



SHAKER HEIGHTS

Memorandum

To: Council Members

From: William M. Ondrey Gruber, Director of Law

Cc: David E. Weiss, Mayor
Jeri E. Chaikin, Chief Administrative Officer
Ramona Lowery-Ferrell, Director of Public Works

Date: July 21, 2025

Re: **Proposed Amendments to the Codified Ordinances Regarding Landscaping in Yards and Tree Lawns (Does NOT include a proposed Managed Natural Landscape Policy)**

INTRODUCTION

This memorandum describes the Administration's proposed amendments to the City's Codified Ordinances regarding landscaping on private properties and tree lawns in the public right-of-way. The proposed amendments are attached to this memorandum.

The Administration had proposed to create a new policy to expressly allow property owners in the City to create Managed Natural Landscaping areas. These areas would have expressly allowed such areas as an exception to the City's more restrictive policies that limit landscaping options to more traditional choices on private properties in the City. The proposed amendments were presented to the Safety and Public Works Committee, Sustainability Committee and Tree Advisory Board.

Due to opposition by the public and council, it is now proposed that the City proceed with much needed amendments to the Codified Ordinances regarding landscaping generally in the City on private property and tree lawns, but that the City should not create a separate policy regarding managed natural landscapes.

SUMMARY

The City's *existing* landscape regulations in the Codified Ordinances can be found in a number of different Ordinance sections:

- Chapter 107 – Nuisances - “The existence of grass, weeds or other landscaping conditions that violate the provisions of the Housing Code shall be considered a nuisance.”
- Chapter 155 – Requires adjacent property owners to maintain the tree lawn.
- Chapter 747 – General Offenses Code –
 - Mainly protects trees and plants in the tree lawn and on other *public* property.
 - Also, regulates trees and plants on *private and public* property: (a) trees and plants infected with parasites, insects, etc., (b) trees that may fall or have fallen, and (c) trees and plants that obstruct the right of way or other public property.
- Section 1111.02 – Traffic Code – “No person shall maintain trees, plants or shrubs on private property in a manner which obstructs the necessary view of a driver of a motor vehicle on a public street or on a private driveway, or which interferes with the driver's control.”

- Chapter 1253 – Zoning Code – The Zoning Code regulates parcels of land (except Section 1253.07, which regulates landscaping in the tree lawn and other public right of way). The Zoning Code provisions on landscaping generally only apply to new construction, and certain installations that require City approval such as fences, walls, air conditioning units, and certain other exterior features.
- Chapter 1319 – Building Code – This chapter regulates commercial properties, including landscaping, with fairly general landscaping requirements.
- Chapter 1412 – Housing Code – These provisions provide residential maintenance standards, including landscaping. The entire regulation is as follows:

Yard Landscaping Materials.

- (1) All yard landscaping materials shall be maintained in good condition so as to present a healthy, neat, and orderly appearance.
- (2) Any plant not in this condition shall be replaced when necessary and in a timely manner.
- (3) Fences, walls and other barriers shall be structurally sound, maintained in good repair, and in a neat, clean and attractive condition.
- (4) All hedges shall be planted and maintained in a good, healthy and neat condition and shall not encroach upon a public sidewalk.
- (5) Lawns shall be maintained in a healthy, neat, and orderly condition and shall not be allowed to grow, uncut, to a length in excess of six (6) inches above the ground.

The proposed amendments to the landscape ordinances outlined here are intended to do update the regulations and make them internally consistent, more clear, and better defined.

**PROPOSED AMENDMENTS TO THE CITY’S LANDSCAPING REGULATIONS
IN THE CODIFIED ORDINANCES**

The following is an outline of the proposed amendments to the Codified Ordinances related to landscaping, except that the Zoning Code provisions will be considered separately.

ADMINISTRATIVE CODE

CHAPTER 155 - Sidewalks, Driveway Aprons, and Tree Lawns

Note: this Chapter includes the existing requirement that property owners are responsible for the maintenance of the right-of-way (tree lawns) adjacent to their properties.

- **155.03 Repair by Owner or Contractor – update gender reference**
- **155.07 – ADD NEW SECTION: Restrictions on the Use and Placement of Items in the Tree Lawn and Sidewalks**
 - Prohibits use of tree lawn or sidewalk without City approval.
 - Prohibits attaching or installing anything in a tree lawn or on public property without City approval.
 - Prohibits using tree lawns for any activities, parking, storage or sales (unless allowed by other ordinances, and except temporary storage of leaves, brush or grass bags).
 - Prohibits in the tree lawn installation of fences, walls or edges, bare dirt, asphalt paving, gravel, noxious weeds, invasive species of plants, any plants taller than 24 inches not including flower stalks, and except street trees, plants taller than 6 inches within 3 feet of a fire hydrant, or plants that overhang or obstruct the sidewalk, curb and/or roadway.
 - The section does not apply to installations in the tree lawn or sidewalks by a governmental entity or public utility.
 - Any violation may be declared a nuisance and take actions under Chapter 107 of the Codified Ordinances.
 - The City is not responsible for damage to irrigation systems, ornamental plantings, or decorative paving in a tree lawn, or to maintain, repair or replace such plantings or paved areas.
- **155.08 – ADD NEW SECTION: Definitions of Tree Lawn and Public Right-of-Way**

GENERAL OFFENSES CODE

CHAPTER 747 – This Chapter is renamed from “Trees, Grass and Weeds” to “Landscaping; Trees, Grass.”

- **747.01 Injury to Trees and Shrubs**

- The existing prohibition on removing, destroying, cutting down, breaking, climbing or injuring any tree, ornamental plant or shrub in any street will be clarified, by changing “street” to “any roadway, tree lawn, or other public property.”
- Gender references are updated and other minor language is updated.
- A new subsection is added to prohibit attaching anything to a tree in a tree lawn or on public property.
- **747.02 Nuisances in Connection with Trees**
 - Changes application of section from declaring nuisances on public property to any parcel of land.
 - Clarifies what is an obstruction of the right-of-way.
 - Updates gender reference.
- **747.03 Landscaping; Planting Trees and Shrubs**
 - Cleanup and makes language consistent.
 - States that “All landscaping on private property and the adjacent tree lawn, including areas of turf grass and/or areas of ornamental or naturalized plantings, shall be designed, planted and/or maintained in a manner consistent with good landscaping practice, and kept in a healthy, well managed condition, that does not include: vegetation which blocks or impedes walkways, entrances, or driveways; vegetation which is overgrown, in poor condition, has significant dead material, or contains noxious weeds; vegetation that creates safety concerns due to its limiting of visibility for vehicles or pedestrians; poorly managed grass, ornamental plantings or other vegetation allowed to grow in a manner that causes a public nuisance as defined in Chapter 107 of the Codified Ordinances; or vegetation which is in a condition that violates another section of the Codified Ordinances.”
 - Updates gender reference.
- **747.04 Grass, and Noxious and Invasive Plants**
 - Adds terms “noxious or invasive plants” and deletes “ragweed, goldenrod, poison ivy, poison oak”.
- **747.07 Dutch Elm Disease and Dutch Elm Diseased Trees Declared to be Nuisances**
 - Deletes reference to Director of Safety.

TRAFFIC CODE

- **1111.02 Obstructing Trees, Plants, or Shrubs.**
 - Makes updates and corrections, adding “tree lawn” to prohibition of obstructions from private property.
 - Changes reference to “Traffic and Transit Committee” for appeals to “Board of Appeals.”

BUILDING CODE

- **1319.03 Definitions.**
 - Changes defined term from “Excessive vegetation” to “Poorly managed vegetation”, and expands the definition to read as follows:
 - “Poorly managed vegetation” means all vegetation, dead or alive, other than the following: ground cover, shrubbery, plants, flowers and trees which are planted and maintained in accordance with good landscape practice and the standards set forth in the Codified Ordinances and/or the City’s policies, rules and regulations. Poorly managed vegetation shall include, without limitation: vegetation which blocks or impedes walkways, entrances, or driveways; vegetation which is overgrown, in poor condition, has significant dead material, or contains noxious weeds; vegetation that creates safety concerns due to its limiting of visibility for vehicles or pedestrians; poorly managed grass, ornamental plantings or other vegetation allowed to grow in a manner that causes a public nuisance as defined in Chapter 107 of the Codified Ordinances; or vegetation which is in a condition that violates another section of the Codified Ordinances.
- **1319.08 Grounds.** Language is updated and clarified to match the changes in terms in 1319.03..

HOUSING CODE

- **1412.01 Purpose.** Updates language by adding the term “invasive” in the following: “...preventing the blighting and deteriorating effect caused by dust, debris, and overgrown, invasive, and dead or dying vegetation.”
- **1412.02 Landscaping and Yard Maintenance Requirements.** Updates title of Department.
- **1412.03 Maintenance Standards.**
 - Updates gender reference.
 - Adds extensive new language to “Yard Landscaping Materials” to read as follows:
 - (1) Grounds which are unpaved shall be landscaped with a healthy stand of grass, appropriate ground cover, or other appropriate vegetation as permitted under the Codified Ordinances, and/or policies, rules and regulations of the City.
 - (2) All landscaping, including areas of turf grass and/or areas of ornamental or naturalized plantings, shall be designed, planted and/or maintained in a manner consistent with good landscaping practice, and kept in a healthy, well managed condition, that does not include: vegetation which blocks or impedes walkways, entrances, or driveways; vegetation which is overgrown, in poor condition, has significant dead material, or contains noxious weeds; vegetation that creates safety concerns due to its limiting of visibility for vehicles or pedestrians; poorly managed grass, ornamental plantings or other vegetation allowed to grow in a manner that causes a public nuisance as defined in Chapter 107 of the Codified Ordinances; or vegetation which is in a condition that violates another section of the Codified Ordinances. All plantings must be alive and exhibit healthy growth, free from significant signs of disease or pest infestations. Any plant not in this condition shall be pruned, trimmed, removed and/or replaced, when necessary, in a timely manner.
 - (3) No landscaping shall impede vehicular or pedestrian traffic for ingress or egress, or the public sidewalk or roadway.
 - (4) Fences, walls, barriers, edging, trellises, gazebos, and other decorative structures shall be structurally sound, maintained in good repair, free from peeling paint, rust, or other signs of deterioration.
 - (5) Lawns shall be maintained in a healthy, neat, and orderly condition and shall not be allowed to grow, uncut, to a length in excess of six (6) inches above the ground.
 - (6) Landscaped areas must be kept free of weeds exceeding 6 inches, ensuring that weeds do not overtake intended plantings.
 - (7) Exposed soil in planting beds should be covered with mulch, decorative stone, or live ground cover to prevent erosion and suppress weed growth.
 - (8) Clear edges shall be established between different landscape areas (e.g. between a garden and lawn) using physical borders or distinct transitions to prevent unintended spreading of plants.
 - (9) Landscaped areas must be kept free of litter, thick layer of fallen leaves on turf grass areas, and other debris to maintain an orderly appearance.
 - (10) Dead annual plants should be removed promptly at the end of their growing season, and perennials should be cut back appropriately to promote healthy regrowth.
 - And to “Sidewalks and Tree Lawns” to read as follows:
 - (1) Sidewalks and tree lawns shall be maintained in good repair and free from hazardous conditions.
 - (2) Sidewalks shall be kept broom clean. Sidewalks and tree lawns shall be free of poorly managed vegetation, trash and debris.
 - (3) Tree lawn areas which are unpaved shall be landscaped with a healthy stand of grass, appropriate ground cover, or other appropriate vegetation as permitted under the Codified Ordinances, and/or policies, rules and regulations of the City. Lawn grass in a tree lawn shall be maintained in a healthy, neat, and orderly condition and shall not be allowed to grow, uncut, to a length in excess of six (6) inches above the ground.

NEXT STEPS

It is requested that Council introduce the attached legislation on first reading at the regular Council meeting on July 28, 2025.