

Regional Planning and Coordinating Commission of Greene County

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STAFF RECOMMENDATION ZONING TEXT AMENDMENT BEAVERCREEK TOWNSHIP

RESOLUTION #24-06-18-4E

Trees Prohibited in Street Right of Way

A. Zoning Amendment Requested By:

Beavercreek Township Zoning Commission.

B. Nature of the Amendment Request: To update zoning resolution text to address overgrown trees in the street right of way.

C. Findings:

Proposed Text:

Addition:

Section 18.36 TREES PROHIBITED IN STREET RIGHT OF WAY

Planting, growing, raising, or cultivating any tree within the right of way on any Township street in is prohibited. Nothing in this section shall be deemed to require a change in plans lawfully approved by the Township prior to the effective date of this section. If a tree dies or is otherwise removed from the right of way, the property owner shall not replace that tree in compliance with this section.

D. Perspectives 2040

The amendment complies with Perspectives 2040 due to the Access Management section under Coordination Transportation and Land Use that states; “*Providing access to property and moving traffic are the two major functions of roadways. In some cases, the two uses clash with one another and cause congestion and safety issues due to increased conflict points. It is the role of access management to minimize these conflicts and attempt to maintain the intended function of the roadway.*” Pg. 72

Member Jurisdictions

Greene County

Cities

Bellbrook
Fairborn

Villages

Clifton
Jamestown
Spring Valley
Yellow Springs

Townships

Bath
Beavercreek
Caesarscreek
Cedarville
Jefferson
Miami
New Jasper
Ross
Silvercreek
Spring Valley
Sugarcreek
Xenia

E. Discussion:

Staff had concerns with how the proposed text would be implemented simultaneously with the Townships, already in place, right to plant. In this case, the Township is planning never to plant trees in the right of way and omit the minor highlighted typo the addition of text falls within the acceptance of state law according to ORC 5543.14. This determination was made with the advisement of the prosecutors office.

F. Recommendation:

Staff recommends approval of the text as written.



**SUGARCREEK TOWNSHIP
RESOLUTION NO. 2024.08.05.05**

IN RE: Resolution to Amend Text of the Sugar Creek Township Zoning Resolution and Transmit a Copy to the Zoning Commission to Prohibit Trees in the Street Right-of-Way

WHEREAS, Ohio Revised Code Section 519.12 (A)(1) prescribes the authority of the Board of Trustees, by passage of a resolution, to initiate amendments to the zoning resolution; and

WHEREAS, upon passage, the certification of a resolution by the Board of Trustees will be made to the Zoning Commission and a public hearing of the Zoning Commission will be scheduled for not less than twenty nor more than forty days from the date of the certification of such resolution; and

WHEREAS, within five days after the passage of this resolution by the Board of Trustees, the Zoning Commission will transmit a copy of it to the Greene County Regional Planning & Coordinating Commission for approval, disapproval, or suggestion; and

WHEREAS, the Board of Trustees and staff have identified the need to prohibit trees in the street right-of-way to protect the general health and safety of residents and commuters as they provide obstruction, line-of-sight issues, damage to public infrastructure, and other safety concerns; and,

WHEREAS, it is the position of the Board of Trustees to prohibit trees in the street right-of-way and incorporate such prohibition in the Sugar Creek Township Zoning Resolution.

NOW THEREFORE, BE IT RESOLVED, this Board of Trustees does hereby adopt the following:

SECTION 1: The following text amendment of the Zoning Resolution is initiated to Zoning Commission for approval:

Section _____ TREES PROHIBITED IN STREET RIGHT-OF-WAY

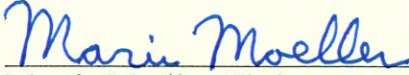
Planting, growing, raising, or cultivating any tree within the right-of-way on any Township street is prohibited. Nothing in this section shall be deemed to require a change in plans lawfully approved by the Township prior to the effective date of this section. If a tree dies or is otherwise removed from the right-of-way, the property owner shall not replace that tree in compliance with this section.

SECTION 2: Upon passage of this resolution, a certified copy of it will be transmitted to the Zoning Commission who will schedule a public hearing of the Zoning Commission. Said public hearing will be scheduled for not less than twenty nor more than forty days from the date of the certification of such a resolution.

SECTION 3: within five days after the passage of this resolution by the Board of Trustees, the Zoning Commission will transmit a copy of it to the Greene County Regional Planning & Coordinating Commission for approval, disapproval, or suggestion.

BE IT FURTHER RESOLVED: all formal actions of the Board of Trustees concerning and related to the adoption of this resolution are being adopted at a duly called and authorized open meeting of the Board of Trustees on the date set forth above, such meeting being duly called, pursuant to and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

APPROVED BY:



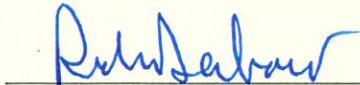
Marvin Moeller, Chairperson



Fred Cramer, Vice-Chairperson



Carolyn L. Destefani, Trustee



Richard J. Demko, Fiscal Officer