

1167.21 PRESERVATION ZONES.

Preservation **zones** are natural areas that protect both the aesthetic appearance and environmental significance including, but not limited to, woodlands, wetlands, ravines, flood plains, streams, lakes, ponds, and/or steep slopes and can provide effective buffers between different or same land uses. Such **zones** should be designated on the concerned property. It is the intent of this section to encourage the use of these preservation **zones** in new developments including single family subdivisions, multi family, commercial and industrial construction. It is the further intent of this section not to preclude and/or prevent development, but to protect and preserve environmentally significant areas by fostering the use of buffer **zones** that could be integrated within the development. Preservation **zones** shall be used in a manner to promote and protect the public safety, convenience, comfort, prosperity, and general welfare of the City.

(a) Determination of Preservation Zones. Environmentally significant areas shall be required to have a preservation **zone(s)**. The natural resources maps B and C in the Gahanna Planning Guide are guides in determining the environmentally significant areas. These maps shall be a guide in determining areas that shall be required to have preservation **zones**. However, this shall not preclude the administration, Landscape Board and/or Planning Commission from recommending and/or approving preservation **zones** in other areas that are considered to be environmentally significant. In determining preservation **zones**, the administration, Landscape Board and/or Planning Commission determines that the area needs to be protected from development and which could serve as a buffer between different or same uses.

(b) Approval of Preservation Zones.

(1) The Planning Commission shall have the authority to approve a preservation **zone** for a subdivision and/or a planned district. This approval shall occur during the preliminary plat stage and shall follow the procedures set out in Chapter [1105](#). The administration, and/or Landscape Board may recommend to the Planning Commission the location of a preservation **zone**.

(2) The Planning Commission shall have the authority to approve a preservation **zone** in accordance with the established Design Review Districts except when a preservation **zone** has already been approved by the Planning Commission for a Planned District. Such approval shall become part of the certificate of appropriateness.

(3) Approval of preservation **zones** shall incorporate the stipulations in Section [1167.21\(c\)](#). Preservation **zones** shall become part of the final plat or final development plan for subdivisions by the Planning Commission and approved by Council. Preservation **zones** shall become part of the site plan that is part of the certificate of appropriateness approval.

(c) Preservation Zones.

(1) Before any activity, clearing, and/or construction begins, the entire preservation **zone** shall be enclosed with at least three foot high orange construction fencing to prevent any access to the area. Such fencing shall protect the root systems of vegetation within the preservation **zone**. The fencing can only be taken down for an individual lot when an occupancy permit has been issued for the structure on the concerned lot. The fencing shall remain on the undeveloped lots until occupancy permits are granted for each lot.

(2) Said preservation **zone** shall not be disturbed any time before, during, or after construction except for necessary access as approved by the **Zoning** Administrator.

(3) No permanent or temporary structure, building, or fence shall ever be placed upon, in, or under said preservation **zone**.

(4) Utilities and roadways in preservation **zones** may only be installed consistent with an Environmental Plan and/or Mitigation Plan.

(5) No development, clearing, thinning, construction, or work shall be performed in the preservation **zone** except for necessary construction as deemed necessary by the **Zoning** Administrator. If a preservation **zone** is disturbed at any time (including but not limited to utility construction and/or easement, building or grading construction) by the developer, contractor, subcontractor, house builder, property owner, or a representative, such disturbances that occur shall be restored to an approved condition. Diseased trees and/or diseased vegetation may be removed with the approval of the **Zoning** Administrator. Obnoxious weeds and/or brush of less than one inch caliper may be removed without destroying the integrity of the preservation **zone**.

(6) No dirt, stones, wood, or debris shall be placed within the preservation **zone**.

(7) Trees located in a preservation **zone** that have been pushed over, cut apart, blown over, or fall due to aging and/or deterioration are the property owner's responsibility to remove from the preservation **zone**.

(8) A utility company servicing and/or installing utilities in the designated preservation **zone** shall also be subject to these restrictions.

(9) These restrictions shall be printed on the final plat, the final development plan, and/or site plan.

(10) Drainage shall not be changed in a manner that will damage the preservation **zone**.

(11) The developer shall notify each property purchaser in the concerned subdivision and/or development of the preservation **zone** requirements. Such notification shall be in writing and shall be submitted to the property purchaser at the time of closing.

(12) The developer shall notify all contractors, utility companies, and/or cable companies doing work in the concerned subdivision of the preservation **zone** requirements before construction begins.

(d) Penalty.

(1) If Section [1167.21](#) is violated during construction, the **Zoning** Administrator, City Engineer, or Building Inspector may place a stop work order on the development, stopping all construction until such time as the preservation **zone** is restored to an approved condition as determined by the **Zoning** Officer. No person shall violate a preservation **zone** after occupancy.

(2) A homeowner and/or resident who violates any provision of this section or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with preservation **zones**, shall be found guilty of a minor misdemeanor and shall be subject to a fine not to exceed one thousand dollars (\$1,000) and, in addition, shall pay all costs and expenses involved in the case, including the costs of restoring the area to its original condition prior to the violation. Each day such violation continues shall be considered a separate offense.

(3) An organization (including but not limited to a developer, contractor, and/or subcontractor) who violates any provision of this section or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with preservation **zones**, shall be found guilty of a minor misdemeanor as an organization and shall be subject to a fine not to exceed one thousand dollars (\$1,000) and, in addition, shall pay all costs and expenses involved in the case, including the costs of restoring the area to its original condition prior to the violation. Each day such violation continues shall be considered a separate offense.

(4) Nothing herein contained shall prevent Council from taking such other lawful action as is necessary to prevent or remedy any violation.

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