction with the agricultural purposes of farming, dairying and/or pasturage shall not be subject to the provisions of this chapter.

(e) Removal of Noxious Weeds, Uncontrolled Growth, and/or Landscape Maintenance. Upon information that:

(1) Noxious weeds are growing on lands within the Village and are about to spread or produce seeds; and/or

(2) Uncontrolled growth is growing on lands or property which is adjacent to lots or lands upon which a residential dwelling or commercial building exists, whether or not such building is occupied, and/or on all sublots in a recorded subdivision in their entirety.

(f) Notification; Service. If such owner or other persons having charge of such lands is a resident whose address is known, personal service shall be made by any police officer or employee of the Village Building Department. If such owner, or other person having charge of such lands is a nonresident whose address is known, such notice shall be sent to his or her address by certified mail, return receipt requested; if the address of such owner is unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in Cuyahoga County, Ohio.

(g) Compliance. The owner, occupant or person having the charge or management of any lot or parcel of land situated within the Village, whether the same is improved or unimproved, vacant or occupied, within two (2) days after written notice that noxious weeds and/or uncontrolled growth is growing on such lands, is served upon him or her in conformity with this section, shall cut or destroy or cause to be cut or destroyed all noxious weeds and/or Uncontrolled Growth, and prevent the same from blooming, going to seed or spreading.

(h) Noncompliance; Remedy of Village. If the owner, lessee, agent or tenant having charge of the lands herein fails to comply with such notice, the Building Commissioner shall cause such noxious weeds and/or uncontrolled growth to be cut and destroyed, and the expenses so incurred shall be paid out of the treasury of the Village, and an invoice for such costs, including an administrative fee of twenty-five dollars (\$25.00), shall be submitted to the owner, lessee, agent or tenant for reimbursement to the Village.

(i) Collection of Costs. In the event the owner, lessee, agent, or tenant does not reimburse the Village for the expenses incurred in furtherance of this section, the Village Treasurer shall certify such expenses to the Fiscal Officer Auditor of Cuyahoga County with the request that such amount be entered upon the tax duplicate and a lien upon such lands, from and after the date of the entry, and be collected as other taxes and returned to the Village according to law.

(j) Penalty. Whoever violates any provision of this chapter shall be deemed guilty of a minor misdemeanor and fined not more than one hundred fifty dollars (\$150.00). Each day's violation shall constitute a separate offense."

SECTION 2. That existing Section 1331.04, Exterior Areas of Properties; Maintenance; Premises Identification, of the Codified Ordinances of Orange Village is hereby amended to provide as follows:

**"1331.04 EXTERIOR AREAS OF PROPERTIES; MAINTENANCE; PREMISES IDENTIFICATION.**

(a) Exterior areas of all premises shall be kept free of any objects, materials or conditions which may create a health, accident or fire hazard or adversely affect the value of surrounding properties, including but not limited to:

(1) the outside storage of seldom moved, unlicensed or immovable vehicles in conspicuous positions where such storage is not part of a lawful business conducted on the premises;

(2) collections of junk, rubbish or debris outside dwellings or structures; (3) Landscaping that displays the following conditions

A. Designed pathways within the landscape are blocked by overgrown foliage;

B. Dead plantings;

C. Standing water;

D. Pruned or trimmed branches or other landscaping debris on the ground;

E. Foliage that blocks the sightlines of vehicles or pedestrians on public or private roads or driveways.

(b) Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). In the event that the address numbers or letters are on a mailbox, the address must be plainly visible when a vehicle is approaching the mailbox from either direction on the street."

SECTION 3. That existing Chapter 1335, Architectural Control, of the Codified Ordinances of Orange Village is hereby amended by the enactment of a new Section 1335.09, Naturalized Landscaping, which shall provide as follows:

**“1335.09 NATURALIZED LANDSCAPING.**

The Architectural Board of Review shall adopt and maintain guidelines to permit property owners to develop and maintain a “Naturalized Landscape”, meaning a designed combination of plants, shrubs and trees that are intended to grow with minimal maintenance on properties in the Village. Nothing in this ordinance is intended to permit a Naturalized Landscape to be developed or maintained in the Village in any development that has any condominium or homeowners’ association which has not permitted Naturalized Landscapes.”

SECTION 4. That existing Sections 521.11, Trimming of Trees, Shrubs, and Weeds Required, and Section 1331.04, Exterior Areas of Properties, Maintenance, Property Identification, and all other ordinances conflicting with this ordinance are repealed to the extent of the conflict.

SECTION 5. That the actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

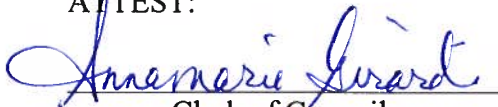
PASSED: Oct. 4, 2023

  
Council President

Submitted to the Mayor for  
approval on this 4<sup>th</sup> day of OCTOBER, 2023

Approved by the Mayor this  
4<sup>th</sup> day of OCTOBER, 2023

ATTEST:

  
Clerk of Council

  
Mayor



## **GUIDELINES for “Naturalized Landscape in Residential Districts”**

### **PURPOSE:**

The purpose of these guidelines is to provide residents a clear understanding of the standards for the application of “naturalized landscape” and to encourage the installation and maintenance of it as an environmentally responsible strategy. These standards are also intended to define, limit, and regulate landscape that is undesirable or unkempt.

### **DEFINITIONS:**

“Naturalized Landscape” means a designed combination of plants, shrubs and trees that are intended to grow with minimal maintenance, which design has been approved by the Architectural Board of Review.

“Weed” – a wild plant growing where it was not intentionally planted.

“Invasive Species” – a species not native to an environment that becomes overpopulated and harms its new environment. A list of species invasive to Orange Village is available through the Orange Village Building Department and on the Village website and is included by reference to this definition.

“Native Plants” – a species that originated and developed in its surrounding habitat and has adapted to living in that particular environment. A list of native plants is available through the Building Department and on the Village website. This list is included by reference.

“Naturalized Plants” – a plant that is not Native but that reseeds, spreads, and attracts pollinators in this environment. (these plants are different from perennials which return year after year but rarely if ever set seed).

“Non-Native Plants” – a species that originated somewhere other than its current location and has been introduced to the area where it now lives (also called exotic species).

“Drought-Tolerant” – plants can grow or thrive with minimal water or rainfall, meaning that plants survive on average or less than usual rain in a particular region.

“Neglect” – fail to care for properly. Giving insufficient attention to something that merits or requires one’s attention.

### **AREAS TO BE ADDRESSED:**

Controlled Setback – Native or Naturalized perennials shall not be planted or maintained within 30 feet of a street line without the prior approval of the Architectural Board of Review (“ABR”) and may not reach a height in excess of 30 inches. Other types of native, naturalized, or non-native plant material may be used within this area as



approved by the ABR. Native or naturalized perennials are to be used not closer than 10 feet from any side or rear property lines without prior approval by the ABR and may not exceed 18 inches.

Other types of native, naturalized, or non-native plant material may be used as approved by the ABR. Invasive species are not allowed. Where existing planting material is requested to be maintained, the applicant shall provide a horticulturist's report attesting to that material meeting the requirements for native, non-native, and invasive species.

#### **Schedule of Planting Setback Delineation**

Planting Zone	Distance from ROW Line	Height Restriction
Zone 1	0'-10'	18" Maximum
Zone 2	10'-30'	30" Maximum
Zone 3	30'-building line	As allowed by code

Maintenance – all Naturalized Landscapes to be cared for to insure the optimum growth and longevity of the planting. This includes any required initial or ongoing watering, pruning, and soil or nutritional amendments. Not all Natives or Naturalized plants are "Drought Tolerant" so if water is an issue make selections carefully.

The landscape materials including plants, grasses, trees, flowers, and shrubs are to be made up of:

- 60% native species
- 40% non-native species
- Invasive species are prohibited.

#### **PROCESS FOR CONSIDERATION AND APPROVAL:**

Submission for Approval – Site Plan must show all property lines and all hard surfaces including all public and private sidewalks, driveways, patio, swimming pools, etc. Drawing must be at 1/8-inch scale or 1" = 10' scale. All bed lines must be shown, and centers of new and existing plants must be shown. Drawing must be labeled with plant names and quantities along with their size at installation. 3 copies of each plan must be submitted to the board along with "before" photographs. Plans will be reviewed for consideration and presented to the ABR for approval.

Approval – based on appropriate plant selection, use, placement, quantities and the landscape design elements of unity, scale, balance, simplicity, variety, emphasis, and sequence as they apply to line, form, texture, and color. Design elements must be integrated into a coherent whole.